

HUDSON, NH BOARD OF SELECTMEN
Minutes of the Meeting of April 14, 2009

1. **CALL TO ORDER** by Chairman Coutu at 7:00 p.m. in the Selectmen's Meeting Room at Town Hall.
2. **PLEDGE OF ALLEGIANCE** was led by Arthur Provencher.
3. **ATTENDANCE**

Board of Selectmen: Roger Coutu, Ken Massey, Shawn Jasper, Rick Maddox and Ben Nadeau

Staff/Others: Steve Malizia, Town Administrator; Mark Pearson, Assistant Town Administrator; Priscilla Boisvert, Executive Assistant; Jason Lavoie, Chief of Police; Connie Owen, Chairman of the Library Board of Trustees; Arthur Provencher; Bernie Manor; Mark Levesque; Michelle Rourke; Nominations and Appointments applicants; Gina Votour, HLN

4. **PUBLIC INPUT**

No one spoke during this portion of the meeting.

5. **NOMINATIONS & APPOINTMENTS**

- A. **Benson's Committee** (1 Selectman, plus 8 members, 3 terms to expire 12/31/11; 3 terms to expire 12/31/10; 2 terms to expire 12/31/09)

James Barnes, 3 McKinney Drive, said he's lived in Hudson about 25 years and is in his eighth year on the Planning Board. Previously, he served on the Conservation Commission. He has been following the progress of the Benson's property through the newspaper and through the interaction of the Planning Board with other boards. He is very interested in Benson's, calling it a key component of the forward movement of the town. A lot of things could be done. He'd be bringing his Planning Board experience to the committee. He understands that the committee will be overseeing the subcommittees and, as a project manager at work, he is experienced in monitoring other groups and committees, tracking schedules and monitoring interactions between the groups.

Peter Beaupré was not in attendance.

Jerry Desrosiers, 97 Pelham Road, said he was a 36-year resident. He was involved with the Cub Scouts for several years as Committee Chairman and Webelos leader. He was a general contractor for 25 years, until three years ago when he retired on disability. He has a lot of experience in the restoration of old buildings, post and beam-type buildings and Victorian buildings. He has extensive knowledge of building and mechanical things. He has always been interested in the Benson's property and took his four children there. He was there on the day it closed and he wanted to be a part of resurrecting the property for the residents, whether it was restoring the buildings or walking paths. He was unable to be involved physically because of his disability, but his knowledge would be useful.

Chairman Coutu asked if he felt he could be more useful as a sideline consultant, giving guidance. Mr. Desrosiers said yes. He believes in volunteerism for this project and he has a lot of tools, compressors, nail guns, roofing jacks, siding jacks and commercial sprayers and all of that is available. Selectman Massey asked about his experience with Victorian architecture. Mr. Desrosiers said he did a lot of work on the big white house on Concord Street in Nashua, with the nice railings, columns and capitals. He is also familiar with post and beam construction, having repaired and restored barns. He has good knowledge of old construction.

Ken Dickinson, 12 St. Anthony Drive, said he was a registered landscape architect and holds certification as a consultant. He has about 15 years experience in business, ranged from a design build background to residential, commercial and municipal permitting projects, including public park construction. The latest was a park renovation in Manchester's west side. He has served on the Conservation Commission, the ZBA and the Benson's Committee. He'd like to see through some of the projects that were set up, believing that the town could utilize his skills. He also has the ability to lead, knows the public participation process, write grants, serve as a planner liaison, etc.

Selectman Maddox asked Mr. Dickinson to highlight one or two of the old items he felt the Benson's Committee should carry forward. Mr. Dickinson said they already have grant money for a couple projects and it would be nice to see that money put to use for the train station restoration, in particular, and to restore some of the grounds to their grandeur of the past, or at least get the property stabilized so it will be safe for all uses by the public. There are numerous safety concerns out there that need to be addressed immediately, or if not immediately, at least before the park is opened up to the public, and they need to be careful about how they do that. They also have to tackle the security issues and look at some of the other projects that are in the Master Plan to see how they can integrate them within the confines of the current budget. This will be an on-going project that will take a lot of volunteer work, both from the community and outside the community. There is a great deal of history associated with the property, and people from all over, even outside the state, that would like to try to do something on the property and, to the extent that they can, he'd like to work with those individuals. Perhaps that could come in the form of a donation.

Robert Fulton, 16-A Dugout Road, said he grew up in the area and this would be his first involvement with the town in the six years he has lived here. He used to work at Benson's under both Arthur Provencher and the previous

owner. He was there when Tony was Tony, not Colossus and he was there when the park closed. He worked some of the Christmas shows. He goes to school at the NH Voc Tech, NHCTC, where he spent the last two years getting certified as a student leader and president of the Nashua Rotarac Club. His involvement of Benson's is that he grew up with it, as many people in the area, who have now left the area. Closing the park was a very hard thing to watch happen and he'd like to help give it back to the people, who were heartbroken to see it closed.

Selectman Maddox said it sounded like he wanted to reopen Benson's. Mr. Fulton said they all know that's not possible, but he'd like to see the property reopened in order to hand it back to the people brings them one step closer to their memories of what it was. Currently, it's sitting there abandoned. There were beautiful trees and landscaping there. When he has walked through it a couple of times, it is heartbreaking to see what has happened to some of the buildings. The big red barn is completely missing. He recalled the big gray house that used to be the office, and that is gone. They can't bring the animals back to Benson's, but bringing the property back and opening it up to the public brings the history and memories back.

Chairman Coutu said obviously, they are not going to rebuild Benson's, but the purpose for taking over the property is to restore it so the public can enjoy it. He attended the last Benson's Committee meeting and there is going to be an earnest effort made to restore a lot of the landscaping, shrubs and flowers that have been overgrown. They hope to get in experts that will be able to salvage as much of that as possible. Mr. Provencher, who was in the audience, had some memorabilia. Chairman Coutu hoped to restore some of that and highlight some of it to at least bring back the memory of Benson's that they all enjoyed in their youth.

Martha J. Lee, 426 Elk Run, said she's lived in town only for two years, coming from south of Boston. With her two children having recently moved out, she has time to give back to the town. She is a photographer at SNHMC, taking photos of the newborn babies. She loves the Benson's property and walks over there all the time with her dog and daughter. She didn't know that much about it, other than the fact it's a nice piece of property, and since she has time to volunteer, that's what she'd like to offer.

Chairman Coutu asked if she had "empty nest syndrome," to which she replied, "absolutely." He asked if she had a vision in mind for the property. Ms. Lee said yes. She hoped some of the buildings would be restored, with memorabilia displayed there for everyone to come and see, but she didn't know how that would work—and she didn't understand the financial implications. For the people who do care, it will be quite the place for walking, animals and nature, a beautiful place for families to come together. Chairman Coutu said no lions, tigers or gorillas, but there is a lot of natural resources and natural habitat for all to enjoy.

Selectman Massey said there were more applicants than they have openings, so some people won't be appointed to the Benson's Committee. He wondered if she'd be interested in serving on one of two other committees where there were openings—the Cable Committee and the ZBA. Ms. Lee said the ZBA sounded like it may be interesting.

Selectman Jasper wanted to state for the record that Benson's wasn't going to be done by a committee of eight. They talked about having numerous sub-committees to focus on various parts of the project—landscaping, buildings, publicity, memorabilia, etc. Even if someone isn't appointed to the committee of eight, they should know that there is going to be ample work for as many people as are interested in Benson's, not only from Hudson, but he talked to the Board about people outside the community, who have an interest, being on the subcommittees. The main committee, however, will be made up of Hudson residents. Ms. Lee shouldn't feel like she has to go to the ZBA, if she isn't appointed to the Benson's Committee. There will be opportunities for her to work on Benson's. He wanted to interject this now before Selectman Massey has other applicants filling out applications to serve on the ZBA.

Chairman Coutu said he was going to say the same thing, if Selectman Jasper hadn't. This is going to be a community project, with the guidance and spearheading done by the main committee, but with tremendous input from the volunteers who will work on the various projects undertaken.

Kenneth R. Matthews, 12 Lindsay Street, said he's a 10-year resident. The Benson's Committee stopped meeting because the town didn't own the property. He used to run a non-profit organization in Massachusetts, a state-funded outreach center in Lawrence. He was the founder, executive director and counselor. He also went to school for grant-writing in MA and ran a program for seven years. When he left, it had a \$70,000 grant from the state to work with. He's also done a lot of fundraising and knows advertising techniques and how to bring people together. He has a Bachelor's Degree in Business Administrator and thought the committee could use his expertise.

Chairman Coutu clarified that Mr. Matthews was a member of the Benson's Committee up through the acquisition of the property. Selectman Nadeau asked what projects he'd like to see finished at the Benson's property. Mr. Matthews said he'd like to see the trails finished because they already have the signs. That would be a main project to start so people could actually get involved. He'd like to see the whole thing finished. There has been a lot of planning on it, which he just learned at the last committee meetings, how extensive they went through and actually did a terrific understanding and composition of what was out there, what needed to be done, and they even prioritized it and had it so all they had to decide was what to do first. He added that he was also a disabled veteran.

Patricia A. Nichols, 214 Pheasant Run Road, said she has lived in Hudson about six years and loves being a townie. As a child, her parents brought her to Benson's and she remembers riding the elephant. She brought her own children there before it closed. Her son remembered the big fountain near the entrance. She loves the town and Benson's would be a great area for grass, fields, flowers and paths for people to walk, women with their baby carriages, or the elderly, or taking a lunch and sitting under a tree to read a book. It could be for every person in town. She has a background in marketing at a credit union where she did expos, monthly and quarterly newsletters, flyers, etc. She was interested in getting involved in town activities and she loves the town.

David Reidt was not present.

Sandra Rumbaugh, 39 Beechwood Road, said she just finished up a couple of terms on the Budget Committee and she is an active member of the Conservation Commission. She is a big walker and hiker in the White Mountains, but enjoys a good hike in the woods. That's why she is excited about this and wants to be involved with it. She heard them talk about how important it is for the community to come together, but another ingredient of success is if the process is transparent—and that's what she wants to bring to this committee. It's something she has tried to do on the Conservation Commission. She wants to bring the vision to light. It's wonderful to have a lot of ideas, but if they aren't made concrete, they're not going to go anywhere. She is also an empty-nester, but she is surviving.

Ron Routhier was not present, as he has a commitment on Tuesday nights.

Harry A. Schibanoff, 8 Birdie Lane, said he's been on the Cable Committee for 15 years and its clerk for the past seven years, and it's time for a change, but he will finish out his term. Up front, he wanted to thank the 'old' Benson's Committee for the work it has done. Without them, they probably wouldn't have gotten where they are today. His background, professionally and as a volunteer, has dealt with a lot of startup institutions. Professionally, he was a banking consultant and one of his areas of expertise was starting new banks. He worked with about 20, 30 banks in New England, getting them started. Most of them are not successful because it's a very difficult, long and expensive process, but he understands all of the problems and pitfalls in putting something like that together. He was one of the founding directors and founding chairman of the H & H Foundation in Concord, which is the statewide foundation that deals with children's health insurance issues and childhood obesity. He will be stepping down from that role in October. It was quite an experience because when it came together 11 years ago, there were 10 people at charter, all who didn't know each other, and a pretty good sum of money, and they had to put together an organization from scratch. This is a unique opportunity to be involved with the Benson's project. He read the Quit Claim Deed the other day, adding that he'd never seen one that long. When talking about vision, he thinks that document can be used as a real resource for developing a vision statement because there is a lot of information in there. It talks about the uses the park should have as a passive recreation center and as a cultural and historic center. Those are all viable things to do. He also visited Benson's when it was open with his kids and when it was still New England Play Land. For all of those reasons, he'd like to be on the committee. They can really make Hudson stand out in the state by preserving this. There are several websites dealing with Benson's and there are a lot of people all over the country who are really interested in this project. He didn't see anything negative, but statements saying they went there as a kid and want to find out more about it. Somebody even said the town was going to be getting \$30 million of stimulus money.

Chairman Coutu said relative to websites, there's a lot of people in this country who have memorabilia on Benson's they would like to share if they could develop something where they could display those things.

Comments for the Record -- Chairman Coutu stated, for the record, that there is a perception out there that was brought to light this weekend in lieu of an e-mail that was sent to several of them, which he'd not get into in detail, but worth commenting on. There's an implication that there's a deliberate attempt to disband the Benson's Committee and to put together a whole new Benson's Committee. He has met with most all of the former members of the Benson's Committee and told them that he, personally, would give first consideration to those who served on the original Benson's Committee. Speaking on behalf of the Board of Selectmen, he appreciates all of the work the former committee has done over the years to develop the Master Plan, which will be a tremendous guide, stepping forward from this day on and developing the property. All of the members of the Benson's Committee were offered an opportunity to reapply to serve on the committee. He personally spoke to several of them and they indicated they weren't interested, either because of health or because they felt new people should step forward. Some of them will probably serve on various sub-committees. From where he sits—and he is as transparent as anyone was going to be on the Board of Selectmen because he'll let them know what's going on and will call it as it is—it is not the intent of anyone on the Board to deliberately disband the committee and do so with total disregard for their appreciation for the work they did. That wasn't the intent; that's not the intent; and that's not how they are moving forward.

Selectman Jasper said he completely agreed with the Chairman and is probably the only member of the Board who was on the Board when the Benson's Committee was established in 2000 or 2001 and the intent was for to develop a plan and see it through until the town acquired the property. There were no terms on that committee and that's the only committee that he's aware of that ever got appointed without terms. At some point, there needed to be a time when everybody applied and was appointed to a set term since the Board established the Benson's as a permanent committee by the action it took a couple of months ago. It is inappropriate to think that anything was done that was not respectful of the former members. Every person who is on a board or commission in this town has to reapply, essentially every three years, with the exception of NRPC, which is four years. No matter how much time has been

put in, no matter how good a job you've done, at the end of your term, you have to reapply and this committee had no terms and that was simply not appropriate. It's unfortunate there is that perception among anybody, but the Chairman's assessment of the situation is correct.

Selectman Maddox said when he got his packet and looked at the names on the list, he was kind of surprised. As soon as the Benson's property became Hudson's, the committee started right back up again, so he was concerned when he saw that so few of them reapplied. But if the Chairman has spoken to most of them, that answered the question. However, he asked the Board to wait until the next meeting before they appoint anyone, in case those members have any second thoughts and still want to apply. Seeing the fervor in which the members regrouped, he was surprised that most of them didn't reapply.

Selectman Jasper said he was surprised, too, with some of them but as they talked about at the last committee meeting that he attended, some of them may prefer to serve on sub-committees and deal with specific projects, rather than have to deal with the wide variety. He wouldn't be surprised to see some names come back to the committee for sub-committee work.

Chairman Coutu concurred wholeheartedly with Selectman Maddox. They aren't going to make appointments this evening and if there are any former members who want to apply, the Board will consider them at its next meeting. The message is clear—they are welcome to reapply and he will give consideration to those former members. They worked so hard over these many years and they shouldn't be shunned in any way to see their dream realized.

Chairman Coutu said without objection, they'd take up 8-B, since they were on the subject of Benson's.

Benson's Memorabilia Exhibit (8-B)

Arthur Provencher said he is the former and last owner of Benson's Animal Farm, which closed in 1987. He wished he was still living in Hudson instead of Henniker, and he wished the park was still open. However, you can't go backwards. Hindsight is 20-20 on many things. Chairman Coutu said he perused the pictures and some of the memorabilia Mr. Provencher provided to the Board and it certainly brings back a lot of memories. He spent many, many days at Benson's Animal Farm, as it was a very affordable thing in his day.

Mr. Provencher said in the folder he distributed to the Board, there were four or five pages of pictures, and that was only a very small token of memorabilia that he has. Talking to the former Benson's Committee, it was felt the town may be interested in the memorabilia because he does have a lot of it. The idea is that if anybody should have it, it should be the town and he'd like to give the town the first opportunity. In that light, he was requesting the possibility of utilizing the Hills Library building after they move into the new building to display the memorabilia. The pictures show a mockup of the park, which was built over a four year period, from 1983-1987 when it was closed, primarily by an in-house artist and it's in architectural scale. That is probably the highlight of the collection. There are quite a few blown up pictures of small photos, all mounted and framed. There are about 200 professionally-framed 8 x 10's and 2' x 3' pictures, all in excellent quality. Everything is all identified with labels for use in a museum, or for public viewing. It explains every one of them. In addition to the framed items, there are souvenirs. Somebody might have one piece of some place in California and one in Michigan, but when the park closed, he kept quite a few things, for whatever reason. He probably should have kept it all. There are T-shirts and 60 years of newspaper clippings from the Boston Herald to the Manchester Union Leader to Nashua Telegraph to Hudson News to Lawrence Tribune and Herald Tribune, with all kinds of stories and happenings at the park, from a robbery to a shooting to a mauling, or whatever. There are a lot of items and a lot of material. His primary interest was to see if the Board would give permission to the Benson's Committee to display his memorabilia for a day or two to the Selectmen and the town officials and then allow him to open it to the public for at least a week, including a weekend before packing it back up. If the town is interested, OK; if not, at least the public would have a chance to see it for what it is and bring back a lot of memories.

Chairman Coutu asked if the picture next to the one of Mr. Benson with the elephant was Mr. Benson's daughter. Mr. Provencher said no, that was Vera Lovejoy, who was the Manager for Raymond Lappin, who was the absentee second owner of the park, and he sent Vera Lovejoy, who was his secretary, to manage the park, which she did for 30 years. There were three owners—John T. Benson, Raymond Lappin and him (Mr. Provencher). Chairman Coutu asked if Mr. Provencher still had the bumper stickers which were attached by using wires. Mr. Provencher said there were definitely some in the memorabilia.

Selectman Jasper said if the Board said no to this offer, they'd have to be the biggest bunch of fools that ever sat at those tables—which they may be anyhow, but that's a different story. He appreciated Mr. Provencher's offer and it was his hope that the Library Trustees would look favorable upon that idea.

Motion by Selectman Jasper, seconded by Selectman Maddox, that the Board of Selectmen accepts Mr. Provencher's offer and directs the Assistant Town Administrator to coordinate with Mr. Provencher and to ask the Library Trustees for permission to display the memorabilia at the Hills Memorial Library when it becomes available.

Selectman Maddox asked if Mr. Provencher had a time frame. Mr. Provencher said not really. Selectman Massey asked if Mr. Provencher would need to utilize town staff to catalogue and create the display. Mr. Provencher said no,

he had most of it ready. He would have only a few pictures there because most of it is packed and hasn't been unpacked for some time. He didn't really need any help in that sense, as long as he has two or three days to set it up, he already has people who volunteered to help him. Selectman Massey said he was thinking in different terms. For instance, the picture of Colossus. Some people might not know who Colossus is, so there would have to be some kind of a legend underneath it. Mr. Provencher said all of the photographs, whether they are mega-print blowups, or regular 8 x 10's, with the exception of the 25 or so albums with the 3 x 5's, which are too numerous to identify, and which will be displayed by itself, have already been identified, much as they would be in a museum, with proper labels on each item. Selectman Massey asked, if the Library Trustees were amenable, if he would be willing to have the display longer than a week. Mr. Provencher said absolutely. If the Board or Trustees would like it longer, that's perfectly acceptable. Selectman Massey said there's such a wealth of memories that are available, it would be nice to create a permanent exhibition of the material in the park. Mr. Provencher said he was talking with someone this week and they mentioned that Tyngsboro, MA had a similar situation with a library that became too small and they, in turn, used it for a municipal museum. Selectman Massey said he was thinking along the lines of the railroad station and the Haselton Barn. There was some indication that, when the Benson's Committee was looking at what they could do with those, it would become some type of information center. It would be a wonderful tie back to the past if some of the memorabilia were on permanent display there. They didn't need an answer tonight--just something for them to think about. Mr. Provencher said the B & M RR Station was a nice building, but they never got to finish the inside, and it's rather small. They'd probably find that to be too small, in time. He hasn't displayed this any place yet and it's hard for him to visualize how much room it will take, but to display things properly and with the right light with a museum type atmosphere, it needs a building larger than the train station. The Hills Memorial Library would be a beautiful building until they are ready to do something within the park. That would work very well. He heard a rumor and was told that the state was going to rebuild the red barn, the one that used to be next to the John T. Benson house.

Selectman Jasper said the town has permission to rebuild it. The state was going to restore it when it burned, but the town only has permission; there are no funds to rebuild it. Mr. Provencher said that would have made a nice museum building. Selectman Jasper thought this was going to be a very popular destination and it should be opened for longer than a week or two, otherwise the site would be overwhelmed by people. If they can assume that, once it is set up, it would be there for at least a couple months. They will also have to coordinate volunteer staffing and times. They should be able to get enough people who were willing to donate time to have that open. They are at Mr. Provencher's mercy, but once it is unpacked and opened, it could be there for quite some time. Mr. Provencher said if it's open for too long, some of the items would be subject to damage, or would be vandalized. Selectman Jasper said the Historical Society House is not large enough to display everything. There has been some talk that the shelves at the Library may be conducive to having plexiglass placed in front of it so there can be a display behind. Maybe the Trustees would be willing to let them look at that, which would give them shelf space that people would be able to view, but wouldn't be able to touch. It may require some funds in order to do this properly. As it is related to Benson's, they could probably come up with the money to make sure the lighting is done and put plexiglass on some of the shelves. Mr. Provencher said the mockup of the park was under a dome of plexiglass.

Selectman Maddox said from the enthusiasm in the room, as well as from the people they've heard from over the years, he's not sure the Hills Library was going to be big enough and suggested the Community Center, prior to the start of the summer program, or after. If it's going to be on display for only a couple of weeks, the Library would be swamped. Selectman Jasper said he was hoping it could be on display longer. Mr. Provencher said the intent was to show it to the committee and to the Selectmen and then to the public. The original intent was to see if the Selectmen would be interested in making it a permanent type museum, not necessarily for him to be running it for two, three months. He'd probably talk himself blue in the face, with people asking him the same questions 50,000 times.

Vote: Motion carried, 5-0.

Chairman Coutu thanked Mr. Provencher for giving the public the opportunity to see the exhibition. They are working on getting the Governor to hold a meeting on the Benson's property. Hopefully, the temporary museum will be up and about at that time and perhaps they can invite the Governor and the Governor's Council to come down because they want to hear a presentation on Benson's prior to holding the Governor's Council's meeting. If they can pull this package together, they'll have the Governor come to take a look at it. If that opportunity avails itself, he'd appreciate Mr. Provencher making the formal presentation to the Governor of the history of Benson's. It's a part of history they all want to relive. Mr. Provencher said that wouldn't be a problem; they've had a few Governors over there.

B. Cable Committee (2 members, terms to expire 12/31/09 and 12/31/10)

Donald Mannion was not present.

C. Conservation Commission (1 Alternate, term to expire 12/31/09)

Ron Routhier was not present.

Selectman Massey said perhaps they could make arrangements to have an interview with Mr. Routhier at another time with two Selectmen and the Town Administrator in the office some morning and then bring the recommendation to the Board. Ms. Boisvert didn't know if Mr. Routhier was available during the day; on Tuesday nights, he has a

commitment with his daughter. Selectman Massey said what he was suggesting was to contact him to see if there was a time they could arrange for him to meet. Selectman Maddox suggested doing that on the night that the Conservation Commission meets. Selectman Massey thought that was a good idea. Chairman Coutu added that Selectman Nadeau lives right across the street, but if he couldn't make it, the Chairman said he would.

D. Nashua Regional Planning Commission (1 Alternate, term to expire 12/31/11)

Stuart Schneiderman, 2 Library Street, asked if he could ask a quick question about Benson's. Chairman Coutu said they were there to talk about his application to this board, but he'd allow one question. Mr. Schneiderman asked how much it would cost to rebuild the red barn. Chairman Coutu said he had no idea, that it would depend on the material used and other considerations. Mr. Schneiderman said if it could be done for \$330,000 and if half of the households in town were to recycle, and if their average was \$73 per household, you'd have \$330,000 to rebuild that barn.

Chairman Coutu asked him why he was interested in serving on the NRPC. Mr. Schneiderman said he's been working on the Planning Board with Selectmen Maddox and Massey and he'd like to see Hudson get its fair share of development. He'd like to look at the big picture and he'd like to see such things as the rail return to South Nashua, he'd like to see the green fields move ahead, he'd like to see the extension of the Maddox Madness Parkway and he'd like to do a lot of research on what's available or possible. He has been reading the Nashua Regional Planning Commission's report on Robinson Pond that was published in December 2000, the nine-point implementation project.

Chairman Coutu asked if Mr. Schneiderman has ever attended an NRPC meeting. He replied that he had not.

Motion by Selectman Massey, seconded by Selectman Nadeau, to waive the Board's normal procedures and appoint Mr. Schneiderman as alternate member of NRPC, term to expire 12/31/11, carried 5-0.

Chairman Coutu advised Mr. Schneiderman to go to the Town Clerk's Office to be sworn in.

E. Recycling Committee (2 Members, terms to expire 12/31/09 and 12/31/10)

Peter Beaupré was not present.

Lisza Elliot, 6 Alvirne Drive, said she is a 15-year resident. She has two boys, nine and 11, and they are involved with baseball and other activities around town. She works for MACOM in Lowell, MA and has been there for over 15 years. She is an avid recycler and has more recyclables than trash. She would like to see more recycling at ball fields, especially with the season starting up. There are water bottles, Gatorade bottles and everything else that is out there. She has some ideas she'd like to see implemented throughout the town, and not just ball fields, but in the schools, community center, Old Home Days, parades—anything and everything the town provides.

Chairman Coutu asked what she thought would motivate people to recycle more. Ms. Elliot said maybe advertising in the local paper, barrels at ball fields, making the website more visible and more available for town residents, making it easier for people, making kids more aware and having them come up with ideas, contests—simple little things. Selectman Maddox asked if she's even attended a Recycling Committee meeting. She said no. Selectman Maddox asked if the meeting night would be a problem. Ms. Elliot said no, but at the end of this month, she will be at Disney.

David Reidt was not present.

F. Zoning Board of Adjustment (1 Alternate, term to expire 12/31/11)

Martha Lee may be interested in serving on this committee. (See Benson's interview.)

6. CONSENT ITEMS

Motion by Selectman Massey, seconded by Selectman Jasper, to approve the consent items A-D, as noted carried 5-0.

A. Assessing Items

- 1) Abatement Application, M/L 237/9, w/recommendation to approve.
- 2) Abatement Application, M/L 208/17, w/recommendation to approve.
- 3) Abatement Application, M/L 167/33, w/recommendation to approve.
- 4) 2006 Abatement Application/Settlement Agreement, M/L 204/67, w/recommendation to approve.
- 5) Multiple Tax Exemptions and Credits, w/recommendation to grant: Veteran Tax Credit to M/L 168/002/017; M/L 191/133; M/L 217/033/011; M/L 174/140; M/L 246/060; M/L 116/015; M/L 204/023; M/L 138/100; M/L 205/001/001. Elderly Exemption to M/L 168/002/017; M/L 191/133; M/L 191/163; M/L 174/127; M/L 256/003; M/L 190/095; M/L 174/071. Disabled Exemption to M/L 168/072.

B. Water/Sewer Items

- 1) Sewer Acceptance at 194 Derry Rd, Rodgers Memorial Library, Map 138/Lot 89, w/recommendation to accept.

- 2) Sewer Abatements, Ref. No. S-09-06: S-UTL-09-13, M/L 147-001-016, Acct. 6464, \$10.71; S-UTL-09-15, M/L 148-040-069, Acct. 4174, \$33.33; S-UTL-09-16, M/L 157-058-000, Acct. 5077, \$27.38; S-UTL-09-17, M/L 173-012, Acct. 3936, \$31.21; S-UTL-09-18, M/L 193-028-000, Acct. 6122, \$382.80, w/ recommendation to approve.
- 3) Sewer Abatement, Ref. No. S-09-06b, S-UTL-09-14, M/L 198-147, Acct. 1320, \$54.96, w/recommendation to deny.

C. Licenses & Permits

- 1) Request to fundraise at SAM's Club by the Hudson Senior Council on Aging on June 13 & 14, 2009.
- 2) Request for a Hawker-Peddler license by Michael MacDonald to sell packaged foods for Little Mac's Catering on Park Avenue, Constitution Drive, Industrial Avenue and Commercial Avenue.
- 3) Request by the Hudson Chamber of Commerce to fundraise at SAM's Club on June 6, 2009.
- 4) Secondhand Dealer/Pawnbroker License for Cash Converters

D. Calendar

- 4/15 5:00 Water Utility in BOS Mtg. Rm.
- 4/15 7:00 Library Trustees in BOS Mtg. Rm.
- 4/15 5:00 Hudson School Board in CD Mtg. Rm.
- 4/15 7:00 Hudson Seniors in CD Mtg. Rm.
- 4/16 7:30 Budget Committee in BOS Mtg. Rm.
- 4/20 6:30 Hudson School Board in BOS Mtg. Rm.
- 4/21 7:00 Benson's Committee in CD Mtg. Rm.
- 4/21 7:00 Cable Committee in BOS Mtg. Rm.
- 4/22 7:00 Planning Board in CD Mtg. Rm.
- 4/23 7:30 Zoning Board of Adjustment in CD Mtg. Rm.
- 4/27 6:00 Recycling Committee in BOS Mtg. Rm.
- 4/27 7:00 Green Team in CD Mtg. Rm.
- 4/28 7:00 Board of Selectmen in BOS Mtg. Rm.

7. OLD BUSINESS

A. Public Hearing to accept the Robinson Pond Wetlands Engineering Survey, valued at \$12,000 from the Hudson-Litchfield Youth Football & Cheer and Hudson Youth Baseball organizations.

Chairman Coutu opened the public hearing at 8:16 p.m.

Ken Dickinson, 12 St. Anthony Drive, said he wanted to tie this item in with something else, covering two issues. He wanted to clarify that the town should consider utilizing his ability to review certain applications since he has extensive experience in working with architects. Chairman Coutu said this was a public hearing to accept a donation. Mr. Dickinson asked if this survey was available for public review and wanted to know where. He was told it was in the Selectmen's office currently, but would be forwarded to the Engineering Department. Selectman Jasper suggested that Mr. Dickinson come in to the Selectmen's Office and he'd be directed to its location. Mr. Dickinson said he appreciated that someone was donating their time to look at different uses for park land in town. He was in favor of accepting the wetlands study, even though he had not seen it.

Stuart Schneiderman, 2 Library Street, said Robinson Pond has been described as a jewel by a member of the Conservation Commission. He cautioned the Selectmen to be very careful with their plans because Robinson Pond is dying. There is e-coli there, cyano bacteria, chlorophyll problems... Selectman Jasper called for a point of order, saying this was about the donation of the engineering survey. If Mr. Schneiderman wanted to talk to the Board about his concerns about the pond, it would be appropriate to do so under public input. Mr. Schneiderman said that's what he was getting to. The EPA has decided this, so he wanted the Board to be extremely careful on their plans. The Comprehensive Shoreline Protection Act...

Chairman Coutu cautioned Mr. Schneiderman again, saying they were to talk strictly about the acceptance of a donation, not to talk about the environment or the pond or the amount of algae that may be in the pond as the result of any development. This is about the acceptance of a donation of a \$12,000 wetlands study of the Robinson Pond area that's being offered to the town. There is no guarantee or commitment that they are developing the property. If Mr. Schneiderman speaks either for or against that, he'll allow it. Otherwise, he'd be asked to bring his comments to another forum that would be more appropriate.

Mr. Schneiderman called for a point of order and asked if the study was being presented so that the local soccer club can build a field there. Chairman Coutu said this was merely a donation to the town of a \$12,000 study that they had done. They had requested permission from the Board to do this, which was given. There was no commitment by the Board on what was going to be done with the property. They are now making the donation. It's in excess of \$5,000, so the Board must hold a public hearing whether to accept or reject that donation.

Selectman Maddox said this was done kind of backwards. They didn't realize the value of this before they got the study, but it's important to accept it so everyone can look at it and then they can decide where they want to go. Without accepting it by tonight's action, they won't be able to even move forward to look at something.

Selectman Massey said it was important to stay focused. There is an expectation that the \$12,000 was not spent just to catalogue the wetlands on that property. The expectations were that the results would give some indication of whether or not there could be some athletic fields and the two athletic clubs that are involved had some expectation that there would be the potential to put ball fields there, but there were no guarantees and the wetlands are the gate on what can or cannot be put there. When the Board authorized the private organization to go map the wetlands, they were doing it on their own dime and they had every right at the end not to bring that product to the town. They did it on their own dime and they are now willing to donate the product of that project to the town. The issue is if the town wants to accept the product that was produced.

Selectman Jasper said Selectman Massey was correct and in the final analysis, this just delineates where the wetlands are and if the Board doesn't accept it, they will have a piece of property without delineated wetlands. Mr. Schneiderman said he'd support the acceptance, as long as they know there aren't any strings attached.

Jerry Derosiers, 97 Pelham Road, said getting a free study was great, and he supported it.

There being no further speakers, Chairman Coutu closed the public hearing at 8:25 p.m.

Motion by Selectman Jasper, seconded by Selectman Maddox, to accept the donation of the Robinson Pond Wetlands Engineering Survey, valued at \$12,000 by the Hudson Litchfield Youth Football and Cheer and Hudson Youth Baseball organizations with the Board's thanks and appreciation, carried 5-0.

B. First Public Hearing on Ordinance 09-01, Restricting Use of Motorized Vehicles on Town Property

Chairman Coutu said this was the first public hearing on this ordinance, with the second public hearing scheduled for April 28 and the Board would vote on it on May 12. He opened the public hearing at 8:28 p.m.

John Caires, 10 Stanley Avenue, said he read the proposed ordinance that they were trying to pass to make it impossible for people to ride on any town-owned property. This is an overkill law because there is already a state law that goes along with any OHRV registration, which states that any OHRV or snowmobile operation may be hazardous, therefore, each person who drives or rides an OHRV accepts the dangers inherent with that sport and shall not maintain an action against an owner, occupant or leasee of land for any injuries which result from such inherent risks. Chairman Coutu asked him to cite the reference. Mr. Caires said it was from the 2009 New Hampshire Off Highway Recreational Vehicles (OHRV) Laws Digest. There are already laws in place in NH which govern this and he didn't understand why they need to go over and above those laws at town level. The safety concerns do not seem to make a lot of sense to him. They are concerned that someone may get hurt on an OHRV and sue the town, but yet they built a town-owned skate park. Were they not concerned someone get hurt there? The town has little league baseball. Are they not concerned that someone may get hit with a pitch? Where does it end? It seems like they are trying to overprotect. There are also a lot of laws in place already that govern some of the things they are trying to control with this new law, such as there is already a 96 decibel law on all OHRVs that can be enforced by Fish & Game or by the Hudson Police Department. He spoke with Capt. Avery and Deputy Fire Chief Neal Carter and accidents from OHRVs don't seem to be a huge happening in town, so he didn't understand the big concern. He didn't ride a lot in Hudson, but when he did, he didn't know if the places he rode were where he was supposed to ride, but there are places in Hudson he didn't see why they shouldn't be allowed to ride. It's an opportunity, much as the skate part, for law enforcement to be out there with the youth of Hudson. They have off-road vehicles—the Fire Department has one and it's another opportunity for Police and Fire to be with the youth. It's something a lot of people in Hudson enjoy and it shouldn't be taken away. He had the statistics from 2005 and 2006 OHRV motor vehicle registrations and it brought in \$3.8 million to the state, of which a lot of that money was funneled to wildlife management, conservation law enforcement and the inland fisheries management and hatcheries. Hudson law states they want to promote indigenous species. A lot of the OHRV monies go towards things of that nature. He didn't know if any of that was taken into consideration.

Tim Sundstrom, 84 Sullivan Road, said he also read the law and didn't understand it because they already have a law in place, a state law, not to ride an OHRV or snowmobile on any property without written landlord permission. This law isn't going to make it any easier to catch violators and doesn't seem to go far enough. Violators will be fined when they are caught riding on Hudson property, yet not effort will be made to fine them while riding on private property. That's not going far enough. He didn't know if anyone had OHRVs go ripping through their front lawns, but he has and they've torn up his front lawn. He's even had them attack him on his own property, yet the Police Department tells him they can't do anything about it. They can't catch them; they can't chase them; they can't do anything about it. The Kimball Hill Forest is ripped up on a daily basis—torn up and completely destroyed. Robinson Pond area is completely torn up and ripped up, and nobody does anything. He's asked the state and they don't have the resources, which is what the Police Department tells him. Instituting the law won't make them catch violators any better. They are still going to do it. At 3:15 every single day, when they get out of school, they are going to go out and ride, and they will do it day after day. The shortfalls he sees in the law are when they are found, they don't impound the vehicle. On Monday, they are simply given a citation and let them ride away. On Tuesday, at 3:15 the same person is out there with their vehicle, and if they are caught, they will get another citation, and then let them ride away again. He didn't see where the law stops it. It won't accomplish anything other than having another law that they are not able to enforce. The current state law needs to be enforced, which is adequate. He is an avid rider, as is his wife

and nine year old daughter. The \$3.8 million that comes from registered vehicles is from legal riders, where they go to legal riding areas—and there are quite a few of them. There is an extensive trails system throughout all of New Hampshire. You can ride for miles. If they are going to close down Hudson to ATVs, are they still going to allow mountain bicycles, if the concern is erosion in these areas. The all terrain bicycles have some pretty aggressive tires, and they do a lot of ripping and tearing, as well. So does foot traffic, but not nearly as much. It sounds like ATVs and snowmobiles are being singled out. He feels that when the person is caught, the vehicle should be impounded until the fines are paid. They should get tougher on it and make a way to enforce this and not just put a law on the books that they can't enforce. That's part of the problem. He has spoken hundreds of times with the Police Department, asking why he still has people racing up and down his street. Why are they still ripping up his lawn? Why does he seem them attack his neighbor who is a quadriplegic. They attack his yard, and the police don't do anything. They simply state that they are not allowed to; they can't chase them because they don't have an ATV, or they are in the shop, or they are not available, or they don't have the personnel. He's been brutally attacked in his own yard by an ATV rider. He is now two years for a felony in prison in Concord. When the police came, they can't catch him. They found him only because he defended himself and he was pretty... so they found him. The other person got away. They race, being clocked at 60 mph up and down his street. His children aren't allowed to play in the street, and he knows who the people are. The Lieutenant has personally gone to their house and they say they won't do it again. Two weeks later, there they go again. Instituting this law won't go far enough. They need to work out a plan of taking care of it. He agreed with the previous speaker; they don't have any place to ride. He and his family load up and go way up north to where the trail system is. There are some trails in Derry or Salem. If they are going to make a law to stop them from riding, they need to have a plan on how to enforce it. That's more important.

There being no further speakers, Chairman Coutu closed the hearing at 8:38 p.m., saying the second public hearing on this would be on April 28, at which time anyone who wished to speak on this could do so.

C. HCTV Operational Plan and Facilitator's Contract

Chairman Coutu recognized Mike O'Keefe, Chairman of the Cable Committee, Rupert Cote, Vice-Chairman and Senior Camera Operator, Jim MacIntosh. Mr. O'Keefe said last December, the Board reviewed and approved the HCTV access center plan, which was proposed by the Cable Utility Committee. This was a significant step forward, as it included leasing and equipping studio space in town for use by the community. Subsequent to that, the committee felt that in order to support this facility and its users, the Facilitator's contract should be modified to increase the number of monthly contracted hours. The Board of Selectmen requested an additional operational plan that would provide details of how the Facilitator, Senior Camera Operator, camera operators and volunteers would be utilized. Additionally, the plan was to include specific goals and milestones. The Cable Utility Committee had a number of meetings to formulate, discuss and revise that plan. At its April 2nd meeting, they finalized and voted to recommend the plan that is before the Board tonight. They believe it is a fair plan with reasonable goals that will provide the Hudson community with the resources to produce informative and entertaining local access programming.

Chairman Coutu hoped everyone had an opportunity to review it. As the liaison to the Cable Committee, he worked with the committee and helped develop the plan. Selectman Massey said this was exactly the plan he was looking for. It spells out clearly and understandably the things the Facilitator is responsible for, it separates the duties of the Facilitator from the Senior Camera Operator and it provides some form of measurable benchmarks. He is satisfied they have what he was looking for and that the 65 hours were justified.

Selectman Maddox said this at least gives them a guideline, but he'd like to see the timesheet that is on the last page changed to reflect items 1 – 7. Mr. O'Keefe said that's not the plan; it's a different item, part of the Facilitator's contract. Selectman Maddox said he would start over. He'd like to see the document which is the Facilitator's Contract and his timesheet have columns to reflect numbers one through seven that they gave them to see how those numbers match up. He's looking to see, after a year, they say it took 22 hours a month for number six, is it 12 routinely on average, or is it 27, so they can see where those hours are going to. Personally, he didn't see where it would take 22 hours a month to do number six, but at least it'd be able to tell them over a year's time if those numbers are correct so in the future they'd be able to more quantify what they've put down on paper, as well as see if there are deficiencies within their scope of work. Secondly, this is more organizational chart than the Pentagon. The Vice Chair is just dangling out there in nowhere. They may want to clean... put the Clerk into the utility... and what is HCTV as an entity? Mr. O'Keefe said HCTV is kind of an amorphous object. Selectman Maddox said he was just trying to find out where this was going and he found it... Mr. O'Keefe said it was mainly to indicate who reports to whom. Selectman Maddox said he just thought it was convoluted, with the Clerk over on the side, doing nothing than being part of the committee. He agreed with Selectman Massey—this gives them what they asked for, which was where do you think you are going to go? They won't be guessing any more. It will be defined, each one of those steps. If they come back in a year to say they need 80 hours, they can see over time where that time was spent. He is sure many people read this many times to get it to where it is, so at this point, it looks good to him.

Chairman Coutu referred Selectman Maddox to Page 7, four sentences down on the right hand side. "We recognize that this is a new venture for all involved and, as such it would be prudent to monitor and evaluate progress on a regular basis." That's exactly what they are going to do. He agreed that perhaps addressing the Chairman of the Cable Committee and even the future Facilitator that in terms of the timesheet, what Selectman Maddox is requesting, and it's a good idea, that perhaps the timesheet could be kept as is and a separate document could be

handwritten, where if you use Appendix A as guide to see just how many hours per month they are involved in each section and that's going to show an adjustment. It will be difficult and it will never be the same because one month he might be spending more time on teaching and the next month, spending more time on set-up and another month, he may be doing more of the managing of the studio in terms of allocating studio time, overseeing the production of a new show and things of that nature. Most importantly, the subscribers would be most interested in knowing the amount of time that has been involved in the production of a new product and how much new product is being developed here. One of the things of major concern is that the equipment, as it's being loaned out, should be conditional upon providing a product that will be utilized for Hudson Cable Television. The Cable Committee discussed it and decided that's what way they want to go. If they use the product, there will be a contract designed and developed that if they use the equipment, they will develop a product for the town's public access television station. He thanked Chairman O'Keefe and members of the Cable Committee who worked so diligently on this document and addressing the concerns that were raised by the Board of Selectmen. They did an outstanding job and he was proud to serve on the committee. It was all volunteer; no one was paid to do this. They put in a lot of time and effort and he appreciated the work that was done.

Motion by Selectman Jasper to approve the HCTV Operational Plan, dated 2009, as presented by the Cable Utility Committee, seconded by Selectman Massey, carried 5-0.

Selectman Massey said he'd like to propose some clearer language in the contract, second page. Under IV, Term, Early Termination, to read, "The Facilitator contract shall be terminated on the death of the Facilitator or may be terminated if the Facilitator is unable to perform the duties set forth, etc., etc., etc." Selectman Jasper said if the Facilitator is unable to perform his duties set forth in the contract. If he died, he can't perform them. Selectman Massey agreed that was cleaner and less language. (Talking over each other.) Mr. Malizia handed out a document with proposed language from the attorney. He didn't get it until late yesterday. The cover letter talked about the insurance, which they are all aware, when they have a Facilitator working on town property, they are covered by Workers Comp. That issue was covered in a previous discussion by the Board. The Attorney had some minor language concerns relative to the term or the termination of the contract. Bottom line, if the Facilitator should be disabled or die, terminate the contract. It's already stated. The majority of the member agreed that the Attorney's wording would work the best.

Mr. Malizia said from a timesheet perspective, if they give it some thought—and they all remember the legal bill they get that summarizes at the top, with detail further in. It would be very simple to have a summary at the top of the six categories of labor, with the detail behind it. He could set it up in about five minutes to satisfy that requirement, too.

Chairman Coutu referred to the term of the contract, April 15, 2009 through June 30, 2009. In speaking with Attorney Hodes and Mr. O'Keefe, instead of having to renew this again on July 1st, they might want to change the date from June 30, 2009 to June 30, 2010. Selectman Jasper assumed the intent was to sign a contract tonight and it would be with Mr. MacIntosh. The Board is familiar with his work and he would have no problem doing that. If it was with someone they didn't know, based on their most recent experience, he would opt for a short first time contract. His vote is contingent upon who would be filling the position.

Chairman Coutu addressed Mr. MacIntosh who was at the last Cable Committee meeting and he has had an opportunity to review the proposal that the Board just approved. He asked what Mr. MacIntosh's thoughts were relative to the position. Mr. MacIntosh said he'd be more than willing to step in and fill it.

Motion by Selectman Nadeau, seconded by Selectman Jasper, to go forward with the Facilitator's contract (subject to the terms and conditions of the contract) with Jim MacIntosh, from April 15, 2009 through June 30, 2010.

Selectman Jasper said, for the record, this contract is for 65 hours per month, in accordance with the plan that was approved, at \$25 per hour, which is \$2 per hour less than the previous contract. Chairman Coutu said that was at the suggestion of Mr. MacIntosh.

Selectman Maddox referred the Board members to §V, Miscellaneous Provisions, and suggested adding a provision that says, "At the beginning of each subsequent contract, a complete inventory of all HCTV equipment be produced and reported to the Board of Selectmen." They asked for that the last time and they doddled around and never got done, so it should probably be in the Facilitator's contract to make sure they are getting an inventory because they are now getting into serious money, sitting out in various locations and it need to be put under somebody's nose. It slipped by the last time, so he'd like to see the condition corrected.

Mr. O'Keefe said the Board of Selectmen can direct the Facilitator to do any task they want, so he questioned if it should be included in the contract. Mr. Malizia said they could add a §8 and just say an inventory will be performed. Selectman Maddox said he just putting it in the contract so they don't fall down the same rat hole they fell down before. Selectman Massey said it'd be in the contract as an addendum. Selectman Jasper said nothing against the Facilitator, but that's a bit like the fox watching the hen house. The inventory should be completed by the committee. When the person that's being hired is doing it, there's no verification. He didn't care if a camera operator is paid to do that, but there needs to be an independent verification, if the goal is to protect the town.

Chairman Coutu believed he and the Cable Committee Chairman were on the same wavelength, so he recognized him. Mr. O'Keefe said it makes sense to have an accurate and up-to-date inventory. He recommended having the Facilitator do the inventory and then have the Cable Committee review it for accuracy because the committee generally approves all purchases over \$500, so they have records of what was bought and what should be there. Selectman Jasper said as long as someone verifies it. Selectman Massey said what is in this contract that wasn't in the others is a set of measurable deliverables that the Facilitator is responsible for, and the performance of them can be measured, and that's Appendix A, items 1 – 7. Based on what Selectman Maddox said, they should add Item 8 that says, "The Facilitator shall be responsible for maintaining an inventory of all HCTV equipment, and on an annual basis, provide a report to the Cable Utility Committee." They are the ones close to it and it would be up to the committee to always verify the information provided to them. Selectman Jasper didn't believe they needed any amendment. Appendix A, Item 4, says "Provide maintenance, inventory records and upgrade recommendations," so it is already there and the Board can direct that means on an annual basis. Selectman Massey said to add a separate sentence, "Inventory records shall be provided to the...", then decided not to go any further, saying it was fine the way it was. He was satisfied with the language that was in there.

Chairman Coutu said there was a motion on the floor to hire Jim MacIntosh as the Cable Facilitator and asked if there was any further discussion. Selectman Massey said it was subject to the terms and conditions of the Facilitator contract that they are talking about, and that should be part of the motion. The maker of the motion and the seconder agreed to include that.

Vote: Motion carried 5-0.

Motion by Selectman Massey, seconded by Selectman Jasper, for a recess at 9:05 carried 5-0. The meeting reconvened at 9:15 p.m.

8. **NEW BUSINESS**

A. **Budget to Actuals**

Town Administrator Steve Malizia said this was for the period through March 31, 2009. The good news is that they've been notified the town will receive the FEMA money within this fiscal year, so the accounts from which the money was spent during the ice storm will be reimbursed. He didn't have much else to report. Sometimes it's not a linear spending pattern, as been evidenced in the past. For example, Highway spends more in the wintertime. They've also spent the money for the warrant articles, and they don't always get 75%, which is approximately where they'd be if they spent everything in 1/12th increments. There are ebbs and flows, but he didn't see anything that indicated they would be over, although they will be close. They've been level-funding budgets now for the last couple of years and when they do that, they tend to run some pretty close margins. From a revenue perspective, he included a section that shows the trend for motor vehicles, the big non-tax revenue item, and in March, they took in \$345,000 which was about what they did in 2007, but less than 2008. It is difficult to predict what they will get, but April tends to be a pretty good month. It will be close, but probably won't hit the \$4.2 million again.

Selectman Jasper referred to the Rec Department, Supervised Play, 57%--the program starts in June. He was wondering if a lot of people pay up front. Mr. Malizia said yes. Selectman Jasper didn't think this, then, was indicative of the fact the program is in trouble. Mr. Malizia said no, it was not indicative, not to be inferred from this number.

Selectman Massey said on some positive notes, he talked to the Town Clerk and on the revenue side of the report, the property taxes, they've actually collected \$162,000 more than they budgeted for the year, so that's good news. On the motor vehicle permits, they've collected year to date, \$2,856,000. Last year, at the end of March, they collected \$2,860,000 so they're only \$4,000 off between last year and this year. The Town Clerk told him her office is registering more vehicles, but at a lower price. Overall, it looks like they are on target. The other big item, the shared revenue on rooms and meals tax, they are down 28¢ from what they budgeted for the year. For the three large major revenue ticket items, they are in pretty good shape, given the state of the economy.

Selectman Maddox asked the state liaison where he believes the Legislature is heading with the budget, if not this one, the next one. Selectman Jasper said he was going to cover that under his remarks, but last week, they had their budget battle and it was very interesting. First is the school building aid, which affects the school tax rate. The Governor had proposed that there be \$84 million of bonding for the school building aid, which is the annual amount the state pays out to all the school districts. The problem is the state only has an annual bonding ability of \$130 million, so that only left something like \$46 million for bonding of all other capital projects for the state, so the Public Works Committee unanimously threw the \$84 million out of the bonding and additionally, the Treasurer said, "If you continue to do this on an annual basis, in 10 years, your bond payments will be equal to your annual obligation," which is really stupid, but that's the Governor fixing things short term. That went to the House Finance Committee, and they said, "Well, the Governor doesn't want this in his budget," so the House passed a budget without any school building aid. The communities around the state are now on the hook for \$84 million of school building aid. The majority party said, hopefully, the Senate will figure out a way to fix that and fund that \$84 million. Under state law, there is no obligation to actually pay that bonding because it says it's subject to annual appropriation, so who knows what's going to happen. On 'our' side of the fence, under revenue sharing, that is down in the House version by \$50

million for all towns and cities, which is a pretty substantial impact for Hudson, being the 10th largest community. He didn't know the actual dollar numbers, but it's pretty substantial. The minority tried to put through an amendment to pay for that and put the \$50 million back in, and it was defeated. The people of Hudson ought to know that those two combined votes, on both of those votes, the two Representative named Knowles and the Representative named Hardy from Litchfield, all voted not to fund the school building aid or the revenue sharing for this community. All of the other Representatives from District 27 voted to fund that and to make the appropriate cuts to balance the budget. They are a long way from being done. They probably won't have a budget until June 30 or even July 1. At this point, the House's position is not to fund those two items. At this time, it looks like they are taking a hit.

Selectman Maddox asked if the Town Administrator was working with him to crunch the numbers. Selectman Jasper said not at this time. Chairman Coutu asked if they were having a workshop. Selectman Maddox said all he was trying to do... he's not trying to play Chicken Little... he's just trying to be cautious and if the Legislature says the check's not in the mail, they need to be prepared, so he's just trying to keep them apprised. Mr. Malizia said they've already got this year's money. Selectman Maddox said yes, but next year is rapidly approaching. It will come faster than they can believe and just what impacts that might have, so he's glad to see they at least know where it may not be coming from. What he was asking was what those numbers mean to Hudson, hypothetically, if they're saying \$90 million. What does Hudson get this year?

Selectman Jasper said he has a chart at home that he didn't think to bring. Mr. Malizia said Hudson gets approximately \$150 million for shared revenue for rooms and meals tax, another 125 for the business profits tax and another 125 for the business enterprise tax, which are probably classified as shared revenue. In addition, they get about \$400,000 for highway block grant monies, which is sort of a different bucket. Add those all up, you're talking \$1.6 million. If they get zero, that's \$1.6 million different. The numbers are fluid because they're still debating. Selectman Jasper said he couldn't remember the total amount of money that they put into the grants, so he can't begin to do the percentage right now. Mr. Malizia said a simple rule of thumb is that for every \$100,000 it's about 3-3½¢ on the tax rate. If they didn't get \$100,000 worth of revenue, that's 3½¢ they have to make up somewhere in the tax rate through spending cuts or a combination. They could extrapolate from there.

Selectman Jasper said the problem is the budget is set. They can't do spending cuts when they go to DRA. If they don't get the revenue, the tax rate will go up. The only thing they can do is pull more money out of surplus, and they aren't in a position to do that. He suggested people call the Representatives who voted 'no' and tell them they expect the state to fund the obligations, since the town has already budgeted accordingly. It's one thing if the state tells them ahead of time, and that was one of the arguments they made. Everybody has already set their budgets. It's one thing to do it for next year, but a whole different ball game if they are doing it after the budgets are set.

B. Benson's Memorabilia Exhibit, with Arthur Provencher (Taken up earlier, under Nominations & Appointments.)

C. Request by the Police Department to enter an agreement with the State for the DWI Hunter Patrols Project.

Chief Jay Lavoie asked for the Board's support to enter into an agreement with the state for a project called Hudson Statewide DWI Hunter Patrols in the amount of \$2,124 to increase DWI patrols during June 1 through August 31.

Motion by Selectman Jasper, seconded by Selectman Massey, to authorize the Hudson Police Department to enter into the Hudson State DWI Hunter Patrol Project with the State of NH Highway Safety Agency.

Selectman Jasper said they've been doing this program for a number of years and it has shown its worth. Selectman Massey concurred. Chairman Coutu asked if this was a directed patrol with assigned locations. Chief Lavoie said it's directed in the sense that's all they will be doing, but they will move around to various locations. It's not a roadblock.

Vote: Motion carried 5-0.

D. Request by Police Department to apply for the 2009 Recovery Act Justice Assistance Grant (\$58,516)

Chief Lavoie said he was seeking the Board's authorization to apply for this grant, which does not require matching funds, and they cannot supplant with this money. This amount was pre-calculated by the government, based upon their UCI crime reports. They'd like to purchase a couple of things they feel were important. The money can be used for training and equipment and supplies and things of that nature. A number of years ago, they demoed a firearms training simulator. They found what that provided was very valuable; however, they did not have the funds and ability to purchase it. It teaches escalation and de-escalation in use of force training. The other item they'd like to purchase is a DARE/police vehicle. A number of years ago, they had a show truck, which highlighted the Justice Band. Members of the community were kind enough to help outfit that vehicle. They haven't had that vehicle for a number of years now, and they'd like to purchase another one and trick it out to be used by the DARE officer with the elementary school kids. In the past, this vehicle has been well received by the community.

Motion by Selectman Jasper, seconded by Selectman Massey, to approve the application for a grant from the State of New Hampshire Justice Assistance Grant in the amount of \$58,516, carried 5-0.

E. Request to expend Impact Fees for Clement Road

Town Administrator Steve Malizia said the Acting Town Engineer couldn't be here this evening, as he is traveling on personal business, but he was asking the Board to approve using up to \$100,592.71 from account 2050-184 for the purpose of doing work on Clement Road, which would include correcting some of the shoulders, moving trees to improve sight distance, regrading and repaving from Constitution to Route 111 and from Sullivan over to Kimball Hill. There is money in an impact fee account that is available for that purpose.

Selectman Massey said on the request, Item 2, Syntex Microwave, \$8,250, Syntex has not yet built a facility, so that money could not be encumbered because, if between now and 2011, they ask for their money, the town would be required to give it back to them. It would be imprudent to expend that \$8,250. He talked to the Town Engineer today and he talked with the Road Agent and they will be able to do the work without the \$8,250. Chairman Coutu said in that case, the new number would be \$92,342.71.

Motion by Selectman Massey, seconded by Selectman Jasper, to approve the request to make the road improvements on Clement Road, from Constitution Drive to Route 111, for a total of \$54,781.

Selectman Massey said, in talking with the Town Engineer, what they plan on doing from Constitution Drive to 111--and he's mindful of the discussion that occurred at the Planning Board--they are going to widen the road, improve the shoulders and straighten the curve as much as they can. They will grind the pavement down and they will reclaim all of that material. They will compact that with some additional gravel and then lay down a top surface.

Selectman Maddox said he was going to vote against this even though he sits on the Planning Board. When they took this money, it wasn't to repave Clement Road. It was meant to find a way to get that industrial traffic out of that park in a much more organized manner, whether it was going out Wall Street down to Hudson Park Drive, which they've tried over the years and that's not going terribly fast, but they still have time on all of these accounts. He just sees this as augmenting town paving, which is not a bad thing, but it's not accomplishing what the Planning Board was looking for when they first took this money.

Selectman Jasper said that puts him in a bit of a quandary because the Planning Board voted to do it. His understanding of offsite impact was to improve the road system adjacent to the project. If this was just an overlay or the traditional grinding, he would agree, but this seems to be much more than that. It will help traffic going in, and going out, heading west. Given the fact it has been approved by the rest of the Board, and this is a public action and if any of the people who objected wished to file an objection, they have the opportunity because this won't happen tomorrow. If they come in and give evidence that this was not the intent, he might reconsider. He asked if this was going to be done in-house. Mr. Malizia said Brox for the paving piece, working with Kevin's crew. Selectman Jasper asked what the timeline was to start this. Mr. Malizia said they'd like to accomplish this with this year's paving price, before the end of the fiscal year. Selectman Jasper said he'd like to make sure it doesn't start until the next meeting, in case there are any objections, or in case somebody wants to come in, there's an opportunity for that to happen. He didn't think it would happen in the next two weeks. Mr. Malizia cautioned not to say that because Kevin was pretty quick. The Board could include that in the motion, to wait until the 28th to commence the work.

Selectman Massey said, to the point Selectmen Jasper made, the Planning Board made this recommendation last week, and it has been on the Selectmen's agenda, so people certainly would have had an opportunity to come before them. If Kevin can do the work, they shouldn't wait because that road needs to be fixed. To the other issue, when the Planning Board debated this issue, he thought that Selectmen Maddox, representing the Board of Selectmen, was on the right track. What cause him over the last week to rethink spending the money on engineered drawings was that they don't have the money to do the work that a full engineered drawing might say they needed to do, so they would spend the money and then put the work on the shelf, waiting for some point down the road to find the money through a warrant article and he is told by the Town Engineer that what they're doing can last for up to 10 years, so he'd rather take some action towards improving that road than none at all and because they are widening it, doing some sub-surface compacting and straightening the curb out to some extent, at least they're going to get something. He's not clear they'd have something ready by the 2011 deadline before some of these monies would lapse.

Selectman Jasper said he agreed with that line of thinking and was reminded of two things. One, they just had an intersection down at the end of Library Street engineered and this Board had to, essentially, re-engineer it because the engineer didn't do a very good job. The other was one of his very first things involving a roadway project back in 1984. He can remember standing on the edge of Lowell Road with the Fire Chief, Road Agent and Town Engineer. It was a two lane road and it was a mess. The Town Engineer said they had to engineer it, they had to send this job out because they couldn't do it. The Road Agent said he could do this with his crew. The Fire Chief said they had to get the road done because it was a disaster, so they did it. While that road is in need of some repavement now, he's not sure it has even been repaved since 1984. That held up and accomplished its goal very well, having a Road Agent who understands construction and what needs to be done to make a road work and hold up. He will put his faith in the Road Agent over the need to engineer a simple project like that. Selectman Maddox said it wasn't to re-engineer Clement Road. It was to re-engineer a method by which they took traffic from the industrial park and that whole area to get it out safely on to Route 111.

Selectman Jasper asked if this was something different from the normal off-site impacts, adding that when he had to pay his impacts, was for corridor improvements. He asked if this was for a specific... Selectman Maddox said yes, sir.

Motion by Selectman Jasper, seconded by Selectman Massey, to defer this to get the actual minutes from the Planning Board meetings when the votes were taken so they can see what the actual verbiage was.

Selectman Maddox said that was the intent. It wasn't off-site for impact fees, per se, for the corridors. It was to find a way to safely get the traffic from whatever was going in that industrial park to 111 in a safe manner, whether it be a traffic... whatever it may have been, not simply engineering the roadway. Number two, if this was to pass, he would ask, and he already asked the Road Agent and he doesn't have a problem with this, having a sign through the Safety Committee to allow no vehicle greater than 13,000 GVW to go from Constitution, up. Once they pave this and even though they are widening it, people are going to go faster on that roadway. So, if they can keep big trucks off of it, for the most part, going one way, it will make it, hopefully, safer, as well as better paved, but he really thinks Selectman Jasper is right, that they need to go back and take a look. The intent of the Planning Board was to look at avenues to safely get that traffic out of this industrial park, out to 111.

Selectman Jasper assumed the Assistant Town Administrator would provide them with whatever background he can on the specific site plans and monies that were taken. Chairman Coutu said he was going to support the motion to defer. He read some document this week that addressed Selectman Maddox's concern, and that was to improve the traffic flow. What's being proposed tonight was not the intent of the money. He, too, was prepared to vote against the motion. He supports the motion to defer in order to get more information.

Vote: Motion to defer carried 5-0.

Motion by Selectman Massey, seconded by Selectman Maddox, to authorize spending funds in the Clement Road off-site improvements account, 2050-184, in the amount of \$37,500 for the Kimball Heights II off-site improvements, which would be to work from Sullivan Road to the intersection of Kimball Hill Road, and the town will match the \$37,500, carried 5-0.

F. Request by the Library Board of Trustees to release the Library Impact Fees in the amount of \$24,736 to be used for Furnishings for the new Rodgers Memorial Library.

Trustee Chairman Connie Owen said this request was approved unanimously by the Planning Board on 3/25/09.

Motion by Selectman Massey, seconded by Selectman Jasper, to authorize the release of impact fees in the amount of \$24,736 from the Library impact fee fund and transmit it to the Library Trustees, carried 5-0.

Selectman Massey said on a related note, apologizing for not having done this earlier, but last fall or spring, he made the motion to require the Library Trustees to pay the water and sewer hookup fees and the corridor and impact fees. While the Board of Selectmen has the power to exact sewer and water fees, they do not have the power to impose the payment of impact fees. Selectman Maddox said the Planning Board didn't assess any impact fees, so it's a moot point. Selectman Massey said he knew, but thought it was important to document the fact they didn't have the authority to make that motion. Selectman Maddox said they still have to pay what the Planning Board assessed, which was zero. In all fairness, it is a moot point, but it's covering somebody's butt. Selectman Massey said this vote will make him happy because it has bothered him all along that he did something he didn't have the power to do.

Motion by Selectman Massey, seconded by Selectman Jasper, to rescind the vote that the Board made to require the Library Trustees to pay the impact fees, carried 5-0.

G. Request by the Hudson Lions Club to hold the Alvirne HS Scholarship Dinner on June 8 at the Community Center, and to waive the cost for the use of the hall

Motion by Selectman Maddox to approve the request, seconded by Selectman Massey, carried 5-0.

H. VFW Post 5791 Loyalty Day Award Nominations

Town Administrator Steve Malizia said the VFW has requested the name of an employee to receive the Loyalty Day Award. The VFW also requests names from Police and Fire. He solicited input from the department heads and received two responses, one from the Water Utility, Jennifer Riel, and Susan Kaempf, who works in the Recreation Department. He also included a list of the recipients from the town side.

Selectman Nadeau put forth the name of Jennifer Riel for the award, seconded by Selectman Massey. Selectman Nadeau said Jennifer goes above and beyond. He has seen her in action when he visits that department and he'd like her name to go forward for a job well done and for all the extra things she does. She is also very kind and compassionate to the water users who come in to talk to her and he'd like to see Jennifer receive this award. Selectman Massey said both individuals merit recognition, but on the basis of everything he knows about the Water Utility over the last five years, the addition of Ms. Riel to the department has made a tremendous in the account

receivables. She has gone after those accounts very diligently and several hundred thousand dollars have been recovered that were sitting there, languishing. She has done a good job in creating and helping to work on the policies and procedures manual. On balance, for this year, he would support Ms. Riel.

Selectman Jasper said he didn't know either of the individuals, but in looking at the write-ups, he would nominate Susan Kaempf. In looking at the off-duty time that she has volunteered, she does or has done seven different things on a regular basis. He has no doubt that both employees are deserving, based on what's before them. It also makes it a bit difficult because he didn't know what the award requirement was, but it appears that Ms. Kaempf goes above and beyond, based on the Recreation Director's letter, so that would be appropriate.

Selectman Massey asked if the Board could nominate both individuals. Mr. Malizia didn't want to assume they want more than one name. They've had multiple names in the past, and the Board has chosen one employee.

Vote: Selectman Jasper voted for Susan Kaempf. Selectmen Nadeau, Coutu, Massey & Maddox voted for Ms. Riel. Jennifer Rile was declared the nominee.

I. Legal Services

Town Administrator Steve Malizia said it's the policy of the Board of Selectmen that the legal services will be reviewed at the first Board meeting in April. This year, they will be coming off a two-year contract with Hage Hodes. This firm has represented the town for the past six or seven years and has provided excellent service. However, the Board does have the option of going out to bid.

Motion by Selectman Maddox, seconded by Selectman Massey, to enter into a contract for legal services with the law firm of Hage Hodes PA for the period July 1, 2009 through June 30, 2011 for the terms as specified in the Contract of Employment dated April 2, 2009.

Selectman Maddox said it concerned him that there was a 9.5% increase in part of it, but it's on the hourly rate over two years. Maybe he is burned from the auditor contract, but they have represented the town well. He asked that the town not fall under the 26 hours of the retainage. One or two months it didn't, so they want to get in at least their 26 hours. As long as they are doing that and expending the monies prudently... the legal budget has gone down dramatically since he became a Selectman, partly because they are doing a better job of setup and they've done a good job of guiding. They have the expertise to cover the town well. To go outside would be counterproductive. Mr. Malizia said when the town switched firms in 00-01, the bill doubled. They never want to get into that trap again.

Selectman Massey agreed that the town has been well served by this law firm. They got some very critical cases on the docket right now. They've had some very good service from them on planning and zoning issues. On the basis of the fact that they know and understand the town, and know the ordinances forward and backward, as well as the zoning ordinance and site plan regulations. It's prudent to continue the contract. This is a two-year contract, but he expected there is a drop-out clause after the first year and asked if that was correct. He didn't think they can't commit to a future contract. Mr. Malizia supposed so, if they didn't have an appropriation, but they will probably always have a legal appropriation and they've entered into two year contracts every time they've done this, so he's not aware that it's the same as a lease-purchase. He supposed if they didn't want the service any longer, they could drop out.

Vote: Motion carried 5-0.

J. Request to Post for the Position of Executive Assistant to the Board of Selectmen

Town Administrator said as most everyone was aware, the Executive Assistant will be retiring by the end of June and he was seeking permission to post the position internally because there may be two or three candidates that merit consideration. He would devise a test for the applicants and conduct the interviews--this person takes minutes and does a lot of memos, letters and correspondence—and then at some point in time, if they have candidates that are worthy, he will bring them to the Board to interview. This is an important position for the functioning of the Office of the Board of Selectmen. Things run smoothly because they have a good team; this person is leaving big shoes to fill. It's an important position and like a duck swimming around, you don't see how fast its feet is moving under the water, but they are paddling pretty hard. If there is no one internally that he feels is qualified, he'll come back to the Board for authorization to go outside. Chairman Coutu asked who accepted her resignation because he didn't. Selectman Jasper said if they don't, she will just walk out the door.

Motion by Selectman Jasper to approve the posting internally, seconded by Selectman Nadeau.

Selectman Maddox thought they should go outside at the same time. There is a lot of good people in Hudson that could do this job. If it's not contractual, he didn't understand why they wouldn't go out. Selectman Jasper said there is a very good reason why you wouldn't for this position. Having someone in the Selectmen's Office that is familiar with the town's operation is very important. It can be done, obviously, by somebody who isn't currently working for the town, but to have somebody who knows the operation and the flow of information will be most helpful to the citizens. If they hire somebody internally, that creates a vacancy. Eventually you get down the chain of command and you

have to bring a new body in. It's not like they are denying the people of Hudson a job because a job will become available in all likelihood someplace, but it makes the most sense to have somebody who knows what's going on in town. If that happens to be filled by the person who is in the position whose job was eliminated, that's not necessarily a bad thing because it's one less person on the unemployment rolls. This is the right thing to do.

Selectman Maddox said they didn't hire from within for the Assistant Town Administrator. They went out so they could broaden their scope. He is hard pressed to say they are going to stay internal. Mr. Malizia said they've had the opportunity to observe folks in their everyday working here and there are two or three folks who have the sufficient temperament and bearing for that office, which they've come to expect from the professional they have. He didn't doubt that there are people outside who are qualified, but they're looking for someone specific, for a professional, someone with a certain temperament and bearing dealing with the public, dealing with the Board and all of the other boards, and most importantly, this is a confidential and sensitive position. It does require a certain temperament. Folks who have shown and proven their merit in their ability to deal with the public in this environment might have a leg up, at least at the first part of the process. There are some candidates internally that are worth taking a look at. He's not denying there might be other good candidates out there, but they are dealing with a sensitive position. Knowing the territory up front certainly will help the learning curve. The current Executive Assistant has been here 20 years. That's a long time and a lot of knowledge that's going to have to be replaced. With the snap of their fingers, people can get information. At various points in time, probably all of the Selectmen have asked for something that was retrieved or provided that made their jobs easier. There are folks with the temperament and loyalty to the town that understand the workings of the town and the importance of it. They could go outside, but it would be a longer process to weed through. If they could do it sooner rather than later, it would be nice to have some hands on training because of the sensitivity of the position. He's can't show someone how to transcribe minutes because he has no experience in doing that. It would be good to be able to orientate the person in the proper way to do things because in the Administrative Office, there is a right way to do things. That's why he believes it is important to start internally. They could have the greatest people in the world 'out there,' but there is a pretty good learning curve and if you're here, you already have some idea of what's going on.

Chairman Coutu said he was very concerned about who was going to fill this position since he's had the opportunity to work with the present Executive Assistant, and it has been a pleasure and a friendship has developed because of it. He was concerned that someone hasn't been pre-selected for the position, but was assured by the Town Administrator that the process by which he is going to undertake is going to include some testing and an interview. This person will not only be working for the Town Administrator, but for the Selectmen. If need be, they would bring in all of the candidates who applied, and who qualified by virtue of passing the test. The Town Administrator may want to make a recommendation, or may want the Board to interview all of the applicants and leave the selection up to the Board. He is satisfied with that process that they may find someone internal. He was concerned, too, that they have someone who is knowledgeable about the government, and somebody who by virtue of their having been in the building, they have a better feel for the temperament and character of the persons that may apply for the position. Initially, they should stay internal and see where it goes. One of the better arguments was presented by Selectman Jasper--if they hire internally, another position may result.

Selectman Massey opposed the motion, agreeing with Selectman Maddox. They went outside for the Assistant Town Administrator and that position is no less sensitive than this position. Selectman Jasper said the Town Administrator brought up the fact that this was a sensitive position, but that's not a consideration to him at all. It's a little unfortunate to try to compare the Assistant Town Administrator and that skill set to the skill set of an Administrative Assistant because they weren't the same at all. All of the other people in town have a specific skill set for which they've been hired. Yes, one person did apply internally for the Assistant Town Administrator's position, but had they said they wanted to do this internally, none of them would have agreed to that because they knew the pool of applicants was going to be very limited and, in fact, based on the hiring procedure, did not possess the skill set that they were looking for. That individual has another very good set of skills, but not what they were looking for in an Assistant Town Administrator. The Town Administrator has already identified that they have more than one applicant internally who he believes possesses the skills they are looking for in this position. If he said there was just one person who may fit this, he would not be supporting the motion. Part of what they need to do in any organization is provide some feeling of self worth to the employees, make them feel that they are appreciated and wanted and that when they know there is a possibility for advancement, that is something they can look forward to. Probably in some of the contracts there may be a stipulation that internal posting takes place automatically. This doesn't happen to be one of them, but it's not out of the ordinary. It's the right thing to do. But it's not fair at all to compare the person who is essentially second in command for the entire town--and not to take anything away from what Priscilla does, because she provides a valuable service--but she is not making the decisions that they expect administrators to make.

Vote: Motion carried 3-2. Selectman Massey and Maddox voted in opposition.

Motion by Selectman Massey, seconded by Selectman Jasper, to approve the new job description for the Executive Assistant to the Town Administrator, dated April 14, 2009, carried 5-0.

K. Liaison Assignments

Chairman Coutu asked if anyone had any objections to any of the assignments that he made. (No response.)

Motion by Selectman Massey, seconded by Selectman Nadeau, to appoint Shawn Jasper as the Board of Selectmen's representative to the Budget Committee and Selectman Coutu as the alternate, carried 5-0.

Selectman Jasper said his grandfather was first elected to the Budget Committee in 1939, so it's an honor to be on the same committee that he was first elected to 70 years ago.

Motion by Selectman Massey, seconded by Selectman Jasper, to approve the liaison assignments as put forth in Chairman Coutu's memo of April 14, 2009 carried 5-0.

9. OTHER BUSINESS/REMARKS BY THE SELECTMEN

Selectman Nadeau said the street sweeper is on its first pass through the town and should be finished in the next two weeks. It will make a second pass to clean up any leftover sand.

Selectman Maddox said Steve Williams has resigned as Executive Director of NRPC, taking a job in Virginia. He will be there tomorrow night for their meeting. He thought the Chairman should write him a letter, thanking him for his service at NRPC. They do a lot of behind-the-scenes stuff for the town. Sometimes they are too planner-weenie, but can support the town in things such as traffic counts and working with the DOT. Steve has done a good job of guiding that organization for the last seven years, since he took over from Andrew Singelakis. Mr. Malizia said it was five years ago because he attended the farewell gathering. Selectman Maddox said they don't stay long. They go off to bigger and better places.

Selectman Jasper believed 1939 was the first year they had a Budget Committee in Hudson. In 1950, the whole Budget Committee resigned after the School District meeting and Town meeting ignored their recommendations.

► Benson's Security. He saw that the doors were secured and wondered if they found out anything about that. Mr. Malizia said they are still trying to find out why it did what it did. They've re-secured it, but are still working on it.

► Paving Needs. Something to think about as things are still continuing to look pretty good this fiscal year. He continues to be very concerned about the amount of money that they ended up being able to allocate for their roads this year. Robinson Road, going uphill from the Speedway, is literally falling apart. Highland Street is in pretty rough shape. If they are fairly comfortable by the end of the year, they need to consider putting some money into the roads so they don't fall further behind. They should be putting in \$1 million a year, where the finally number ended up being only \$250,000 this year. If they don't, they will be facing some real problems down the road.

► Kindergarten. It's not really their fight, but it is. He is very concerned about what has happened on the School Board side with just walking away from the kindergarten suit after what happened. Representative Christiansen has fined suit on "When does No mean No?" In the magazine from the Municipal Association a couple of months ago, there was a question about that and the answer was they didn't know because it's never been litigated. It's a very important question, literally, the million dollar question in Hudson. The voters said no. There was a warrant article to allocate \$1.2 million for kindergarten, but the voters said no. The School Board said the state wasn't supplying it with enough money to do that. He wondered if it was worth being an intervenor on the question of when does no mean no, not so much the kindergarten issue, because that's the question that Lars is asking. Should they have the attorneys look at that, and is it worth it for the taxpayers to intervene to give their opinion. His personal opinion is no does mean no. The voters said no; the state said yes, but didn't provide the money. They don't need to do anything now, but it's interesting to perhaps ponder because he's been pondering it for awhile. He's not asking anyone to opine at this moment.

Selectman Maddox thought that would be a question for the municipal association because it doesn't affect just Hudson; it's all the communities and they have much deeper pockets for legal expenses. If no doesn't mean no, why can't they do other things that the voters said no to? He agreed with the question, but thought the municipal association was the way to go. Selectman Jasper didn't know, but thought they'd tend not to get involved because they certainly didn't opine on that one.

Selectman Massey believed the School Committee made the right decision because the judge's ruling essentially said they did not make the case that they were going to be forced to spend money; they did not make the case that they did not have room and, in fact, their basic proposal is going to be to take rooms out of each of the three buildings, so he believed the judge was correct. If they didn't make the case in their petition that they had no room, that they are not going to prevail when they go to the next level. They made the right decision not to pursue the case any further.

Selectman Jasper said that wasn't his point because he doesn't really disagree on that basis. He hoped that if they go forward and prove that the money that was allocated to the town of Hudson was not sufficient, that they would renew their suit and say OK, here's what we've done and here's what it cost. His point was the voters simply said no, and other cases and other opinions that have come down say you can't spend money unless the voters approve it and it really didn't matter whose money it was. There was some debate about something being turned down and because the voters said no to a bond, but not to a library, there was a majority vote in favor of building a library, but not the 60%, so if they had a majority vote against building a library, the question would have been could they have accepted the money from the Rodgers Brothers, even though it wasn't town money. The answer they got back was the DRA had said there was a ruling that said if the voters turn down the expenditure of money, they could not expend money for the same purpose, even if it was gifted. The difference here was it being a bond and the majority was in favor. That's where he's coming from, based on that. Why is this different? Can the state

just come in and say well, tough luck if we want you to do something. That was the point in the municipal magazine and that's where Lars had an interesting point. It would be interesting to ask for a legal opinion to take a look at his filing and give a reading on what they think.

Chairman Coutu said Selectman Jasper has given them some food for thought. They should take that home and ponder it. When does no mean no? At what point can they say they don't care what the voters said, they're going to spend the money anyway. If this is allowed to go through on that premise, it pretty much opens a Pandora's Box for all the communities. They won't care what the voters say; they'll spend it if they want to and don't have to spend it if they don't want to.

Selectman Massey said Volunteer Appreciation Week is the week of May 2. There will be a "make your own sundae" ice cream social for all town volunteers on May 7 at 7:00 p.m. at the Community Center. He appreciated all liaisons mentioning that to all their boards, commissions and committees. He will be sending a follow-up e-mail to have them gather the number of people who are coming, plus guests, and send it to him and then he will collate the entire amount.

Selectman Jasper said Selectman Massey had sent out an e-mail, asking if there was anyone else they should invite. He asked if they should invite the State Representatives. It may be a good opportunity to get to mingle with some of the people from the committees. The consensus of the Board was that it was a good idea. Selectman Massey said on the basis of he who proposes, disposes and asked if Selectman Jasper would get him the head count from the Representatives from Hudson--- their names and if they plan to bring a guest. Selectman Jasper said he'd take care of that.

► Selectman Massey asked where they were relative to documenting the conditions at Benson's. Mr. Malizia said he spoke to Betsy Hahn and Lisa Sasser today and they are going to be preparing a proposal, which he should have shortly. He has been authorized to enter into an agreement with them and he expects to have something by early May.

► He asked what the status was on the funds for Benson's that potentially have an expiration date of June 30. Mr. Malizia said he put a memo in his box. They got a ruling last year that said they could carry it over one more time, and that was last year, so the money they appropriated six years ago runs out this year. Selectman Massey said if they want to expend the money, they need to encumber it this year. Mr. Malizia said it must be spent; they cannot encumber it again. Selectman Massey said the money should be used on the documentation project and for the memorabilia exhibit. Mr. Malizia thought he was referring to getting the roofs done. Selectman Massey said they should try to get as much work done as they can that they know has to be done with, he believed, \$74,000.

Selectman Jasper said there were a couple of things. The old part of the little red barn was perfectly good, but they can spend the money to demo the rest of it. Part of it hasn't collapsed, but there's no sense in having any of it there. He recommended keeping the cage that is on the old part. They can roof that building, as well, because that roof is well over 20 years old. Look at the building that was the pizza building and see if that can be economically salvaged or torn down. Those are things they can do with that money relatively quickly because it can be either repaired by then or torn down by then. They could spend the \$74,000 by doing those projects. Mr. Malizia said he didn't even know where the pizza building was. Selectman Jasper said it's down past the gorilla cage. Selectman Nadeau said it's the A-frame. Selectman Jasper said part of it was good and part not so good. He didn't know if it was salvageable, but they always talked about that as being a place to have a vendor because it was near the amphitheater and not too far from the pond.

Mr. Malizia cautioned doing anything in haste and said if the money did lapse, they could always re-appropriate it out of surplus. Selectman Jasper said that's why he was saying tearing down that one part of the lions' cage or elephant house is a no-brainer; it has just collapsed. The main building is fine and is appropriate to use, if nothing else, equipment storage for maintenance on there, and then the roofs. Certainly, half of the roof on the Haselton Barn has got to be done. Selectman Massey said since that's one of the three buildings they are required to (not discernable), that's the one they should first... Selectman Jasper said that Haselton roof has got to be done. The other half is OK; they could probably do the whole thing, but he always does his roofs half at a time because he's a cheap Yankee. If one side is good, he doesn't replace it.

Chairman Coutu asked if they were talking fiscal year and not calendar year. Mr. Malizia said yes, fiscal year, by June 30. Chairman Coutu found it difficult that they can get this out to bid and done by June 30. Selectman Jasper said the roofs, they could. Get going on the roofs right away. Mr. Malizia said it appears in the Historic Structures Report, at least for the office building and train depot, it specifies materials. The train depot says slate, and that is expensive, but if they want to go forward, they can do that. If they slate that building, how difficult will it be to move it afterwards? Selectman Jasper said the problem with the train station is the fact that that's covered with grant monies, so that may not help the situation. They're looking more at the office building and half of Haselton, and that will eat up most of the money. They might just want to do the whole thing all at once. Have someone look at the other half. One half is gone, but the other half looks good from 20' down.

Selectman Maddox thought they were getting ahead of themselves. If a building isn't structurally sound, putting a brand new roof on it doesn't seem to make any sense. The state jacked up the roof with timbers and whatever. Once they start taking things apart, they don't know what they are going to get into. Selectman Jasper said that roof has got plywood. When Arthur roofed it last time, he put plywood over the whole roof, so you're not going down on to the original... whether he put ¼", ½" or ¾" he didn't know, but it's plywood on the Haselton Barn underneath the shingle. Selectman Massey said they can't solve this tonight, but the first order of priorities should be the barn and the office building.

Chairman Coutu said they need to put a proposal together and get it out to bid. They need to ascertain what material can be used, if it's other than slate. (Talking over each other.) Selectman Jasper said if they do the whole thing, the office building, see where they go from there. The elephant barn, the old part of it, that's not a lot of money, but what he's saying is here's the things you can do quickly, demolition work.

► Selectman Massey said the Town Administrator was his straight person because he said Selectman Massey didn't like to act in haste. As they all know, he (Selectman Massey) has often said, "You act in haste, you repent in leisure." He was please to see the Executive Assistant's one-liner on the agenda, "Whatever is produced in haste, goes hastily to waste."

Selectman Coutu said he mentioned last week that the Governor's Office had suggested that there may be some funding sources. He received a letter from Bill Watson, the Community Assistance Administrator from the DOT. In light of the fact the town has a Master Plan, there are two possible funding sources. They are going to have a new round of transportation enhancement projects this summer. There could be funds available for bicycle and pedestrian walkways and they might be eligible for those funds. He gave a contact number through the NRPC, who would help the town put the proposal together for that. Another possible funding source would be the Recreational Trails program, which is administered by the Department of Resource and Economic Development Trails Bureau and they have funds available for both motorized and non-motorized recreation. They also provided a contact number and person. He gave that to the Town Administrator and asked him to put a copy in Selectman Maddox's box for NRPC. He hoped Selectman Maddox would act as the Board's representative to see what NRPC could do, adding that he might want to bring along a copy of the Master Plan, which has the areas where they want the trails delineated. There has been some mention of the southern-most portion of the property for trails.

Recreation Department Hirings

Selectman Jasper didn't think it was necessary to go into non-public for the hiring of the summer Rec staff. The Board didn't have any objections to doing it in open session. Recreation Director Dave Yates was recognized. Chairman Coutu said he had a general question that was asked of him by several people. Year after year, Mr. Yates submits names for hiring in various positions and people were wondering why the positions weren't advertised. Why aren't these jobs made available to all of the youth in town, or is it always the same people that get them, year after year? Mr. Yates said in the past they have always advertised, but this year, he was so overwhelmed with applications just by word of mouth or through the schools that he didn't have to advertise this year. They weren't able to hire everybody that applied.

Chairman Coutu realized that, but people want to know why their children don't have equitable access to the application process. Mr. Yates said there were so many applicants, he didn't have to advertise. Applications kept rolling in, all without advertising. This is the very first year they haven't advertised. Every other year it was on the web site, in the HLN and on cable TV. Selectman Jasper said the Board always rehires the staff that apply, so the only advertising is for those in training. The other people are already with the town, and that makes sense. People know the program is there and that gets around.

Chairman Coutu said someone asked if it was true they are not going to have a lifeguard at Robinson Pond this year. Mr. Yates said they've never had a lifeguard at Robinson Pond in his 11 years. One of the counselors is a lifeguard and when the summer camp kids to Robinson Pond on Fridays, that lifeguard is on duty. Mr. Malizia said the town eliminated that many years ago.

► Motion by Selectman Jasper, seconded by Selectman Massey, to hire the 2009 Summer Counselors in Training, effective June 1, 2009 @ \$7.00 per hour, Brandon Doyle, Colin McGrail, Caitlin Sullivan and Ashley Tomaswick and as substitutes, Rebecca Burns, Courtney Clark and Jared McCauley, as recommended by the Recreation Director, carried 5-0.

► Motion by Selectman Jasper, seconded by Selectman Massey, to hire the 2009 Tennis Instructors, effective June 1, 2009— Lisa Terwilliger @ \$13.00 per hour and Kayla Belanger and Britney Allison @ \$10.50 per hour, as recommended by the Recreation Director, carried 5-0.

► Motion by Selectman Jasper, seconded by Selectman Massey, to hire substitute Counselors/Robinson Pond attendants for the 2009 summer program, effective May 23, 2009: as Counselor I @ \$8.75 per hour, Kathleen Foley, Chevon Gora, Mollie Hein, Amanda O'Donaghue, Briana Parisi and Zachary Spaulding; as Counselor II's @ \$9.25 per hour, Ernest Gifford, Meghan Kostro and Briana Terrill; and as Counselor III's @ \$9.75 per hour, Kaitlin Lequerre and Thomas Tollefson, as recommended by the Recreation Director, carried 5-0.

10. NONPUBLIC SESSION

Motion by Selectman Jasper, seconded by Selectman Nadeau, to enter Nonpublic Session under 91-A:3 II (d) Consideration of the acquisition, sale, or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community; (e) Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed against the public body or any subdivision thereof, or against any member thereof because of his or her membership in such public body, until the claim or litigation has been fully adjudicated or otherwise settled. Any application filed for tax abatement, pursuant to law, with any body or board shall not constitute a threatened or filed litigation against any public body for the purposes of this subparagraph carried 5-0 by roll call vote.

► Motion by Selectman Jasper, seconded by Selectman Massey, to seal the nonpublic session minutes carried 5-0.

11. ADJOURNMENT

Motion to adjourn at 11:15 p.m. by Selectman Massey, seconded by Selectman Jasper, carried 5-0.

Recorded by HGTV and transcribed by Priscilla Boisvert, Executive Assistant.

HUDSON BOARD OF SELECTMEN

Roger E. Coutu, Chairman

Kenneth J. Massey, Vice-Chairman

Shawn N. Jasper, Selectman

Richard J. Maddox, Vice-Chairman

Benjamin J. Nadeau, Chairman