

HUDSON, NH BOARD OF SELECTMEN
Minutes of the October 14, 2008 Meeting

1. **CALL TO ORDER** by Chairman Nadeau at 7:00 p.m. in the Selectmen's Meeting Room at Town Hall.
2. **PLEDGE OF ALLEGIANCE** led by Hudson Police Officer Cavallaro.
3. **ATTENDANCE**

Selectmen: Ben Nadeau, Rick Maddox, Ken Massey and Roger Coutu. Shawn Jasper was absent.

Staff/Others: Steve Malizia, Town Administrator; Priscilla Boisvert, Executive Assistant; Fire Chief Shawn Murray; Deputy Fire Chief Neal Carter; Deputy Fire Chief Rob Buxton; Firefighter Neil Pike and family members; Hudson Police Officers David Cayot and Chris Cavallaro; Richard Kahn; Ed Mercer; Ray Doucette; Hudson Senior Council on Aging: Jim Stafford-Rogers, Sandra Rumbaugh, Pat Nichols, Dot Jacobs, Irene Trembly, Julie Spruce, Lucille Boucher, Andy Renzullo, John and Maryann Knowles; Steve Curran and two others from Alkathon Committee; Gina Votour, HLN

4. **PUBLIC INPUT**

Special Olympics Police Officer Cayot introduced himself and Officer Cavallaro, saying they were liaisons for the Special Olympics. Officer Cavallaro said this Saturday, October 18, the NH Special Olympics will be hosting their fall games in Hudson and law enforcement does quite a bit for them. The games last six to seven hours and are held both inside and out. One of the events is a 2-mile torch run that starts at 7:30 at the Hudson Speedway, via Old Derry Road, and ends at Alvirne. That is exciting for the athletes and it gets them revved up for the games. There will be about 30 runners, which will include law enforcement and the public. The run usually lasts about a half hour and there is a cruiser at the front and one at the rear. At the end of the event, awards will be handed out, from first place gold medals to honorable mentions—everybody gets an award. Selectmen Coutu and Maddox planned to participate in the run.

Selectman Massey said Officer Cavallaro has been selected by the National Special Olympics Committee to represent the State at the national competitions which are going to be held in late January/early February in Idaho, a recognition of Officer Cavallaro's long commitment to the Special Olympics program. The Board thanked and congratulated him.

Recognition of 20-year Employee, Firefighter Neil Pike Chairman Nadeau stated that Firefighter Neil Pike was hired on October 20, 1988. During his 20 years of service to the Town, Firefighter Pike has obtained certification as a fire instructor, FF Level III, hazardous materials operations and incident command. Neil lives in Windham with his wife Sue and three children, LeeAnn, Bobbie and Janie. FF Pike was presented with a Certificate of Appreciation and a \$50 check. The Board of Selectmen congratulated him.

Richard Kahn, 147 Robinson Road – Hiring of new Chief of Police, read the following statement:

We all want a Chief of Police who will enforce the legitimate laws of our state and our towns, but some Chiefs of Police go above and beyond. An example is Berlin's Police Chief, Peter Morency, who regularly testifies for or against pending legislation. As president of the NH Chiefs of Police, he advocates positions, which are often in stark contrast to positions of NH citizens like myself. In particular, the Chiefs are very active in their opposition to marijuana policy reform. Not only did Morency oppose House Bill 1623, a bill which would have reduced some marijuana possession penalties, but he went a big step farther. In response to a legislator's question, he actually told the House Criminal Justice Committee he would consider supporting a return to alcohol prohibition. This is a man who presumed to be speaking on behalf of Police Chiefs across New Hampshire. Police Chiefs who double as political activists present a serious obstacle to much needed reforms. In the case of medical marijuana, in particular, a recent independent poll showed an overwhelming 71% of NH voters are in favor of a medical marijuana law for our state and only 21% opposed. If democracy can be made to work in 2009, NH will become the 13th state to protect seriously ill medical marijuana patients from arrest. If it happens, it will be over the strenuous objections of the Police Chiefs who are appointed to protect and serve the public, not to spread disinformation and obstruct sensible reforms. In your search for a new Police Chief, I'd like to ask that you not merely look for a person tough on crime. Please, also, look for an individual who understands civil liberties and one who will not embarrass our town with absurd political pronouncements. I also have a member of my family who is a psychiatric nurse practitioner at the VA Hospital in Manchester, and that issue comes to roost quite a bit. In the case of treating patients with mental illness, she has to rely on someone who could stand to lose their Veteran's benefits if they confide and it got out that they happen to be casual users, so they are unable to seek treatment for fear of reprisal. There is nothing gained by having an activist Police Chief who, if the legislature passes, or is considering passing a law that they shouldn't go up there and object to such a law, especially when there is legitimate medical research, like the Dana Farber Cancer Institute, the American Cancer Society, Leukemia and Lymphoma Society, and I could keep going, but I want to keep it under two hours.

Jim Stafford-Rogers, Burns Hill Road, wanted to publicly thank the Board of Selectmen for assistance with the Seniors. He is the Chairman of the Hudson Council on Aging. Recently, a committee was formed, including Town Administrator Steve Malizia and Selectmen Roger Coutu and Ken Massey, to provide assistance to the Seniors to help get a Senior Center. There is a fundraiser coming up on October 20 at the Kings Court, and everyone is welcome. Tickets are on sale for \$30 and can be obtained from him or Lucille Boucher or at Roger's Variety Store. The Governor will be the guest speaker.

5. **CONSENT ITEMS**

Motion by Selectman Coutu, seconded by Selectman Maddox, to approve the consent items, A & B, carried 4-0.

A. **Licenses & Permits**

- 1) Tag Day Sale by Nashua School of Gymnastics at SAM's Club on November 7, 2008.
- 2) Tag Day Sale by Cub Scout Pack 261 of Nashua at SAM's Club on October 19, 2008.
- 3) Outdoor Gathering Permit by the Hudson Kiwanis Club to hold Pumpkin Fest at the Hills House on October 25, with a rain date of October 26, 2008.

B. **Calendar**

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| 10/15 5:00 Water Utility in BOS Mtg. Rm. | 10/22 4:00 School Board in BOS Mtg. Rm. |
| 10/15 7:00 Library Trustees in BOS Mtg. Rm. | 10/23 7:00 Selectmen in BOS Mtg. Rm. Bgt Review |
| 10/15 7:00 Senior Council on Aging CD Mtg. Rm. | 10/23 7:30 ZBA in CD Mtg. Rm. |
| 10/16 7:30 Budget Committee in BOS Mtg. Rm. | 10/24 Last day for applctns--Zoning Administrator |
| 10/17 Budget Books to BOS | 10/25 9:00 am Selectmen BOS Mtg. Rm. Bgt Review |
| 10/17 Last day for applications for Assistant TA | 10/27 7:00 Selectmen BOS Mtg. Rm. Bgt Reviews |
| 10/20 6:30 Hudson School Board in BOS Mtg. Rm. | 10/27 7:00 The Green Team in CD Mtg. Rm. |
| 10/20 7:00 Conservation Cmsn in CD Mtg. Rm. | 10/28 7:00 Board of Selectmen in BOS Mtg. Rm. |
| 10/21 7:00 Selectmen in BOS Mtg. Rm. Bgt Review | 10/30 1:00 Trustees of Trust Funds BOS Mtg. Rm. |
| 10/21 7:00 Board of Selectmen in BOS Mtg. Rm. | 10/30 3:00 Swearing-in/Awards Ceremony @ HPD |
| 10/22 Law Lecture Series | 10/31 6:00-8:00 pm Trick or Treat in Hudson |

6. **OLD BUSINESS**

A. **Votes taken after Nonpublic Session on October 7, 2008**

- Motion by Selectman Massey, seconded by Selectman Coutu, to seal the Nonpublic Minutes of 10/7/08 carried 5-0.
- Motion by Selectman Massey, seconded by Selectman Jasper, to adjourn at 11:12 p.m. carried 5-0.

B. **Hudson Senior Committee Report**

Selectman Massey said the committee met over several weeks and came to the conclusion that the best way to move forward would be to do it in two phases. Phase One would be to provide a senior programs director for the town and to create a capital reserve fund to begin saving for a facility that, at some point down the road, the goal would be to have a facility dedicated to senior activities. Before them was a copy of the report and two suggested warrant articles. The Town Administrator has done some research and determined that the salary they'd be looking at is comparative to the surrounding areas. Currently, the Seniors organization is provided with a grant for \$1,000. If the warrant article were to pass, it would be for \$23,391 and if it passed, the \$1,000 would be moved from the grant line to the Seniors. The Seniors understand that and are agreeable to it. If the article did not pass, the \$1,000 grant would go to the Seniors. It was also felt that if they wanted to demonstrate movement towards the ultimate goal, which is the facility, the creation of a capital reserve fund would be appropriate. It was suggested that it be initially funded with \$50,000. The position's job description was included in the report. It was up to the Board whether or not the two articles would be forwarded to the warrant.

Selectman Maddox said the governance model was much like the Rec Center, so he wondered if they would also be setting up a Seniors Committee, much like the Recreation Committee. Selectman Massey thought so, but not at the front end. They need to get that person on board and started first. Selectman Maddox thought that would be working in reverse. Right now, there is a Rec Committee that kind of guides a lot of those programs through the Rec Director. The report indicates the Senior Facilitator would report to the Assistant Town Administrator, with no committee in between. Selectman Massey said that never came up in the discussions. It was felt that to get the program started, that position was needed. When they discussed the programs with the Seniors, it was understood that this is a program for everybody in town, not just for the exclusive use of a private organization. That doesn't mean that the Hudson Senior Council on Aging wouldn't continue to provide services, but it was talked about much the same way that today the Hudson United Soccer Club runs soccer programs, but the Hudson Rec Center also provides them. Down the road, it is possible there could be overlapping programs. The overall feeling on the part of the Seniors were, they think that having this person focused on providing programs for the Seniors, that many of the things they do today would actually be taken up by this individual. Before he went any further, he wanted to recognize the nine members of the Hudson Senior Council on Aging that were in the audience—Jim Stafford-Rogers, Sandra Rumbaugh, Pat Nichols, Lucille Boucher, Irene Trembly, Dot Jacobs, Andy Renzullo, Maryann Knowles and Julie Spence. He said they were all unanimous in support of moving forward with this program, recognizing some of the issues that may come up in the future.

Selectman Maddox said his concern was that if this warrant article fails, no means no. He wondered if there was another way to find the hours to put into this and asked how they came up with 20. He wondered if they started out with 12 or 16, if that would work. Given the current economy, he feels there will be a lot of "no's" circled, then they would have to wait another whole year. Selectman Massey said they didn't actually think about that, which is a valid point. Rather than try to make a decision tonight, it would be worthwhile to take a look at other options. About four years ago, the state legislature passed a law that says if a warrant article fails, you may not use monies for any other source to pay for that intended use. That was in response to the football program in Litchfield where the voters said no and the school board went ahead and created the program. So, if this article is on the ballot, and the voters do not approve it, they could not spend one dime on this program. Therefore, it would be prudent to look to see if there are

any other areas inside the town where they could do it without having to create a position. He'd like to defer action on this until their meeting on the 28th, at which time they can make a final decision. It's not a question of not going forward, but he wants to make sure they have some sort of program for next year. He'd be open to any other conversations on that.

Selectman Coutu said he did not object to this so they could explore a contingency plan before they put themselves in a situation where they are not going to be able to meet a proposed commitment to the Seniors. He hoped they were setting aside just the warrant article to create the position and not the one that creates the capital reserve. Selectman Massey said that was correct. When this comes back on the 28th, they would either be moving forward with the warrant article, or they would have a different way to fund the function without the need for a warrant article. They will be committing to do something with this function. The rest of the Selectmen agreed with that.

Selectman Coutu said he'd like to see them explore something Selectman Maddox brought up, the possibility of establishing a Senior Committee, similar to the Recreation Committee. He doesn't remember ever having a discussion of that. Selectman Massey said at the beginning, they were going to look at the Council on Aging as the possibility of providing that front end, but they can explore it. They should have a meeting next week to address it.

Selectman Maddox questioned the qualification that a Master's Degree would be helpful. It might scare off some very good people. Selectman Massey said this job description was taken from the Older Person's Advisory Committee report, with some tweaks by the Town Administrator. Selectman Coutu said they were just covering all their bases, and it says, "OR any equivalent combination of education and experience."

Motion by Selectman Massey, seconded by Selectman Coutu, to defer the article to create the position until October 28, 2008, carried 4-0.

Motion by Selectman Massey, seconded by Selectman Coutu, to forward to the warrant an article establishing a Capital Reserve Fund under the provisions of RSA 35:1 for the purposes of building, leasing or renting a facility for a Senior Center to be known as the Senior Center Capital Reserve Fund and raise and appropriate the sum of \$50,000 to be placed in said fund.

Chairman Nadeau asked if it should include agents to expend. Selectman Massey said no; the voters are the agents to expend and the committee felt that was appropriate. Selectman Maddox said this clearly puts it on the ballot, and if the voters say no, so be it. This will give them guidance and, hopefully, \$50,000.

Vote: Motion carried 4-0.

The next item on the agenda was the Fire Department Building Committee's Report, of which Selectman Jasper participated in. Selectman Coutu asked when Selectman Jasper would be there. Chairman Nadeau said all Selectman Jasper told him was that he would be late. Selectman Coutu suggested putting this off for a little while, as a courtesy to Selectman Jasper, and take up the following items first. The consensus was in favor of postponing this item until Selectman Jasper is present.

C. Legal Opinion—Status of Camera Operators

Town Administrator Steve Malizia said on September 23, the Board requested that a legal opinion be solicited to determine the employment status of the cable camera operators. Atty. Buckley advised that under states under the NH Workers Comp statute, the cable camera operators are employees for the purposes of Workers Compensation insurance. Mr. Malizia said he did some research and discovered that the town is covering the camera operators, as contractors. There's a section of the Workers Comp calculation where you put in the amounts they are paid, any premium that's generated and they are covered, as are the referees and other assorted contractors, such as Mr. Bourque, the contracted electrical inspector. The original question was, "are they covered?", in the final analysis, they are on the Workers Comp schedule. Beyond that, it's a question of paying them weekly under the current stipend system, or should they be enrolled as employees of the town? They are going to get paid and they are covered under Workers Comp. The way they are doing things now seems to work fairly efficiently and he's not sure they need to change it for any reason, but it's up to the Board.

Selectman Maddox couldn't see making a big production out of this, but like they get the joy of hiring 25 counselors during the summertime for the Rec program, these need to go through the Board just so they are being hired by the hiring authority. They'll still be contractors, but those people, just like everyone else, goes through the process. Selectman Massey and Chairman Nadeau agreed. Mr. Malizia asked if they were talking about camera operators or every high school kid that referees a soccer game, or both, or what because that's a long list. Selectman Maddox asked what they do now. Mr. Malizia said they go through the Rec Department and are paid ten bucks a game. If they don't work, they don't get paid. The Board could be saddling themselves with a long list of names. Selectman Maddox asked what Mr. Malizia recommended. Mr. Malizia said he'd leave it the way it is because it's been working fine for the last 25 years. Selectman Maddox asked who hires the referees. Mr. Malizia said the soccer program director makes sure they have all the referees, so the individual hired to run the soccer program, or whatever program, arranges for referees. Selectman Maddox said six of one, half dozen of the other. Selectman Massey said it was best to leave it the way it is. Chairman Nadeau agreed.

Selectman Coutu said that raised an interesting question that he'd like to see resolved tonight. He agreed they should leave it alone, but are they going to allow the Cable Committee or the Facilitator to hire the camera operators? They have the situation where the Cable Committee has proposed having a senior camera operator, who will do all of the scheduling, and who does all of the editing and work they see on local cable, in terms of the message boards. He is still a camera operator. Are they going to allow the Cable Committee to hire, or does that have to come before the Board? Mr. Malizia said it has already come before the Board.

Selectman Massey said he understood that position was going to be scheduling and ancillary activities, but if they are going to be a camera operator, he didn't think they should be paid the senior operator work for camera work. He thought that position was going to be strictly scheduling and tape editing, etc. Selectman Coutu said that was his understanding. However, they are down to two camera operators, and there may be an occasion where a camera operator isn't available. Rather than not film a meeting that should be televised, he would fill in and run the camera. He is usually here, anyway, and he said he would do it. It's up to the Board how it wants to establish the policy of pay. If at the time he is operating a camera, the Board feels he should be paid \$11, and when he's doing other activities, pay him at the rate recommended by the Cable Committee of \$14, so be it. Selectman Massey feels that if he is willing to fill in on an unscheduled basis, he should be compensated at the same rate.

Selectman Maddox said it's his feeling that the committee should not be hiring people. That's what the Board of Selectmen got elected to do, except for the Rec program, where that seems to be more an institutional... you're hiring subcontractors to do a game. There's a policy. They have to go through some sort of agency certification, so for the few and far between cable camera operators, just put them through the process like they do most of the hiring they do and that way, they don't have one committee off with X amount of dollars, spending money unknown. That would give them some discussion point.

Motion by Selectman Maddox, seconded by Selectman Massey, that camera operators would be treated like almost all of the other hires, other than Rec referees and things that already have a procedure in place that are certified, etc., come before the Board of Selectmen for hiring.

Selectman Coutu asked how many subcontractors come before the Board of Selectmen to be hired—does the Board interview electricians, plumbers, carpenters, etc? Mr. Malizia said no, unless there is a bidding process. The Cable Facilitator, Mr. Nazarian, was hired by the Board, as was Mr. Bourque, the contract electrical inspector, so it varies. If someone is called in to perform a service to the town, to repair something electrical or a plumbing problem, they aren't hired. They are a separate business, a separate entity. For the regular folks, like Mr. Bourque, at some point in time, the Board did engage in his services and has budgeted his services every year. If something is under \$25,000, there's no need for a public award. They just hire that contractor for the work that is needed. Selectman Maddox said the Board hired the intern in the IT Department to do the web page. The department head come in with two or three recommendations, and she recommended the top one. Chairman Nadeau said they do that with all the summer interns, so it's on the same idea. Selectman Coutu said except the summer interns are on the payroll and taxes are taken out of their pay; they are not sub-contractors. Chairman Nadeau asked how they did the taxes. Mr. Malizia said they get a 1099 at the end of the year and they are responsible to pay their own taxes. Selectman Coutu said they are sub-contractors, not employees, but in the sense the town pays Workers Comp and report their wages to the insurance for them to adjust the Workers Comp accordingly. Mr. Malizia said as he understands the law from Attorney Buckley back in January, it came into effect that, in the past, construction companies were classifying everybody under the sun that worked for them as a contractor, so a legitimate construction company who hired employees was paying a Workers Comp premium was at a competitive disadvantage. All employees in the state are now subject to a 12-point test as to what an employee is. It's difficult to not be an employee, unless it's someone who is coming in for a specific job, as far as Workers Comp goes. There is probably an unintentional consequence because he didn't think they were trying to ensnare every camera operator or Rec referee kid. Unfortunately, the town has to make sure they are covered for the Workers Comp premium, and they are because he checked. They don't have to be employees, per se, through the payroll. They can just be paid, but they are still on Workers Comp. For Workers Comp purposes, they are being treated as employees. If someone came in that just did plumbing, heating or electricity, they're not an employee, they're a separate entity with a tax number. If, for some reason, they were to hire an individual that was in sole proprietorship, they might be getting close to that Workers Comp line, so he'd have to ask for a ruling at that time. The law did tighten up because there were quite a few things going on in the construction industry that put legitimate construction companies at a competitive disadvantage.

Vote: Motion carried 3-1. Selectman Coutu voted in opposition.

Chairman Nadeau asked how they wanted to handle the senior camera operator position. Selectman Coutu said since they are this point and going to go through a process of hiring, he suggested that the position be posted. Selectman Massey said the model should be the same as for the Rec Center. Probably the Cable Committee should bring a name forward, much like the IT Director did, a recommendation for hire, then the Board says yea or nay to that person. Selectmen Coutu and Nadeau both said they already have that recommendation in the packet, dated September 21.

Motion by Selectman Coutu, seconded by Selectman Massey, to appoint Leo Bernard to the position of Senior Camera Operator at a rate of \$14 per hour.

Selectman Maddox didn't see the need for a senior camera operator to schedule two camera operators for three to five hours a week. This is making a job and if that are going to do that, post it and let people apply for it. Selectman Coutu said there is more technicality involved than scheduling camera operators, and they are talking about more than three or four hours a week, especially going into the budget season. He looked at his calendar, and with the exception of a Friday and a Sunday, he is meeting with somebody almost every night of the week, and the cameras are going to be on almost every single one of those nights. They're doing School Committee meetings now and Budget Committee meetings. He knows Selectman Maddox doesn't watch them because he has a Dish. The job entails a lot more than just scheduling. They don't see all of the things that go on that he does. People ask for backup disks and he has to make them. A lot of the organizations come in and want to be included on the cable bulletin board and he has to prepare them. There are a lot of other menial tasks that he makes himself available for all hours of the day to come in and do. They're not creating a job for somebody. He takes exception to that. The man has been here when he was needed and he has earned the position—and he is qualified for the position, and there is a need for the position. He also didn't think the Cable Committee would have created a make-work job for somebody they felt needed a job. Selectman Maddox asked if the position was posted. Selectman Coutu said no, they did not. Selectman Massey said neither do they post the positions for the Rec Center positions. They take the person the Rec Director thinks can do the job. The only area where he is on the fence is whether the individual should be paid camera time at the same rate they are being compensated for non-camera work. Chairman Nadeau asked if there were any opinions on how they can do that. Selectman Massey said he'd rather wait and see what the percentage of time spent operating a camera and how much time is spent with the other work. His understanding is the majority of this person's work is going to be non-camera work, so for now he was going to let it fly.

Selectman Maddox asked what, then, did the facilitator do. Selectman Coutu said there are several groups and organizations within the community who want to make available public service access, and the town doesn't have the staff or camera operators available to go out to these groups to do all the filing and editing that needs to be done. He has been conducting on-going classes, six to eight sessions apiece, where he is training people to run cameras, do editing and to do promotional-type material which they will begin seeing on television. The town pays him for 45 hours per month, or about 10 hours a week, and he is putting in a lot more than 45 hours right now. If they want to take HGTV to the next level, which is full cable access to the public, 45 hours isn't going to cut it if they get into a studio, and they are going to have to revisit that issue in the future. He is very busy, and at the last Cable Committee meeting, which Selectman Maddox did not attend, although he habitually attends every meeting in this building, they were very, very satisfied with his response and with his production. If the committee was happy, he was happy, and Selectman Maddox should be, too. Selectman Maddox said they ought to be the next committee that's televised. Selectman Coutu said he was in full accord with that. He recognizes they are the Cable Committee and they are encouraging everybody else to, so the Cable Committee should be televised, as well—not that Selectman Maddox will even see it!

Selectman Maddox said they were supposed to be streaming on the internet as of January of last year, so they're not quite... Selectman Coutu said he's working to get streaming. Selectman Maddox said they bought an awful lot of equipment for an awful lot of money that will all be on that inventory that's due next week.

Selectman Massey said just so it doesn't get lost in the shuffle, the cost of the entire cable operation is paid for out of the cable franchise fee. Not one penny of the cost of operating this program comes from town tax dollars. Selectman Maddox said it just comes from tax payers. He always loves it when it's from another pocket, it's OK. Selectman Massey said he didn't say it was OK, he was just saying it's not a tax, it's a fee that's paid by... Selectman Maddox said OK, it's a fee, not a tax.

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

D. Public Hearing on Ordinance 08-02, Claveau Landing, Limited Entry Street and No Commercial Vehicles

Chairman Nadeau opened the public hearing at 7:55 p.m.

Raymond Doucette, Chatham Street, asked what the reason was for this ordinance. Chairman Nadeau said there were problems with vandalism to the boat launch area and the kiosk. It was suggested by the residents and the Police Department to limit the hours for accessing the boat launch and prohibit commercial vehicles.

Mr. Doucette didn't know of any other access being limited. He and the President of the Fish & Game Club approached Tom Claveau back in the 60's to ask him to donate some land to put that in, and it has been a great help to a lot of people who want to access the lake. If it is limited to just daylight hours, somebody that likes to go Hornpout fishing is out of luck. He hoped vandalism could be curbed without cutting out use of the ramp.

Selectman Coutu asked Mr. Doucette, based on his familiarity with the landing, if he had any knowledge of numbers of people who use it beyond dusk or before dawn. Mr. Doucette said no, not really. He limits his fishing now, but years ago, he used it quite a bit. He asked what the extend of the vandalism. Selectman Coutu said Mr. Doucette, who took the time to be here, has a legitimate point that should be addressed. He thought they should ask the representative from the property owners in that area to address some of Mr. Doucette's questions and explain why this has been proposed.

Ed Mercer, 93 Highland Street, said he lives three doors down from Claveau Landing and he has been there for about 30 years. He is also co-chair of the Advocates for Ottarnic Pond, who have worked extensively through the years to restore Ottarnic Pond to eradicate the exotic weed problem, milfoil and fanwort. They have worked very closely with the Conservation Commission, of which he is an alternate, so he wears three hats for this. Through volunteers and funding, they put together a kiosk for informational purposes, with some great history of the pond, fishing rules and regulations, types of fish and information on exotic weed. They got state funding for a weed watcher program and a lake host program, so they man the boat ramp every weekend, checking trailers and boats coming in and out and educating the general public. Regretfully, the kiosk was vandalized several times over the winter, even though it has been in existence only a little over a year. Prior to Memorial Day, the kickoff of the boating season, they put in over \$120 in repairs, including new Plexi-glass and they revamped the informational postings. Unfortunately, the kiosk didn't last through Memorial Day weekend. After nighttime hours, people go in there and raise havoc—park, drink, whatever. What they do know was damage was definitely done in the nighttime hours. Being very attentive to the boat ramp and pond during the year, he has not seen a boat go into the pond during the hours they are looking to restrict. He's an avid fisherman and this was the last straw to propose this. There are safety concerns in the general neighborhood of people going down there. They don't know the type of people going in there. Unfortunately, last week there was another dumping incident and they are working with the Police Department in locating the people that did that. Today, during daylight hours, his neighbor was out walking her dog, and there was a vehicle down there unloading a significant amount of trash. (He passed around some photographs.) There is general dumping going on and vandalism, so the Police Department are making extra runs through there, but unless it is posted, they don't have any legal recourse.

Selectman Coutu said neither he nor Mr. Doucette was young; they've been around a few years, and times have changed. It's not like it used to be. In the old days, he grew up on a lake that today is vandalized repeatedly. In all fairness to the citizens of that area, they are doing whatever they can to legally protect the area. If this is what they have to do to protect that property, the lake and the environs around that lake, it's the right approach for the Board to take. These days, a lot of people don't have any respect for what nature has to offer that other people didn't take for granted when growing up. The residents of that area have a real concern for the quality of life in that area and about the aesthetics of the area and the general quality of the natural setting that they have there, and they want to protect it—and this is the only legal avenue they have. Mr. Doucette said he appreciated the answers and is now aware of what was happening and what was being done.

Chairman Nadeau said this item will be on the October 28th agenda, for a second public hearing. The time the park will be closed is from dusk to dawn. There can be early morning fishing, just not all night fishing.

Mr. Mercer asked if it was possible to add language, such as no littering, and a fine for littering. Mr. Malizia said the ordinance shouldn't be amended on the fly, and do the wrong thing. Selectman Coutu believed they already had a littering ordinance and, since this was a protected area, believed that it came under that ordinance, which carried a fine of \$250. Chairman Nadeau asked when the pictures they were shown were taken. Mr. Mercer said part of them were taken last Saturday morning and the others were taken this morning, about 10:00 a.m. Both incidents were called in to the Police Department. There is a concern because thousands of dollars have been spent on treatment and they are anxiously awaiting the latest round of matching funds again for treatment. It will cost tens of thousands of dollars to rid the pond of fanwort, as well as the other activities going on with the pond. They dodged a bullet last year when the landscape outfit came in and back-flushed their equipment. Fortunately, there were no significant contaminants in it that went into the watershed. If people are brazen enough to do things in the daytime and then in the nighttime, they don't know what's going into the pond without electronic surveillance. They have close access to 102 and 111, so any number of things could happen. Just a small amount of significant contaminant, and they will lose that watershed and will continue on out through and to the river. It's a scary situation.

Chairman Nadeau closed the public hearing at 8:07 p.m.

Selectman Maddox said the Libertarian was coming out in him. This is a poorly thought out plan. He understands their concerns. They are worried about enforcement. If they do this for Claveau Landing, then they have to do it for Robinson Pond and all the other water bodies in town. They are becoming myopic. It says dusk to dawn. When they did the skateboard park, he thought the Police Chief said that wasn't a good method by which he would want the time, so they're setting themselves up for that bailiwick. Number two. It says commercial vehicles, and when he goes to the Code, that's a vehicle of 1.5 tons—a pickup truck. Because somebody went down there with a truck and backwashed their hydro-seeding machine, which probably violated any number of EPA regulations, state DES regulations, etc., he's not sure this is the right thing to do. If a man and his son want to go fishing just before dusk, they've got to race off... and what time is that because there are no set times... and he has a pickup truck for transportation. He thinks a GTW of 14,500 feet type of number, which Zoning uses, but 1.5 tons is most cars. Just because it has a commercial plate on it means you can't go down there? There has been vandalism and, obviously, if it has been happening during the day, that's a function of patrol and probably a certain amount of luck catching the person. He thinks this is overkill, so he's having a tough time supporting this when it comes back on the 28th.

Selectman Coutu said when this was first proposed, he brought up the issue of dusk to dawn and he didn't hear any objections. He wanted to have a specific time and everyone thought dusk to dawn covered it, so he went along with it. He didn't hear Selectman Maddox raise an objection then. Selectman Maddox said he can't think of every thing every

minute. Selectman Coutu said he believed Robinson Pond is gated, at least the recreation area. He didn't know how many landings were there; he knows of one. Chairman Nadeau said there are two, one is on the backside.

Mr. Mercer said when this first came before the Board, there was a discussion of times and because of daylight saving time, which changes periodically, it would be hard to pinpoint an exact time. There are several walking paths in the area, such as 3-A in Litchfield, that is posted from dusk to dawn and that is a vaster area than this. They didn't want to be too restrictive, but find a balance. He'd love to be able to sit down there 24 hours a day. Selectman Maddox said he was just trying to find out why they are doing this just for this area, not for all of the other water bodies in town. Mr. Mercer asked if Selectman Maddox has been to Claveau Landing. Selectman Maddox said as a member of the Planning Board, he has visited that area a number of times in the last 10 years and he drives by it regularly. Mr. Mercer said the length of it is obscured, which on Robinson Pond, it is quite visible. Selectman Maddox said it's wide open for a good 75' along Robinson Pond. Mr. Mercer said yes, it's wide open, whereas if you turn down Claveau Landing, put out your lights, you disappear in the darkness. Selectman Maddox said that could be at Musquash, the town forest, or any number of places.

Selectman Maddox suggested taking a recess so the Chairman can call Selectman Jasper to find out what time he planned to be at the meeting. Fire Chief Murray said Selectman Jasper called him, and he would not be at tonight's meeting. Chairman Nadeau declared a recess at 8:15 p.m. The meeting was called back to order at 8:21 p.m.

E. Hudson Fire Department Building Committee Report

Fire Chief Shawn Murray and Deputy Chief Rob Buxton came forward. Chief Murray said Selectman Jasper, when he called to say he wouldn't be at tonight's meeting, relayed that he was comfortable with the Chief and Deputy discussing the Building Committee Report and the recommendations and it would be up to the Board whether or not they took any action on any of the recommendations.

Chief Murray said he'd give a synopsis of the report. The committee finalized and unanimously agreed with and signed the report at their meeting last week. He thanked Deputy Buxton for all the work he did in coordinating the activities of the Building Committee, as well as the final product and report, which was before them. During the May 13, 2008 Board of Selectmen's Meeting, the Board voted to create the Fire Department Building Committee, consisting of a Board of Selectmen's representative, a Budget Committee representative, the Fire Chief, the Deputy Fire Chief of Support Services and two citizen representatives. The directive was to form the Building Committee to complete the objectives as outlined in a memo from him to the Board, dated May 8, 2008.

The objectives were to develop a proposed square footage for a new station to meet the Fire Department's needs; identify a parcel of land that will support not only the proposed building, but allow for any future expansion that may be needed. Along with that, the parcel shall also support the needs of the facility for both access and utility purposes for gas, water and sewerage. Also, to develop any detailed costs associated with the parcel if not already town-owned land, such things as environmental surveys, site surveys and site plans. In addition, the committee was to develop the FRP and cost for a building schematic design which would include things such as detailed site plans, building floor plans, roof design, detailed construction costs and soft costs for the building.

At a subsequent meeting, on June 10, 2008, the Board expanded the Building Committee by one citizen representative and appointed the following individuals to the Fire Department Building Committee: Board of Selectmen representative, Shawn Jasper; Budget Committee representative, Steve Nute; Citizen representatives, Lionel Boucher, Todd Graham and Andy LaCourse; Fire Chief Shawn Murray; Deputy Chief of Support Services, Rob Buxton; and Deputy Chief of Operations, Neal Carter, sat in as an observer and as alternate, if needed. The committee met five times (June 11, July 9, July 23, August 6 and August 27) to accomplish the Board of Selectmen's directives. Each member of the committee was provided with a copy of the charge/objectives set by the Board of Selectmen, copies of the Fire Department's Facility and Location Study (by Pacheco Ross) and examples of architectural RFPs.

Under site selection, the Building Committee reviewed a package of 10 possible locations (43 Baker Street, 56, 105, 126, 29, 63, 107, 53 66/68 and 120 Derry Street). The sites were reviewed using criteria established by the Building Committee to meet the needs of the Fire Department and the citizens of Hudson. This criteria included emergency response, cost lot size (minimum of three acres), status of the property build ability and other miscellaneous information that would provide further details on the land itself. The committee came up with three final sites: 105 Derry Street (assessed value of \$750,000; 3 acres; vacant and buildable lot), 43 Baker Street (assessed value of \$111,000; 3.031 acres; it's vacant and buildable, but there are increased costs associated with site preparation due to the topography) and the third site was 66 Derry Street (assessed value of \$819,000; 3.75 acres, vacant and buildable; site ready for construction, w/possibility of stumps and asbestos on site).

The 43 Baker Street site meets the lot size for the construction of a new fire station, and is available for purchase, but will have increased site preparation costs, due to the topography, to include things like drainage and entry and exit issues. An examination of the response maps shows increased efficiency for the delivery of fire and EMS services.

The 66/68 Derry Street lot is the most prepared site for the construction of a new fire station. It currently has water, gas and sewer stubs located on-site. The property's assessed value is \$819,000 and is listed on the real estate

market for about \$1.5 million. The price of the property, along with the stumps and possible hazardous material on-site raises a concern for the feasibility to purchase this parcel.

105 Derry Street is a good, flat parcel of property for the construction of a new fire station. This location shows increases in efficiencies in response to the north end of town, which will allow for a better delivery of service. The site will require the subdivision of a three-acre portion of land from the 49 acres St. Patrick's Church in Nashua owns. St. Patrick and the Diocese of Manchester are willing to negotiate.

After considering all three of these sites, the Building Committee unanimously agreed that due to the uncertainty of the current economic condition, it would be prudent to recommend that the acquisition of land should not be pursued during the FY2010 budget cycle. The Building Committee has two recommendations:

#1. The Building Committee recommends that the Town of Hudson move forward with conducting further study and assessment into the feasibility of two sites to accommodate a central fire station, 43 Baker Street and 105 Derry Street, which have unique topographical features that requires further assessment in order to determine if these sites can accommodate a building. Environmental considerations include the ability to develop entrances and exits and overall site preparation costs.

#2 The Building Committee would recommend that the Board of Selectmen continue the Central Station Building Committee in order to continue to investigate the locations and study of land acquisition. The committee would continue its work through December 2009, with any extensions or continuation of the committee approved by the Board of Selectmen.

The committee examined the space needs analysis that was provided with the Facility Study, conducted by Pacheco Ross, and a space analysis done by former Fire Chief Brian Mason. Former Chief Mason's analysis was done internally to look at gross area requirements for a new central fire station. This was completed in November 1991. The Board of Selectmen asked the committee to look at the requirements for space and to give them a final square footage needed for a new building. The Fire Department provided a final square footage to the Building Committee estimated at about 21,170 sq. ft. (Copy of spreadsheet is on file in the committee's report.)

The committee was also asked to provide an RFP to define the necessary deliverables for schematic design, as outlined to the Board of Selectmen in May 2008. (A copy of the RFP is on file in the committee's report.)

The report also contained two possible motions for the Board's consideration: 1) To authorize the Fire Chief to bring forth a budget recommendation for the funding of additional engineering studies for 43 Baker Street and 105 Derry Street, as recommended by the Building Committee; and 2) The extend the membership and term of the Hudson Fire Department Central Fire Station Building Committee to December 31, 2009.

Selectman Massey referred to the site analysis and said it wasn't intuitively obvious to him why 43 Baker Street, which is on a side street, not directly on Derry Road, would have the best response times and, equally important, since all three have different four and eight minute response times, he assumed the first eight minutes, not all positions were staffed, how they all wind up the same eight minute all stations staffed, given the difference in four and eight minute times. It's not intuitively obvious how that would be, given the two Derry Road sites are within a quarter mile of each other and they are both on Derry Road.

Chief Murray said one would think that 43 Baker Street would be off in the back, but there is a paper street, known as Smith Road, and that runs up between the properties on Derry Road, so when you do the response analysis, that is where the percentages come up. Deputy Buxton said in regard to the response, there were three different scenarios. If you look at the four minute response, that is for that individual site. Along with that, there is also the eight minute response out of that one particular station. The final eight minute response is every station in town staffed, to give the global look to see what the impact to the town would be of moving the station from 15 Library Street to another location. With all the stations staffed on a 24-hour basis, a move out Route 102 would give better access to the northern end of town and brings them to that 99.4% time they are looking for.

Selectman Coutu asked if they were looking for an eight or four minute response time. Deputy Buxton said there are two standards they need to meet under NFPA 1710, which is the recognized response standard: a four minute response for 90% of the district and an eight minute response to have the full complement there within a 98% time range. Three facilities are staffed: Burns Hill, Robinson Road and Central Station, so each of those facilities should take up one-third of town. Looking at the four minute response time, that location will be somewhere in the 33 percentile for the four minute response, and the same thing for the eight minute response. Due to infrastructure, getting around town becomes difficult on the four minute response, but it's something they want to achieve by moving Central Station a little further out 102. It gives them greater response to the northern end of town.

Selectman Coutu asked if the response time from Central Station to the southern most portion of town eight minutes. Deputy Buxton said not from Central Station. Selectman Coutu said if they moved Central Station further north, it would take even more time to get to the southernmost end of town. Deputy Buxton concurred. Selectman Coutu asked how many apparatus would respond to the fire from Burns Hill. Deputy Buxton said one. Selectman Coutu said

if they had a major conflagration at the south end of town, they'd have to wait for more than 10 minutes to get a vehicle there, if Central Station is moved further north. The proposal is to locate the new fire station on the eastern-most border of town, but it makes more sense to keep it where it is, which is more centrally located. It's simple geography. The proposal doesn't make any sense to him, even taking into consideration the residential factors.

Chief Murray said one would think that, geographically, but the proposal takes into consideration population density. On some of the charts, it addresses response times when all three stations are fully staffed. When they first started looking at locations, that was one of the concerns. Moving from the current location to the Smith location, or even to the Hudson Mall, the distance in time did not skew the overall response percentages for the entire town. In fact, they improved their capabilities by moving up in that direction. There are a number of response models that show, as you shift from station and staffing and population densities, how you can either improve or reduce your response times. Deputy Buxton referred to a black and white map that had purple, red and yellow lines drawn on it, which outlines the eight minute response time for each district. He pointed out the overlap in the purple and red zones, which shows a duplication of effort. They are attempting to move that district so they abut each other, so they get a more efficient delivery of services, town wide, and they cover as much of the populace as they can. If they go to Smith Road, they get a truer sense of where they are delivering services, if that line is moved a little further north. That's what 105 Derry Street will do for them. Yes, it will take a little longer for the truck from Central Station to get to the southern end of town, but they are providing better fire and EMS services to the residents in the north end of town, as they consider the global approach to providing services to the community.

Selectman Coutu said there is a red zone that circulates the Derry-Smith, then there is the purple zone, which is the south station and the orange zone is Robinson. He asked if they were being told that within those defined boundaries that is the eight minute response time from that station. Deputy Buxton said that was what was projected by the location study. Selectman Coutu said there were two portions of that map that were not outlined and asked if there were any homes in those areas. Deputy Buxton said there were. Selectman Coutu asked if there wasn't something a little closer to where Central Station is now that would put all of that area within an eight minute response time. Chief Murray said Selectman Coutu was focusing on the geographic center of town. Selectman Coutu said there are main arteries that go to the southern portion and the northern portion. The town is unique in that it has a "clover" – 111, 102 and 3A. Chief Murray said those main arteries are what allows them to move the stations and adapt. Those main arteries allow them to pick up speed. The station location study model is fed with recognized speed limits for the area and that's what begins to shape the response districts. The benefit they have is the major corridors, which makes up for the percentages and improves them because they can shift their locations a little. Selectman Coutu said except for one small section of 102 and 111, where else in town can they go over 35 mph? 3A is posted at 35 from beginning to end; 102 is 35 to a certain point and it goes up to 55 for a short stretch, and the same this happens on 111. He can remember that the initial proposal was, assuming they were going to have the Maddox-Madness-Highway, that they were going to propose putting the fire station up near the existing Police Station because the response time would be quicker way up on 111. He asked if he was right or wrong about that being proposed initially. Chief Murray said if that limited access highway had been built, it most likely would have improved the response down to the south end. Selectman Coutu said it would not have, obviously, affected the north end. Chief Murray said yes, it would have; it probably would have helped. Selectman Coutu didn't understand that they were going from the extreme eastern portion of the town to the almost extreme western portion of the town, and he is hearing them say the response time is going to be better and he just did not understand that. It was beyond his comprehension, despite all of the geography, the multitude of streets in that area; it just doesn't make sense. He didn't know why they confined all of the searches in just one area. What was the thinking that everything was excluded, except for Derry and Baker? Chief Murray said some of it involved residential properties that were there. A discussion was held about taking properties by eminent domain, but that wasn't seen as favorable by the committee. They knew they had to look for a minimum three acre lot, which was a major driving force because there aren't too many three acre lots in that area, so that quickly narrowed it down.

Selectman Massey said they were talking about a replacement for an existing fire station, so they wouldn't want to move it too far from where it is. Deputy Buxton said in the station location study that was conducted by the IAFF, there was an examination of going out towards 111, and that showed a decrease in service delivery on the 102 corridor, based on the infrastructure, coming back across that portion of town. They had a couple of different main routes they would stick to for emergency response and they saw a reduction in services, well below what they are delivering now, which is about 71%. They saw the Derry Road corridor as a spot that gave them an increase in that eight minute response, up into the 80's for that single station, up into the high 90's for all three stations, when they are staffed. Chief Murray said there are probably another 10 of the graphical charts, but they'd have to sit down and march them through the different scenarios. As they change the station locations, it changes the whole dynamics for the whole town. That's what steered them toward the area that got the highest percentage of coverage.

Selectman Coutu asked, based on the last report he read by the Chief and Deputies, wasn't the overall response time, for the geography that they have in town, under eight minutes for the overall response time. Deputy Buxton said they deliver to over 75.8% of town with an eight minute response, when all three stations are staffed. Selectman Coutu asked what they were proposing this would do. Deputy Buxton said this would bring them up to 83%. Selectman Coutu said he understands that response time is determined by several factors, not just geography. It's also the amount of traffic. Response time is significantly less between 7:00 p.m. and 5:00 a.m. than it is from 8:00

a.m. to 7:00 p.m. Trying to get down Route 3A between 4:15 and 6:30 is an absolute nightmare, but fortunately there are some wide areas where trucks can get by.

Selectman Maddox said it would have helped Selectmen if they outlined the criteria by which the maps were generated, if they told the Selectmen the information that was put into it, and if they showed the existing configuration—what it is right now. Those two things would have helped. Chief Murray said they did provide the Board with the response charts and the full report from the IAFF on it, and how they came up with the statistics.

Motion by Selectman Maddox, seconded by Selectman Massey, to thank the committee for their work carried 4-0.

Chief Murray said one of the recommendations of the committee was to ask the Board to consider allowing them to come back with some figures on what it would cost to further study those two identified parcels of land.

Selectman Coutu said in light of the fact that the recommendation of the committee was that the economic times are such that they are not going to entertain purchasing any land in the next fiscal year, he didn't understand why they should entertain a motion to analyze the cost of these particular sites if they didn't even know if, by delaying this another year or two, this land is even going to be available. Are they just going to be spending money for something they may not realize because these properties may not be there? He wasn't asking to dissolve the committee. He liked the idea of maintaining the committee status and maybe under-take some study. He thinks the majority of the Board would like to see something done in the eventual future when economic times are such that they can do it. He didn't see pursuing lands that may not be available. They're not putting down-payments on them, asking them to hold it for two years. It's land that's sitting there that may or may not sell. If they are available to the town, they must be available to the general public, unless the Chief knows something he doesn't about the availability of those parcels. He asked if they were all on the market. Chief Murray said no, they are not. Selectman Coutu asked if any of the parcels would have been taken by eminent domain. Chief Murray said not at all. Selectman Maddox said one of them is, if it's listed for \$1.5 million. Chief Murray said that wasn't one of the recommended sites. They were coming down to 43 Baker Street and 105 Derry. Selectman Massey said they've discounted 66 Derry Street, and that's the one of the market for \$1.5 million. Chief Murray said once they get it narrowed down to these two parcels of land, they don't know whether that land, because of its topography, if they could fit anything on there. They've got an estimate of about \$40,000--\$20,000 for each parcel—to see whether it would be feasible to actually put a fire station on them. If they are going to spend \$5 million on a central station, it would seem prudent to invest some money to see if that land is feasible to move forward with it, like the Senior Citizens did when they spent money on a feasibility study to add on to the Community Center. An investment to study those two parcels would give them a better idea of whether or not they could even do it.

Selectman Massey said all one needs to do is to go to Bedford on Route 3A and look at Lowes, or to Middlesex Highway in Tyngsboro and look at the Olive Garden, or right across the river to the Lowes that is there. Could they develop any one of those properties? Absolutely. The only question is the cost. Spending \$20,000 per parcel to determine whether or not they can be developed begs the question because they know they can develop it. The only question is which one makes the most sense for the long term and go after it. If they were talking about spending a couple of grand, he might think about it, but not for \$20,000 for each when he knows, just based on those three properties, that there is no piece of land you couldn't develop. It's just a matter of cost. He has no problems with the Chief coming back to tell them what it could cost, but \$40,000 seems like... if he put it in the context of the Senior Center, they knew that was the property they wanted to develop it on, so when the architect did their renderings, it was based on the existing topography and the estimates were based on the land, itself. If they picked the right site, the real issue is a question of cost, from that point on.

Selectman Coutu asked the Chief and Deputy to respect the fact that the Board has questions. If they are going to do something that they will, eventually, have to sell to the voters, they better have answers. For the most part, he was playing devil's advocate. He wanted to know the answers, if he is asked. When he looked at the three proposed sites, he wishes he had a clear picture in his mind of 43 Baker Street. He thought it was a corner parcel, and one side of that parcel has easy egress and access, if he was visualizing the property correctly. Chief Murray said it was right through a residential area which wouldn't be feasible for a primary exit or a fire station. It swings in an "L" shape. At this site, they will have to come up in elevation of at least 15' to get even with Derry Road, and they don't know how feasible that is and what the associated costs are. When you take into consideration what you would spend for the assessed value of the land, it may not be cost-effective. They don't even know if they can do that. That's why they feel that some money should be invested to find out if it's feasible or not, versus buying it and then finding out later it's not going to work.

Selectman Coutu said when he looks at the three parcels proposed, the difference between 105 Derry and Baker, is \$639,000 and between 66 Derry and 43 Baker is \$707,000. He didn't think it would cost over \$1/2 million to elevate property by 15'. Chief Murray said there are serious concerns that it could go that high, but they are not engineers.

Selectman Maddox said with the current economic situation, any number of parcels may come on line over the next year. Sinking \$40,000 into these two parcels, and something else comes in, they won't consider it because they already spent \$40,000 on those two. This was a nice exercise. They have a lot of information. Keep going forward but

at this point, spending \$40,000 on properties that may or may not be available, and others might be, just seems to be a stretch, at this point.

Selectman Coutu said based on the cost analysis for a new central station, this information was provided previously. They were estimating the building cost to be \$70 per sq. ft. (Talking over each other.) Deputy Buxton said the projected cost out of the facility study was \$241.19 per sq. ft. Selectman Coutu asked if they had provided the document that shows the cost analysis of a new building. Deputy Buxton said yes, in the Facilities Study Report from Pacheco Ross that was provided to the Board previously. Selectman Coutu asked if it wasn't the charge to this committee to provide them with that document, and should not it have been included in tonight's packet. Chief Murray said it was not the charge to the committee to provide the sq. ft. charge of the building, just the sq. footage. Selectman Massey agreed, saying that was going to be phase two. Selectman Coutu said that wasn't what he was reading. "The objectives are as follows: develop the sq. footage; identify the parcel; develop and RFP and cost for a building schematic design—and he didn't see that—which would include a detailed site plan, building floor plan, roof design, detailed plan, detailed construction, detailed soft cost of the building." Selectman Massey said that meant the same thing as for the Hudson Senior Center, that they would come back with an estimate of what it would cost to engage an architect to develop those bullets. The RFP would be the work statement and the cost of estimating what an architect would charge to deliver against that RFP for the items. If an article had gone forward, it would have said, "To raise and appropriate X amount of dollars to engage an architect to develop architectural renderings to determine the cost of erecting a building," or something to that effect. Tonight, they are getting what they expected to get.

Selectman Coutu moved that they not dissolve the Building Committee, at this time. Selectman Maddox said it was already dissolved. It expired. That's why they had to have that report done by a certain time. (Talking over each other.) Selectman Massey didn't think the committee had a sunset clause. Selectman Massey said he'd second the motion if it was changed to say that the Board would extend the membership and term of the HFD Central Fire Station Building Committee. Selectman Maddox said the charge has been completed. What is this committee going to accomplish? Selectman Coutu said if they just let this thing go, it will be hanging in limbo. Eventually, they are going to have to narrow it down and have to bite the bullet to make a decision whether or not they are going to do something and it's inevitable they are going to. There's nothing wrong with keeping this committee on standby, in the even they narrow down the parcel and then the Board could further charge them with developing phase B, which is the RFP process, and whatnot. Selectman Massey said he seconded the motion for discussion, but without a mission, the committee has no reason to exist. He agreed with Selectman Maddox. Selectman Coutu withdrew his motion; the seconder withdrew his second.

7. NEW BUSINESS

A. Request by Alkathon Committee to use the Community Center on December 24 & 25, 2008.

Steve Curran, Chairman of the Alkathon Committee, said the purpose of the function was to give a safe and healthy environment for people in recovery. Between setting up and cleaning up, it runs from 8:00 Christmas Eve morning until 10:00 p.m. on Christmas Day, round the clock. There are 33 consecutive hours of meetings; they're a 12-Step Program and the district includes Hudson, Nashua, Hollis, Brookline, Amherst—out that way. They had used Spartan's Hall for at least five years, and there was never a problem. However, the building is changing hands, so it is not available to them this year, which they didn't find out about until October 1. Until they know where they will be holding this event, no advertising or publicity can be done, and Christmas is only 10 weeks away. Their primary purpose is to help people out, to provide a safe, healthy and sober environment for people. People in recovery have often burned their bridges with their families, or they are not comfortable in a drinking/partying festive situation. This provides a safe place for them to go because the holidays are a very difficult time.

Selectman Coutu said he was aware of Mr. LaFlamme's reputation in Nashua and he is well respected. In light of the fact that alcoholism is a disease and it affects people, especially during the holiday period. That is their most serious down time. He did not object to them using the Community Center. This is a great thing and it's an honor that the town has been asked to participate to be able to provide a safe haven and an environment where the 12 steps will be enforced and that it will afford them an opportunity for congeniality, friendship and love at a time that's most needed for most of those who are afflicted by this serious disease. Based on the numbers they've serviced at Spartan's Hall in Nashua, he asked how many people they serve. Mr. Curran said it varies, it peaks at certain times. Selectman Coutu asked if they provided mentors, who would go out and provide transportation for those needing it. Mr. Curran said yes, they do, and that was part of the literature that was being held up, pending finding a hall to rent. They have a pickup point, but not a drop off hall. They plan to pick up on the hour, such as at a church in Nashua and the van will be going back and forth. It will be there every hour on the hour, shuttling people. On Christmas morning, they have a breakfast that about 150 people at a time attends; they come in and out. They also have an old-timers meeting, where people with a certain amount of years speak, and there's about the same amount of people for that. They also have a dinner on Christmas Day. From the dinner until closing, there's about 150 people because they have a huge raffle of donated items from people in the fellowship. They don't make any money on it, but as (recovering) alcoholics, it's their job to help other alcoholics. He said they would really appreciate using the hall.

Selectman Maddox said Selectman Coutu's sentiments were right on. Selectman Massey asked what the town's policy was on the use of the Community Center for non-Hudson residents. Mr. Malizia said it was available for civic, non-profit groups. In his opinion, he felt this was an appropriate request.

Motion by Selectman Massey, seconded by Selectman Coutu, to authorize the Alkathon Committee to use the Community Center on December 24 & 25, 2008 for a fee of \$400.

Mr. Curran said he had some questions about disposal of trash and snow plowing. They have funding to bring in their own dumpster to remove the trash. Mr. Malizia said that would be great. The town has one, but if they want to bring in their own, that would be good, too. The town has a dumpster, but he didn't know if it would be large enough. He might want to take a look at it first. Selectman Maddox said it was eight yards.

Mr. Curran asked about the possibility of snow during that time. Mr. Malizia said the first priority are the streets, so if the guys are out doing the roads, parking lots are not a priority. It will be cleared before then, but if it snows on Christmas Day, it might be tough for the drivers to get over there. They can be told about the event so they can make some passes through, but there are no guarantees that it would be totally clear. Mr. Curran said that would be great. He then asked about the ability to put up decorations and asked if they could tape up streamers. Mr. Malizia thought that sounded harmless, but not to us any nails, but to check first with the Recreation Director, who has already verified that the hall is available.

Mr. Curran asked about kitchen facilities. Mr. Malizia said the Community Center has a fully functioning commercial kitchen, including a service counter. There are rest rooms in both the front and back of the building, including a handicapped restroom. Mr. Curran asked about the cost. Mr. Malizia said it was \$400 and a copy of their insurance. He asked that, since there was a neighborhood nearby, to be respectful about noise. Mr. Curran said it was mostly speaker meetings that are going on, with very little Christmas music, but it wouldn't be blasting, adding that they are a quiet bunch now.

Vote: Motion carried 4-0.

B. Economic Revitalization Zone—Sagamore Industrial Park

Town Administrator Steve Malizia said he's been speaking with Michael Bergeron at the NH Department of Resources and Economic Development and Mr. Bergeron alerted him to the fact that the Board has the ability to ask the Department of Revenue and Economic Development to designate areas of town as economic revitalization zones. A primary one would be the Sagamore Industrial Park. As they are all aware, they are working to try to get Entegris to come to town. If the request by the Board was approved, companies could apply for the program and receive, possibly, a tax credit against either their business enterprise or their business profits tax. It in no way detracts the property tax or would cost the town any money. It is attempting to call attention to under-utilized properties and lure good-paying jobs to Hudson.

Chairman Nadeau asked if they should include the other industrial park on 111. Mr. Malizia said they could do that if they wanted to. The thrust of this exercise is right here. He has driven down there and there are a lot of vacant properties; he's not sure about the other parcel. Other communities have more than one zone. The town could certainly ask for more than one, as well. However, given that the town was actively working with Entegris, he felt it was important to get this ball going. Selectman Coutu said this was a no-brainer, especially with regards to Entegris.

Motion by Selectman Coutu, seconded by Selectman Maddox, to request that the State of NH Department of Resources & Economic Development designate the Sagamore Industrial Park (bordered by the Merrimack River to the west, Friars Drive to the north, Route 3A to the east and the Sagamore Bridge to the south) as an Economic Revitalization Zone, carried 4-0.

Selectman Coutu asked, for the next meeting, to put the Chairman's suggestion on the agenda, with a similar motion, to identify the other industrial park and make a request that they be recognized.

C. Water Utility On-call Engineering Services Contract

Town Administrator Steve Malizia said Weston & Sampson has been used as the town's engineering consultant for the purposes of the water utility. Basically, it's on-call type of service when there are either questions or a small project, such as developing a table for commercial allocation table. This is the type of effort he would envision being on call because it's not a big \$20,000 contract. This consultant is used as needed. They are given a specific task; if they do it, they get paid. If they don't do it, they don't get paid. Monies for this comes through the Water Utility, which was budgeted at \$15,000 and they serve as a technical resource for the utility.

Selectman Maddox said there were no fees in the contract, what they are charging. Selectman Massey said his understanding is it's on a per-project basis and they give an estimate. The town either accepts it, or they don't ask the firm to do the work. This is a contract that would engage them on a per-contract basis, the town will ask for a statement of work and a cost estimate. Mr. Malizia said that's how it has always worked in the past. Selectman Massey said the reason the fee schedule, at that point, might not make sense is the type of person they are using may not be on staff. They may have to subcontract them.

Motion by Selectman Massey, seconded by Selectman Coutu, to approve the water utility on-call engineering services contract with Weston & Sampson in the not-to-exceed amount of \$15,000 to be taken from water utility account 5592-225, carried 4-0.

Selectman Massey thought the first task for Weston & Sampson is to update the access fee schedule for commercial use. Selectman Maddox said someone must have already talked to them because that was the first line in their letter. Selectman Massey said that's even better. Selectman Maddox asked if the town would be getting a quote to do that. Mr. Malizia said yes. Selectman Massey said to be clear, given the town's purchasing policies, depending on the cost, it may not come directly to the Board for action. It may go to the Town Administrator, depending on the price, and given this, most of the things will fall under the Chairman's signatory power.

- D. Donation of \$250 from the Drama Kids of Merrimack Valley to the Recreation Department**
Motion by Selectman Massey, seconded by Selectman Coutu, to accept the donation, with the Board's thanks and appreciation carried 4-0.
- E. 2009 Meeting Schedule for the Board of Selectmen**
Motion by Selectman Massey, seconded by Selectman Coutu, to approve the Board of Selectmen's 2009 Meeting Schedule, carried 4-0.

8. OTHER BUSINESS/REMARKS BY THE SELECTMEN

Selectman Massey was notified this afternoon that the CHIPS Committee has voted to not have Fright Night this year, but he didn't have any further details on why.

► Selectman Massey said he met with Police, Fire and Highway Departments about Election Day. (He distributed copies of "Lions Hall Site Plan.") What they have is a queuing problem. He estimates there are 150 parking spaces at the Community Center. Assuming there are approximately 40 workers, that leaves 110 spaces for voters to use. If they have the voter turnout like they did in 2004, it's pretty clear that at no time during peak hours would there be enough parking. At some point, the Board is going to have to consider creating multiple polling places, or to find a space bigger than the Community Center.

The three departments looked at the options. One was one way in on Adelaide and one way out on Hurley, but several factors caused the department heads to determine it was not worth the risk. Everybody who goes to the Community Center knows how they are going to go. It's learned behavior. A second concern is the safety in the back of the building. If two cars were going in opposite directions, there's not enough room, especially at night, to handle that problem. If somebody came in from Adelaide, down the east side of the building, saw no parking spaces, came back around to the other side and there were no parking spaces there, their immediate answer would have been to come back around, if they are talking about one way. It was also felt that they would need extensive detour signs around the entire area. One of the concerns was that people exiting off of Lions Avenue on to Hurley, wanting to go south, without a lot of traffic monitors, you would have the possibility that someone would make a left turn on to Central Street from Hurley, which, with that traffic island there, would create problems. It would also be dark in both the morning and evening. Hurley Street was also considered to be a potential confusion for a lot of people. If you came in on Adelaide and you had to go back out on Hurley, you're not used to how you would have to go back.

Given that the problem is queuing and not traffic direction, the three departments believe the more reasonable solution is to temporarily change Lions Avenue to non-parking on both sides, from Adelaide to Hurley, to post a traffic officer at the intersection of Adelaide and Lions, to direct the flow of traffic in and out, and to put an officer in front of the building to take care of the traffic. It was his suggestion to also ask the Moderator ask the poll workers to park in the locations that were marked in yellow (on the site plan he distributed). They are far enough back that they don't impede the flow of traffic coming in and out and it would make it a lot easier for people coming to vote. That would leave 108 places for voters to park in. Nobody suggested taking the front of Lions Avenue, the parking spots that are directly on the street and making those for voters, as opposed to the current practice of electioneering people. The recommendation is two officers from about 6:45 through to 8:00, one at Adelaide and Lions and the other one right in front of the building to control the traffic and to have it in both directions, with no parking on both sides of the road.

There were a couple of other suggestions, but one would involve cost. The first one is that during peak hours, it might be appropriate to have the Police Explorers inside the parking lots, directing people in and out. There would be a lot of people who would have to back out in order to exit the parking lot because of the way it's configured. The other possibility, giving the issue of volume of cars at peak hours, would be to ask the School Committee what it would cost to rent a bus and truck people from the Kiwanis facility over to the Community Center, but even that would cause some problems. It may end up discouraging some people from voting. His recommendation to the Board was to accept the three departments' analysis and go with the proposal--the two officers and no parking on Lions Avenue.

Chairman Nadeau asked if the Highway Department has got the lights stands. Selectman Massey said they've already reserved the lights from Hudson Rental. Chairman Nadeau asked about the gravel area on the PSNH right of way and if it was possible for DPW to grade it out. Selectman Massey said they can probably do it, but the problem is if it's snowing. There is one area that he identified on the map that the town was going to grade because there were a lot of pocks in it.

Selectman Maddox said he has calmed down, so he'll make this easier. He understands that people have a certain way of doing things, but the state of NH makes north 93 southbound when the race comes, so he's sure they could do something, rather than... he wants to believe this is a great plan, devised by staff, but he just sees problems. At the very least, one officer standing in front of the building is going to be useless because you've got four entrance and exit points with the parking lot. He asked if the officer was going to run up and down between them. The proposal before them is problematic. Going around the

building counter-clockwise gives them the ability to block off the exits towards Hurley Street with tape or sawhorses or whatever, and try to get them to go around. He didn't see how one officer standing in front of the building is going to be able to control people trying to pull out and pull in at four entrance points. Selectman Massey said they're only pulling into two. The majority of people coming into vote are coming in off Adelaide Street, not off of Hurley, so the majority of people are going to turn right at that first spot. The second problem that everybody is concerned about is they are talking about learned behavior. The only solution to that would be to post a whole bunch of workers up and down the parking lots. Selectman Maddox said he had a solution. Selectman Massey asked what it was. Selectman Maddox said he was all set.

Selectman Coutu said he'd be interested in hearing Selectman Maddox's solution, too. He agreed that there should be a better plan than what was before them. Selectman Maddox said they might just as well wear T-shirts, saying, "Yell at us, we're that stupid." He was guessing they would have 13,000 people trying to go through there, and this is the best plan they could come up with? Selectman Massey said if they wanted to do it, they'd have to have a traffic person at the corner of Hurley and Lions, Hurley and Central and Hurley and (unidentified street), they're going to have to have an officer at Adelaide and Central, Adelaide and at that other street, Adelaide and Lions, and that's a total of six; they're going to have at least three or four in each one of "these," so they were talking about at least 10 to 12 traffic control people. Selectman Maddox said when he talked to the Captains, they talked about bringing in the CB Patrol or the Explorers. He didn't see why they can't block off some of those access points. It just seems like this is going to be pandemonium. Maybe the poll workers should park at the Library or the School Admin. Building or the Rec Building and they get bused up. They are going to be inundated with unhappy people because the cars were backed up to Central Street.

Selectman Massey said they were stacked up because there was no one to direct traffic. The Fire Department felt that if the traffic was one way, if they had to make an emergency trip in there and the one way streets were the other way, it would cause a lot of potential problems of them coming down a one-way street the wrong way. He was just conveying what the three department heads felt would happen trying to manage a one-way traffic configuration. If you got 400 people who came in at 4:00 p.m., and there are only 100 parking spaces, it doesn't matter if it's one way or two ways, you got a queuing problem. If each person spends 15 minutes between the time they park their car, vote and come out again, 400 people an hour is not very easy to manage and if they get the amount of people Selectman Maddox was talking about, that would equate to 1,000 people an hour. Neither one way nor two way traffic would solve that problem. The department heads felt, and he concurred with them, that given the amount of time between now and the elections, to try and change behaviors would create more problems than they felt it was worth.

Chairman Nadeau said the Moderator was holding an evening training session for the poll workers on October 30. He planned to attend the meeting and he will ask him and the Recreation Director if the poll workers can park at the Rec building and get rides to the Community Center. That would free up 20 parking spots. He thought the proposed plan was doable if the Highway Department could make them a few more parking spots. Selectman Coutu suggested using a couple of vehicles from the town's pool to get the poll workers over to the Community Center from wherever. Mr. Malizia said the vehicles could be made available, but asked who was going to drive them, staff? Selectman Coutu said they might have a spare Highway person that could do it. They were talking about an hour in the morning. Selectman Massey said the poll workers get there between 6:30 and 7:00. Chairman Nadeau said if a vehicle was available, he wouldn't mind bringing them over in the morning. Selectman Massey said the problem isn't so much in the early morning or 8:00 at night; it's in between times. Some poll workers are coming in in the middle of the day and some are going out. Selectman Coutu said lunch was going to be brought in, catered. Selectman Massey said if they can work out parking at the Rec Center or HO Smith School; he would work it out off line with the Chairman, before the meeting with the Moderator.

Selectman Coutu asked, if they were able to accommodate the poll workers parking at some other location than Lions Hall, the areas outlined on the site plan as poll worker parking would then become available for the public. Selectman Massey said yes. Selectman Coutu asked if the area directly across the street, which is customarily used by the candidates and their sign carriers, would not be used for that purpose. Selectman Massey said no. Selectman Coutu asked, given the amount of voters expected to show up at the polls, if there was any reason why they couldn't ask the candidates to give up that area so the citizens can have extra parking to go vote. Selectman Maddox said the First Amendment keeps getting in the way. Mr. Malizia suggested the candidates stand in the flat gravel area where the PSNH power lines are. Selectman Coutu said the First Amendment doesn't say they have to stand in front of the front door and bother people because there are laws against that. Mr. Malizia said the Moderator sets the rule that they have to be X feet back. Chairman Nadeau said 75 feet. Selectman Coutu said he is going to be a candidate in March, but he isn't going to tie up a parking spot for his signs.

Selectman Massey said the three departments' take on this is if the Board decides to do it, that's the Board's decision. The three departments did not want to get involved in a political decision and make no mistake about it, if you tell people they can't park... first of all, legally, they can't park there because you can't have campaign signs on public property, but it has been there since forever. He, personally, would not be in favor of telling people not to park their vehicles with their signs there. Selectman Coutu said if a candidate, who is running for public office doesn't have the courtesy to open up parking spaces so the citizens can vote, then shame on them. That space should be free and clear so the citizens of Hudson can vote, especially considering that they may have 1,000 voters per hour, with a very limited number of parking spaces—about 160.

Chairman Nadeau asked if they should add more handicapped spots, in addition to the five in front of the building. It was decided to add in five more for a total of 10. (Talking over each other.) Selectman Maddox asked if the three people who came up with this solution would be there with them all day. Selectman Massey said absolutely; or somebody would be there. Selectman Maddox said he was going to have a T-shirt made that says, "Don't ask me."

Selectman Massey said he'd ask the Highway Department to put five additional handicapped slots up, the first five slots on the left side of the building. He was also going to ask the Police Department if they can have some Explorers working the parking lots from 3:00 – 8:00. And he'd work out the off-site parking with Chairman Nadeau.

Selectman Jasper was absent.

Selectman Coutu didn't have anything.

Selectman Maddox said he went to the DOT for a meeting with regards to the highway that was the circumferential, now lovingly called the Maddox Madness Parkway. They didn't laugh them out of the building, so maybe they've got some idea of being able to do something as a town road. It's nothing they are going to build next year, but it's something even DOT says needs to be done. The traffic on Wason Road is getting worse every year. That traffic would be, basically, running the same as the circumferential and the same footprint, but as a town road, much like Albuquerque in Litchfield. This was the first of probably many meetings with the state, but they are at least helpful, at this point. The NRPC will be working up some maps and looking at the various impacts to environmental and traffic and whatever, but a positive sign.

Selectman Maddox said he'd skip his last item.

Selectman Nadeau didn't have anything.

9. NONPUBLIC SESSION

Motion by Selectman Coutu, seconded by Selectman Maddox, to enter Nonpublic Session under 91-A:3 II (a) The dismissal, promotion or compensation of any 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; (b) The hiring of any person as a public employee; (e) Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed against the body or agency or any subdivision thereof, or against any member thereof because of his membership in such body or agency, until the claim or litigation has been fully adjudicated or otherwise settled carried 4-0 by roll call vote.

Nonpublic session was entered at 10:15 p.m., ending the televised portion of the meeting. Any votes taken upon exiting nonpublic session will be listed on the Board's next agenda. Nonpublic session was terminated at 10:27 p.m.

Motion by Selectman Massey, seconded by Selectman Coutu, to place William Oleksak on Step 1 of the Zoning Administrator wage schedule in accordance with Article XXVIII, Pay for Temporary Assignment, of the Hudson Police, Fire and Town Supervisors' contract, effective September 23, 2008, carried 3-1. Selectman Maddox voted in opposition.

Motion by Selectman Massey, seconded by Selectman Maddox, to hire Tom Tollefson as the 08-09 Teen League Basketball Director for the fee of \$750, carried 4-0.

10. ADJOURNMENT

Motion to adjourn by Selectman Massey, seconded by Selectman Maddox, at 10:30 p.m. carried 4-0.

Recorded by HGTV and transcribed by Priscilla Boisvert, Executive Assistant

HUDSON BOARD OF SELECTMEN

Benjamin J. Nadeau, Chairman

Richard J. Maddox, Vice-Chairman

Kenneth J. Massey, Selectman

Shawn N. Jasper, Selectman

Roger E. Coutu, Selectman