

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

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**, led by Gerard Jodoin.
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; Jason Lavoie, Chief of Police; Captain Bill Avery; Sgt. Dionne; Master Patrol Officer Hoebeke; Officer Lichinsky; Gary Webster, Acting Town Engineer; Shawn Murray, Fire Chief; Library Trustees Connie Owen and Linda Kipnes; Benson's Committee members Jerry Desrosiers and Pat Nichols; John Cashell, Town Planner; Bill Oleksak, Building Inspector; Community Development Administrative Staff Deb Winter, Susan Fiorenza and Julie Kennedy; Gerard Jodoin; several unidentified persons; Gina Voutour, HLN; WMUR Channel 9 Reporter Aaron Kellogg and Cameraman Jonathan Galed.

4. **PUBLIC INPUT**

Chairman Coutu asked everyone to rise for a moment of silence for Jimmy Rice, who passed away over the weekend.

Chairman Coutu recognized Chief of Police Jason Lavoie, who said there was an incident in town on June 30 that caused great concern. A resident, fortunately, involved himself and by taking some action. The Police Department has a policy on awards and commendations and, within that, is a Citizen's Award which is given for those people who go above and beyond what someone would do in a given situation. The department felt that the information provided by Gerard Jodoin made him eligible for this award. He read the following certificate into the record:

On June 30, 2009, at approximately 2:15 p.m., Mr. Gerard Jodoin reported observing a male operator of a red Jeep Cherokee trying to lure a young boy into his vehicle. Mr. Jodoin was concerned for the well being of the boy, but as he was turning his vehicle around, the Jeep Cherokee fled the area at a high rate of speed, and the boy had disappeared. Mr. Jodoin attempted to chase the Jeep Cherokee. He could not see the boy inside the vehicle, however, he was able to get the plate number and notified the Hudson Police Department. With the license plate number, the Police Department quickly learned that the owner of the Jeep Cherokee was a registered sex offender in the City of Manchester, NH. Hudson Police Communications sent out an all points bulletin for the Jeep and contacted area police departments. The suspect was located a short time later and was arrested on probation and patrol violations, due to his contact with the Hudson youth. At 4:25 p.m., the Hudson Police Department located the youth, who was safely home with his parents. During the investigation, Manchester Police learned that the suspect has had contact with a young boy in the City of Manchester, as well. Thankfully, this youth had not fallen victim to the suspect. If it were not for the quick response and actions of Mr. Gerard Jodoin, there is no doubt the Hudson and Manchester youths may have become victims to this child predator. On behalf of the citizens of Hudson, the Board of Selectmen and the Hudson Police Department, with deepest appreciation for your actions, we proudly present the Hudson Police Department's Civilian Service Award to Mr. Gerard Jodoin.

Chairman Coutu said he and his wife were out to dinner on the evening of this event and he wanted to applaud Mr. Jodoin for what he has done, as well as the Chief of Police and the Police Department. He and the Chief shared a primary concern, which was finding the youth, who could have been in danger at that time. The Chief assured him that all of the steps had been taken to assure there was plenty of manpower in the field, doing everything they could, going door to door, reverse phone calls were being made to the neighborhood to provide the safety that was necessary in that situation. On behalf of the Board of Selectmen and citizens of Hudson, he thanked the Chief. He is more comforted each day when he sees actions of this sort taking place. Hudson has one of the finest—if not *the* finest police department in the State of New Hampshire. He then recognized Mr. Jodoin and read the following Certificate of Recognition into the record:

This Certificate of Recognition is awarded to Gerard Jodoin for assisting the Hudson Police Department in a possible child abduction incident. Because Mr. Jodoin was able to get the license plate number of the vehicle, the driver, who is a registered sex offender in Manchester, New Hampshire, was located and arrested. Mr. Jodoin's quick response to what he had witnessed undoubtedly saved other children from this sexual predator.

In presenting the certificate to Mr. Jodoin, Chairman Coutu said it was with heartfelt appreciation for what he did. He hoped more citizens will show the same courage and follow Mr. Jodoin's example by helping to make Hudson a safer community.

Chairman Coutu asked if anyone in the audience wished to address the Board on any subject at this time.

Jeanine LeBlanc, 35 Sullivan Road said she tried to condense everything she has been going through for 16 months since she started a process with the town, but it turned out to be eight pages. Rather than reading it, she made copies for everyone, which includes exhibits and attachments. It was up to the Board as to what they wanted to do.

Selectman Maddox said, in fairness, this should be an agenda item for the next meeting. It would be difficult for the Board to try to read the information while Ms. LeBlanc was speaking. Ms. LeBlanc said whatever the Board wanted to do; there was quite a bit of information. Selectman Maddox said that's why he thought it should be an item on the next agenda. Selectman Massey

concurred with Selectman Maddox, adding that Ms. LeBlanc might want to make a summary statement tonight so everyone in the audience wasn't wondering what this is all about. Ms. LeBlanc said the summary was eight pages; if she told them the whole thing, it would be a book. She tried to make it as small as possible. It has to do with zoning violations, town procedure, town records, driveway issues, Planning Board issues, procedures, etc. It goes into a lot of detail. Selectman Massey said that was a good summary.

Chairman Coutu said some of them were privy to emails, which was, basically, what was in that packet. He said this would be scheduled as an agenda item for July 28, if that was acceptable to Ms. LeBlanc. She replied that since it has been 16 months, a couple more weeks won't kill her. She believed that date was OK with her. Selectman Massey said if she finds that the 28th is not open, the next meeting would be August 11. She should notify the Town Administrator as to what date works best for her.

Selectman Jasper said there was a number of town staff present this evening because of this item. He was reticent to get into a he-said-she-said back and forth at the next meeting, yet staff has to be represented. He thought the packet that Ms. LeBlanc gave to the Board should go to staff, as well, and it may be appropriate for them to respond to this in writing to the Board prior to the meeting so the Board can see both sides. He didn't think they'd be able to solve much of what was in there from what he's seen. Ms. LeBlanc's charges against the behavior and/or conduct of staff and members of various public bodies is not something the Board normally gets into in this manner. It could set a fairly bad precedent if they start making an agenda item out of every complaint, yet they do need to deal with it. They have the packet, so it may be more appropriate just to have Ms. LeBlanc's complaints responded to in writing and the Board will review it and the response to determine if any further action is warranted. He's not comfortable where they, perhaps, may be headed with this.

Chairman Coutu said he didn't want people to feel like they can't come to the Board, which he didn't believe was Selectman Jasper's intent. He agreed that most people deal with this type of situation in written fashion and respond accordingly. They'd go to the areas where the problem exists, whether it's a person or a department or a board or commission and they would be asked to respond to the complaint, and then the Board would try to resolve or answer those problematic areas, and the Board would then respond to the complainant in writing the results of their findings. He agreed that they may be setting some sort of a precedent here that could tie up their meetings for long periods of time, if people are going to get into this kind of detail. It has been an on-going situation with Ms. LeBlanc and he thinks that for the sake of expediency, giving the Board the opportunity to review the document would preclude having her come before them and reading it in its entirety. Staff should be afforded the opportunity to review the packet and respond in writing to the Board. Perhaps the Board could address the areas they think are of primary concern as it affects the policy or direction that some of the personnel, boards or commissions have taken and they might want to address those issues with Ms. LeBlanc. They have nothing to hide, so they can do this openly so the public will know what this is all about and not get into this lengthy dissertation on every single problem that she has confronted over the number of years that she claims the problems have existed. He thought that was the best way to resolve this without having to tie up two or three hours of the Board's time. He didn't want to turn this into a major, dramatic event. The Board has two weeks to absorb this packet. Some Board members are liaisons to some of the land use boards that are being addressed by her, and are familiar with many of the items in there because they have been on the email list and know what was going on, and he's sure they want to address some of these things. He didn't want it to turn into a donnybrook, but at the same time, he wants Ms. LeBlanc's concerns to be addressed. He also wants to give staff the opportunity to respond to anything that directly relates to any participation they may have had with any of the cases Ms. LeBlanc brought forth, including the record-keeping situation that was raised so the Board can get to the root of it. He thought two weeks would give them sufficient time to do that. As Chairman of the Board of Selectmen, he will not allow this to turn into a dramatic, donnybrook between Ms. LeBlanc, staff and the Board. She may be satisfied with some of the things she will hear, but may not be satisfied with other things. She may want to pursue this further, or whatever. The Board will have an opportunity to review the paperwork and will address those concerns, they will present them to her in two or three weeks. He added that if that was satisfactory to Ms. LeBlanc, that was how they would proceed.

Ms. LeBlanc said her eight pages was not a claim filed against any town official. Her ultimate goal is to get on with her life and get this resolved; get time lines, procedures, etc., so she knows what she needs to do. It has been 16 months and she just wants to get it over with and dealt with. There are instances in her paperwork and she outlined what happened. She was ready to go forward, even if it was in nonpublic. She just wants to get this resolved, and so does every abutter, to get on with their lives and enjoy their homes in that circle.

Chairman Coutu said this was not a nonpublic session item; they can't have private meetings. Once three Selectmen sit down with her, it's a public meeting. They have to set a date and time and post it, so that's the manner in which they will proceed. Ms. LeBlanc said that was fine.

Chairman Coutu thanked staff for attending and they were welcome to come back on the evening they were going to have this meeting. Once the Board reviews the document, they will advise staff whether or not they believe their presence is required and, if so, they will be asked, either individually or collectively, to attend.

5. CONSENT ITEMS

Chairman Coutu removed Items A-4 and B-3.

Motion by Selectman Massey, seconded by Selectman Jasper, to approve the consent items, with the exception of A-4 and B-3, as noted or appropriate, carried 5-0.

A. Assessing Items

- 1) Veteran's Tax Credit Application, M/L 230/013, w/recommendation to grant.
- 2) 2008 Abatement Application, M/L 100/6, w/recommendation to deny.
- 3) Abatement Application, M/L 183/098, w/recommendation to approve.

- 4) Abatement Application, M/L 246/041, w/recommendation to approve.

Chairman Coutu quoted from the memo dated July 14, 2009 from Jim Michaud, "The property was inspected by the Assessing Department and the following areas were corrected: (a) Change percentage of finished area in Rec Room from 20% to 70%; (b) Corrected additional fixture count from 2 to 1; (c) Added additional kitchen." It seemed to him that the property has been enhanced and he didn't understand how the recommendation was to allow a discount through an abatement.

The liaison to the Assessing Department, Selectman Massey, said the Chairman raised a good point. If you add a kitchen, the first question is if it's an accessory living unit and, if so, does it have an approved special exception. Chairman Coutu said exactly. Selectman Massey said if you go from 20% to 70%, you've enhanced your property, not decreased it. He will talk to the Assistant Assessor about this.

Chairman Coutu said after Selectman Massey talks with Mr. Michaud, this can come back to the Board with a recommendation.

Selectman Jasper said he was having trouble finding the application they were talking about and asked why they wanted to defer this to a future meeting. Chairman Coutu said it appears that after the Assessing Department inspected the property, they noticed the Rec Room was increased in finish area from 20% to 70%, he didn't understand the additional fixture count, and then a kitchen was added. It seemed that all of that enhanced the value of the property and he didn't understand why an abatement was recommended. Selectman Jasper was in favor of the deferral.

- 5) Abatement Application, M/L 203/028, w/recommendation to approve.
- 6) Abatement Application, M/L 103/002, w/recommendation to approve.

B. Licenses & Permits

- 1) Raffle Permit by David Alukonis for Jeff Roome Sports Foundation on July 18, 2009 at Kings Court on Central Street in Hudson—50/50 Raffle, Sports Memorabilia, Tickets
- 2) Fundraising activities on behalf of Friends of Marguerite's Place at SAM's Club on August 22, 2009

- 3) Fundraising activities on behalf of East Elite All-star Cheerleading at SAM's Club on July 19, 2009

Chairman Coutu said he hated getting into these things, but this bothered him. This is a young person that's going to stand outside a building with a canister. He had no objection to that, but because the Board is the one who is approving these things, how many kids are going to come in, if they start doing this, asking to stand outside with a canister to pay for trips? He has a problem with it. That's his position and he wanted to bring it to the forefront. He asked what the other members' thought were, and majority rule.

Selectman Massey said in order to do this, they have to have the written permission of the store. Chairman Coutu said he understood that, but if the Board denies the permit, they can't do it. Where are they going to go with all these requests? When do they say no, if every kid comes along? Apparently they [SAM's Club] says yes to everybody. He doesn't when people ask if they can stand in front of his store. His insurance company said he'd have a serious liability problem if they allow kids to stand out in front of the store collecting. If they fall down and get hurt, he's liable. He'd rather give them money than have them stand outside of his store. Where does this end? That's what bothers him.

Selectman Jasper agreed with the Chairman to a large degree. Soliciting of funds is supposed to be for charitable purposes and he didn't have anything before him that tells him that this organization is actually a charitable organization. Chairman Coutu said they're asking for money for the child to take a trip. Selectman Jasper said that's not a charitable purpose under RSA 31. Chairman Coutu said she is taking a trip for a for profit school.

Selectman Maddox said the Board should set up some sort of policy, much more definitive than what they've got. He agreed with Selectman Jasper. There needs to be a copy of their charitable tax ID, or something. Otherwise, they will be... and this seems to be expanding. The address on this is 50 miles from Hudson. Where does that stop? Chairman Coutu suggested communicating with SAM's Club and ask them to limit this to strictly charitable organizations, which is the intent. Selectman Maddox said and to towns that abut Hudson. How far do they go? Chairman Coutu said the school is in one part of the state and the mailing address is in another part of the state.

Selectman Massey said they could be getting into a hornet's nest. There is no indication a single person is going to do this, as there are three names listed on the document. They have the Little League teams that go out and do their fundraising and other organizations in town are doing soliciting that are not non-profit. The businesses that do this look at it as a way to draw people in. To the extent the Board can encourage businesses to increase their revenues is good for the town. If businesses think their community relations would be to allow this type of thing to happen in front of their stores, that's a business decision they make and the Board shouldn't get into the business of second-guessing a business if they want to encourage this type of activity in front of their stores. The Board isn't policing it or checking to see if the money goes to the appropriate place; it's not their responsibility. The Board is simply providing the license to do it, so he didn't have any problems with it.

Selectman Jasper said the Board does have a responsibility under the law, and whether or not they've been doing that correctly is a question. RSA 31:91 gives the Board the authority to grant permits for soliciting funds for charitable purposes. The Board does have an obligation to make sure that's what's happening because by virtue of the permit, they are telling people who are donating that this is a legitimate charity and that the monies they collect will be used for charitable purposes. Primarily, these have been recognized town organizations that are running programs that are known to them, so those haven't been given the same level of scrutiny. They are now seeing more organizations from out of town coming in, asking for the ability to raise money. It has opened up the whole question of what is their responsibility, so they need to look at that a little bit more. With this application, he's inclined to deny it. Perhaps as a workshop item, they could get into the intent of RSA 31:91, how to correctly identify that, if it's the Board's responsibility to ask for a copy of the 990 from the previous year so they know where the monies raised have gone. These are appropriate questions and it is the Board's responsibility.

Selectman Maddox said to that end, to ask some of the frequent businesses what their policy is. They may be relying on the Board to be the gatekeeper. They may assume the Board is doing the due diligence, and the Board is thinking the business is doing it. Maybe making a phone call to those places to find out their criteria for allowing fundraising. He agreed they need to know what the statute authorizes the Board to do and the responsibilities that go with that.

Chairman Coutu said the bulk of the requests comes in from one business. He wasn't averse to having a workshop on this. If they know of other businesses that allows this activity, they could ask their representative to come to the meeting and partake of the workshop firsthand and explain their policy. They all need to be working from the same set of rules and be on the same page with regards to these requests. This request may be a worthwhile thing, but he cannot support it. He and his wife are going to Colorado in a couple of weeks and they're having a hard time. He thinks he is going to go out there with a can, too. Where does this end? He just can't support this.

Motion by Selectman Jasper to deny the request, seconded by Selectman Maddox, for discussion, saying they just don't have the basis for denying it. If the town had a policy saying they had to be from Hudson or an abutting community, this would not fall under that. If the Board said they had to provide tax information that they are a charitable organization, but they don't require that, so they don't know whether or not they are. He is torn between saying they may be hurting a good, legitimate endeavor or not.

Selectman Jasper said he'd amend his motion to approve, provided they provide the Town Administrator with documentation, showing that they are a registered 501-C-3 organization. Selectman Maddox said his second would stay.

Selectman Massey said it's bad business to penalize somebody when they've done nothing different than anyone else that has come before them. They probably should look at the RSA, but to penalize them when every one of these first had to get the permission from the business owner, so the business owner themselves are not asking the Board to vet them. The business owner is saying they approve of them doing this activity on their property. The Board is saying because the business owner has approved it, they are signing off on it. They've not required anyone else to show their 501-C-3 certificate. Going forward, they should look at it, but... he doesn't even know who this is, and he's not arguing for them. He's arguing on the basis of fairness.

Chairman Coutu said it's pretty obvious that this is not a non-profit organization. This is a for-profit organization that is having a child go out on and solicit money to take a trip. Selectman Massey asked how he knew it was a for-profit organization. Chairman Coutu said it's a school. He is sure they don't have these classes at the gym. Most gyms are for profit. He didn't know any gyms that are registered with the state of NH. This one is Massachusetts, but he didn't know if they were registered as a charitable organization. He thinks they'd be hard pressed to come with a 501-C-3 certification from MA. Selectman Maddox said the last time the Chairman had a problem with an application, they asked the people to come in with documentation.

Chairman Coutu understood Selectman Massey's argument with regard to the business giving them permission, but last year when he asked that one be pulled and denied it, and when he went back to the business and spoke with the manager, he was embarrassed they didn't vet it because it was not a non-profit

organization and the person was going to see outside and sell product and give a small portion of the profits, never enunciating how much, whether it was 1% or 20%. They were going to sell cosmetics on the sidewalk, and the Board thought it was for a non-profit organization, but it was for a nationally known cosmetic company that she was selling products for. It was an individual, herself, who wanted to see cosmetics.

Selectman Jasper could not recall where they've given license to somebody to raise funds for their own private use. People have been giving money back for charitable purposes. SAM's Club is under no obligation to see that the people meet the requirements of 31:91. The Board has the responsibility to see that the organization is meeting the criteria of the law. Charitable purposes, under NH law, is pretty clear. You have to be a 501-C-3. You can't collect money for private purposes. This looks like a for-profit gymnasium that has a team. The letterhead doesn't have an address or phone number on it, so it's appropriate to require them to bring in a 501-C-3 or something that will indicate they are a recognized charity.

Selectman Massey said there's a difference between a non-profit organization, who has a 501-C-3 license and a charitable organization that has a 501-C-3 because a Little League is a non-profit organization and they raise monies to send their kids to a tournament. If they use Selectman Jasper's logic, if they are not going to allow fundraising for the benefit of the person who is raising the money, then they are automatically going to exclude all of the leagues in town who collect money with the cans for their programs because they are legitimate, non-profit 501-C-3 organizations. They really do need a workshop to focus on RSA 31:91.

Selectman Maddox said the motion, as amended, is a compromise and they need to get this thing cleaned up sooner rather than later because he has a feeling this won't be the last one. Selectman Massey agreed that it was a compromise motion and, on that basis, he'd support it.

Vote: Motion carried, 3-2. Selectmen Jasper, Massey and Maddox voted in favor; Selectmen Coutu and Nadeau voted in opposition.

- 4) Secondhand Dealer/Pawnbroker License for The Gold Nugget Jewelry and Coin at 20 Lowell Road, as recommended by the Police Department.

C. Acceptance of Minutes

- 1) Minutes of the Board of Selectmen's Meeting of June 23, 2009
- 2) Minutes of the Board of Selectmen's Meeting of June 29, 2009

D. Calendar

7/15 5:00 Water Utility Committee in BOS Meeting Room
7/18 9:00-2:00 Boot Drive
7/20 6:00 School Board in BOS Meeting Room
7/21 7:00 Cable Committee in BOS Meeting Room
7/22 7:00 Planning Board in CD Meeting Room
7/23 7:30 ZBA in CD Meeting Room
7/23 7:00 Democratic Committee in BOS Meeting Room
7/27 7:00 Recycling Committee in BOS Meeting Room
7/27 7:00 Green Team in CD Meeting Room
7/28 7:00 Board of Selectmen in BOS Meeting Room
7/29 7:00 Library Trustees in BOS Meeting Room
7/30 7:00 Benson's Committee in BOS Meeting Room

6. OLD BUSINESS

A. Votes taken after Nonpublic Session on June 23, 2009:

Motion to adjourn at 10:02 p.m. by Selectman Massey, seconded by Selectman Maddox, carried 5-0.

Votes taken after Nonpublic Session on June 29, 2009:

Motion by Selectman Massey, seconded by Selectman Jasper, to hire Priscilla Boisvert on a part-time basis, without benefits, effective June 28, 2009 at \$30 per hour carried 5-0.

Motion by Selectman Maddox, seconded by Selectman Massey, to adjourn at 9:43 p.m. carried 5-0.

B. 47 Ferry Street Real Estate Proposals

Town Administrator Steve Malizia said the town still owns the property at 47 Ferry Street that the Board attempted to auction off. The Board directed he prepare an RFP to send out for real estate services, which he sent out to 18 Hudson realtors, put it on the web page, in the HLN and to the Chamber of Commerce, so he broadcast it to a wide market. He held an open house at the property on one afternoon and three interested realtors showed up to tour the property. Seven proposals were received. One of the seven was for an auction, which was already attempted and

doesn't fit the town's needs. Of the remaining six, three realtors toured the property and presented a marketing plan with an estimated market range. The second page of his memo shows the range and information in one tabulated form. One of the realtors didn't give a price range. Some are in the middle of the \$160,000 - \$170,000 range, which at this point is probably a realistic number, considering the condition of the market and of the property. These realtors are all licensed in New Hampshire and their rates are indicated. Most of them are probably known to them. He also listed their experience. They'd obviously like an exclusive listing. Three out of the six that are qualified visited the property and they all gave a marketing plan, some of which are a little thinner than others. They could all come in, or the Board could pick a sub-set to come in, or the Board could just pick one.

Chairman Coutu said he went through all of the marketing plans that were upstairs and he was willing to select a realtor on the basis of the information that was provided in those documents that he read, as well as the information provided on the summary sheet, which outlines the seven proposals. Four of them can be eliminated, narrowing the field down to three, the second, third and fourth listing. Those three have the most realistic numbers and the one that is most realistic—and for the purpose of full disclosure, he didn't know any of these people, other than to be aware of their businesses because they are well established agencies—is number four, in terms of numbers, proposed commission rate and years of experience. He likes to keep business at home, and they are a local real estate agency within the community. Their numbers were the most realistic and the proposed commission rate was very inviting and they have over 10 years of experience in the community. They can invite all three in, or make a selection this evening. He's ready to make a decision.

Selectman Maddox concurred. They were at the open house, they are local and they have a good commission rate. Just using the spreadsheet, that's where he was. He did not read the marketing plan, but based on the spreadsheet, he agreed with the Chairman's choice.

Motion by Selectman Maddox, seconded by Selectman Massey, to award the contract to Harmony Real Estate for the sale of the property at 47 Ferry Street.

Selectman Maddox said Mr. Malizia put together a good synopsis. When you look at the spreadsheet, you look at the listing, anywhere from none to \$250,000. Harmony went to the open house visit. Their percentage rate was one of the lowest of the three, with a realistic number. They are in town with an established business. He's sure the others do business within the community. Mr. Malizia said #2 was in town and #3 has lived in town for over 38 years. They are all local, they all did attend and have marketing plans that took some effort, as opposed to throwing something on one piece of paper. Selectman Maddox didn't think they need to hear the plans outlined at a meeting. It was enough to look at what the Town Administrator provided and he was comfortable with the numbers and his choice. Selectman Massey was in agreement with Selectman Maddox.

Selectman Jasper said he'd go with three, four and five, based on the numbers and five is much higher than four. He doesn't think, when talking about 1%, which is \$1,000 per \$100,000... they are looking at a difference of one number versus a range, and there's a \$24,000 between Harmony and the low of the other. He thinks it would behoove the Board to talk to three, four and five and talk about how they established the price. They were about to award the bid to someone who suggested, that has the lowest value and he didn't think that that speaks well of their fiduciary responsibility if there are two who think the property is worth more than they are going to go out and market it for. He will vote against the motion and urged the Board to do the same and talk to all three of them to make a determination after they speak with them, which is in accordance with the recommendation of the Town Administrator.

Selectman Nadeau said he looked at the marketing plan of the one they've narrowed it down to and he thinks the pricing is right where it should be, compared to what is going on in the housing market world. The foreclosure rate is very high and the market is saturated at this point. The commission rate is good and they went to the open house and looked at the property. He will abstain from voting, however, because he knows the real estate agent and he has done business with that company.

Selectman Maddox said Selectman Jasper presented an interesting argument, but if #5 sells the property for \$179,000, they've paid 1% over. He didn't see, in this market, \$216,000 for that unit.

Selectman Jasper apologized for not looking at the marketing plans or at the information; he didn't even know it was there, which was no one's fault but his own. There are people saying the property is worth more. He's not suggesting that tonight they award it to anybody, but if two people... and one goes much higher, but the low is much lower... that for the Board to meet its fiduciary responsibility they owe it to the owners of the property, the taxpayers, to listen to what these people have to say as to why they think the property is worth more. Two of them have a high and low range and the difference is not made up in that 1% commission. They ought to listen. Putting it off for two weeks is not going to make a difference.

Selectman Massey said he'd like to "split the baby." He's not certain if three real estate agenda were in the room and asked to defend their pricing that they would want to divulge it. He suggested that if they do that, they appoint two Selectmen to meet with each one of the companies to get their input as to why they picked the number they picked and what they think is the downside risk if that number is not going to be achieved and then the Board can make a decision. They wouldn't get what they want if they put the three of them in a public forum. Selectman Jasper said he was happy with that suggestion.

Chairman Coutu said he was ready to make a decision, but apparently, everyone was starting to change positions. All of the answers were in the marketing plan, had they read them. Selectman Maddox would be more agreeable with Selectman Jasper's idea if the one he wants to include had done a site visit. He can't get over that hurdle, but in the spirit of "we can never make a decision," he withdrew his motion so they can give more time to ... (talking over each other). Chairman Coutu said if he used Selectman Jasper's logic, when it came time to award the bid for the Benson's projects, he would have asked why this guy was asking \$150,000 more to do the same roof; there's gotta be something there; let's talk to this guy. He must know something the other one doesn't. He said Selectman Jasper was recommending numbers three, four and five and that the Town Administrator suggested they review three of them, that one was not in the mix. Two, three and four were in the mix.

Selectman Jasper apologized, saying he did not know there was any information upstairs, and that was his fault. He didn't have the same benefit of the knowledge the rest of them have. He'd be perfectly happy just to defer this to the next meeting. He will review the packet and see if he comes to the same conclusion. Due to his lack of knowledge, he didn't know there was information upstairs. He has not reviewed this and has no idea what was before him, who went on a site visit and who didn't. He didn't have any of that information. Selectman Maddox said it was on the spreadsheet in the packet before them. Selectman Jasper said he didn't realize it, that everything was just blending together. He'd still be interested in hearing from three and four, but he was perfectly willing to just defer and he could read the information upstairs.

Motion by Selectman Nadeau, seconded by Selectman Jasper, to defer this until the Board's meeting on July 28, .

Selectman Maddox said it should be deferred to the next workshop because they were going to be busy enough at the meeting on the 28th. Chairman Coutu said if everyone reads the information, it won't take that long. He thought everyone had read it for tonight. The marketing plan is extensive and should give all of the answers Selectman Jasper raised.

Vote: carried 5-0.

7. NEW BUSINESS

A. Ambulance Replacement, Award of Bid

Fire Chief Shawn Murray said on March 10, 2009 the Board approved the FY 2009 budget, which included Warrant Article 14 for a replacement ambulance in the amount of \$155,000 and authorized the withdrawal of \$155,000 from the Ambulance Capital Reserve Fund. The estimated balance in that fund is \$166,605 in FY 2010. A RFP was distributed to seven perspective bidders and advertised in the HLN and Telegraph and on Hudson Cable and the town web page. The bid opening was June 1, 2009 at 4:00 p.m. and four bidders responded. After a comprehensive review of the 143 bidders, the recommendation was to award the bid to Professional Vehicle Corp of Maine in the amount of \$143,378.50.

Chairman Coutu said he had a couple of questions that required mostly yes or no answers. It appears that the town has done business with Demers Ambulance prior to this. Chief Murray said yes. Chairman Coutu said in reading the synopsis, the Chief stated that Demers met the bid specifications and [the department] was satisfied with their service in the past three years. However, when compared to travel distance compared to other bidders, it is more economical to use Professional Vehicle. He asked if it was Professional Vehicle that indicated they had a fleet that could go out and service vehicles. Chief Murray said yes. He understood that Demers ambulance was in the Province of Quebec, Canada and Professional Vehicle was in Peru, Maine. He didn't see a significance in distance and time to get to either of the manufacturers or manufacturer reps, except they would have to cross the border to get to Canada. He asked if Demers had a fleet that came down here to serve vehicles that the town had purchased from them before. Chief Murray said no. If it's a major warranty item, it goes back to Canada. There was a service center in Connecticut that did some of the minor warranty work, but they do not have a dedicated service vehicle that would come on site to perform maintenance work. In this case, that's the only item that really puts Professional Vehicle above Demers. Given today's economic condition that the country is in, besides Professional Vehicle being low bidder by a couple of dollars, he felt they should keep the business of ambulance building this time around in the United States.

Chairman Coutu said, for the benefit of the public, the bid difference was \$11.50. What guarantees do they have that either of the ambulances from Demers and Professional Vehicle Corp. are made in this country? Chief Murray said when comparing the two vehicles, the Professional Vehicle's configuration and space allotted for the cabinetry around the ambulance, itself. They are both quality ambulances, as well as Sugarloaf. What it comes down to is who provides them with the best value and, in this case, compartment size, storage space, and what works best with the type of equipment Hudson uses.

Chairman Coutu said the problem he was having was not the \$11.50 and it wouldn't be if it was \$1,100. The problem is they did business with a company they were very satisfied with, and now the argument is they want to do business in the United States. This is a company they don't know. He asked if the Chief ever had experience with Professional Vehicle Corp., and if [the Chief] vetted them, if he called other businesses they've done business with to see if they were satisfied with the service Professional Vehicle provided. Chief Murray said they have not used Professional Vehicle before, the he certainly vetted them. Three years ago, when they went with Demers, they had never used

them before, either. Chairman Coutu said yes, but [the Chief] was satisfied with Demers. The way he understood the Chief's recommendation was based on the price difference of \$11.50. Now he's hearing a whole different interpretation, including size and cabinetry. Chief Murray said all of those factors play into it. When they got into the bids and started breaking them down, some of the standard features, or even some of the options they were asking for, Professional Vehicle comes out a little ahead on those.

Chairman Coutu said he respects the Chief's opinion, but he wants to make sure he's making the right decision on the basis of the information that was provided to him.

Selectman Nadeau said they have an ambulance from Demers. When they go out to bid for new vehicles, you always want to keep the engines the same so the compartments are the same, so when they get into a different vehicle, they are all the same. How does the one that just came in from Demers compare to the one they have, and how does the one from Professional Vehicle compare to the Demers they have now and the other ambulance in the fleet? Chief Murray said when the bid went out, they specified certain compartment sizes and locations. Compared to the Demers ambulance they purchased before, they are all very similar. Selectman Nadeau asked if [the town] has ever purchased a vehicle from Professional Vehicle in the past. Chief Murray said no. Selectman Nadeau asked how the electronics have held up on the ambulance from Demers, which seems to be the biggest problem. Chief Murray said these are very complicated electrical systems and they have two alternators. They come with four batteries because of the loads and the draws on them. They've made considerable progress; they call them load management systems now, so it's constantly looking at the voltage and amperage it's pulling. It will actually begin shedding some of the electrical load, if it gets to a certain point. They've switched to LED lights almost entirely on the ambulances, so the electronics amongst all of them are comparable. Selectman Nadeau asked if they've not had any problems on the one they had. Chief Murray said the only problem they had on the Demers, initially, was the major electrical harness was faulty. It was covered under warranty and went back to the factory and they put a new harness in. Selectman Nadeau asked what the down time was. Chief Murray said probably a week.

Selectman Maddox said he looked at the bids briefly on Saturday and thought, "That's what we pay you for." If the Chief is comfortable the truck will survive what it is put through... this thing says it's made in Mexico. Are they moving around between Canada, Peru and Mexico? Chief Murray said it's the same area, Peru and Mexico, Maine. Selectman Maddox said he spent a few nights in Mexico, Maine. If the Chief is comfortable with that system... when the Chief showed him the Demers and the load management system, it was a relatively new thing, so if they have not had a lot of trouble with the concept... he's having a problem that if they know the Demers has held up well, why they are going to change, but that's what they pay him [Chief Murray] for and he's going to have to go along to save the \$11 and say it only makes sense. His question, which he has had all the time, is the trade-in. Is there any department that could utilize for \$7,000, a box truck—Highway, Rec, whatever. For \$7,000, is the one they are getting rid of a functioning engine? It may not be for an ambulance, but a truck and body and all that, it's only nine years old. Every time they send one of these away for short money, it makes him....

Motion by Selectman Jasper, seconded by Selectman Maddox, to award the bid for a 2009 Ford E450 Type III Class I Emergency Medical Vehicle to the lowest bidder, Professional Vehicle Corporation, in the amount of \$143,378.50, as recommended by the Fire Chief and the Finance Director.

Selectman Jasper said he'd like to see this money stay in the United States, particularly in this time of economic distress. It's important to do as much business as possible with United States vendors. If the Chief is satisfied this is a reputable vendor, it makes sense.

Selectman Maddox asked if anyone expressed interest, or did he ask if any department, for seven grand for that box truck was something that... Chief Murray said if the Board would like him to pursue that avenue, he has no issue with that, but they are looking at a trade-in cost. Selectman Jasper said every department head knows that the Fire Department trades in an ambulance every three years, and if they had a use for one, the appropriate way to do that is through the budget process. For them to go out and say, "look, look, would anyone like an ambulance?", he didn't think was appropriate. The next one will be coming up in three years. If they want one, come in during the budget cycle. There's no point at this time to delay this to go on a fishing expedition to see if someone has \$7,000 they want to spend on an ambulance, and that will be only the beginning of the cost.

Mr. Malizia said that would change the bidding war because they're narrowing it down. If they are going to do that, they need to gross it up because, according to the financials when they do the audit, they have to recognize this now as a gross, if they want to do that.

Selectman Massey said he was having a hard time understanding one paragraph that says, "PVC and Demers offer pre-payment discounts. I am, however, choosing not to take this discount during this particular bidding process. We will pre-pay for the chassis to realize the \$1,000 discount." They say they are not going to do it, and then they say they are. Chief Murray said that was two different subjects. Pre-payment for the entire cost of the ambulance and pre-payment for just the chassis. Mr. Malizia said if they paid the full amount up front, they'd lose any leverage they might have. (Talking over each other.) Chief Murray said on the previous Demers, they had a substantial pre-payment discount and they chose to take it at that time. Mr. Malizia said with the previous iteration, six years ago, they had difficulty getting the ambulance off the line. They negotiated the Stryker chair for that delay, so he was hesitant to pre-pay something because once they get the money, they aren't in any big hurry to satisfy you.

Selectman Massey on the issue of it being made in America, don't fool yourself; a good percentage of what's on that vehicle is going to be coming from outside of the US. There's no car in America today that's 100% made in America. If the Chief's recommendation is the one that meets the specs and he's satisfied with it, that's what they should go with. Selectman Jasper said he wasn't talking about where the chassis or the box was made, but where the people who assemble the components are going to be working on this vehicle are, that they are American workers. Chief Murray said it's manufactured in North Carolina.

Vote: Motion carried 5-0.

Motion by Selectman Jasper, seconded by Selectman Nadeau, to authorize the Finance Director to apply for reimbursement from the Trustees of the Trust Funds in the amount of \$143,378.50 from the Ambulance Capital Reserve Fund, as authorized by Warrant Article #14, carried 5-0.

B. Radio Equipment for new Ambulance

Fire Chief Shawn Murray said typically, subsequent to a bid, they will ask the Board for permission to withdraw money from the Ambulance Capital Reserve fund for the installation of a radio. Manufacturers don't typically install radio equipment, but the Fire Department will ship the manufacturer their radio cables and antennas and they will install that part. This request is for the radio vendor, once the ambulance arrives, to strip the radio out of the old ambulance and transfer the equipment to the new one. Chairman Coutu asked if that was done here or at the new facility, and how long the process takes. Chief Murray said the Demers was done here, and this one may be done here, as well. The process could take a good six to eight hours.

Motion by Selectman Jasper, seconded by Selectman Massey, to authorize the Fire Chief to utilize funds in the amount of \$1,400 from the Ambulance Capital Reserve Account for the installation of radios in the new ambulance, as detailed in the Chief's memo of July 8, 2009, and to authorize the Finance Director to apply for reimbursement from the Trustees of the Trust Funds in the amount of \$1,400 from the Ambulance Capital Reserve Fund for the purpose of radio installation, as authorized by Warrant Article #14, carried 5-0.

Selectman Massey said when it comes budget time this year, they should reexamine the three year commitment on the ambulance apparatus because they are now at \$143,000 and he's thinking they've just been recently doing only \$40,000 or \$45,000. Selectman Jasper said they upped it this year. Selectman Massey said they may want to think about \$150,000 in three years from now is going to be adequate. Selectman Jasper said they have some money left over, so if the put in \$50,000... this leaves them with a balance of almost \$20,000. (Talking over each other.) Chairman Coutu said there was a surplus in this one, and they are not going to spend all of the capital reserve, so that will add to the surplus, plus the \$50,000 so they will have about \$165,000, including interest, in the account.

C. Sale of obsolete Fire Rescue Boat

Fire Chief Shawn Murray said this week, the department took delivery of the new inflatable rescue boat and motor, which leaves the old inflatable rescue boat and motor. He considered disposing of the rubber raft, but given the current default budget and economic times, he'd like to try to put them out for sealed bid and the money would help offset the cost of the new boat. Chairman Coutu appreciated the Chief thinking outside the box.

Selectman Massey asked if this would be an absolute bid, regardless of the highest bid, i.e., no minimum. If the highest bid was \$10, would they accept the bid? Mr. Malizia said the bid could include language that the Board of Selectmen has the right to reject any and all bids. Therefore, if someone gave a low bid, the Board could reject it. Selectman Massey said he wanted to know that information in order to word the motion. Chief Murray said he'd adhere to any minimum the Board chooses to set.

Motion by Selectman Massey, seconded by Selectman Jasper, to authorize the Fire Chief to sell the obsolete Zodiac inflatable rescue boat and Mercury 9.9 hp motor by conducting a sealed bid process, as detailed in the Chief's memo of July 8, 2009, with all bids subject to final approval and awarding by the Board of Selectmen.

Mr. Malizia said that's the standard procedure, anyway. Any bid would come before the Board of Selectmen. That's under the Board's purview. Selectman Massey said he wanted to make sure there's no guarantee that the high bidder... Mr. Malizia said the Board has the right to reject any and all bids.

Selectman Jasper thought these should be two separate bids. The motor doesn't have to go with the boat. Someone may be interested in the motor, but not the boat, which is a hunk of junk. Somebody could bid on both or on either one. At this point, there's more value in the motor than in the inflatable raft. Selectman Massey said the way they did the properties was an auction for both properties combined, and then they did an auction for the single properties and were going to take the better of the two deals. Selectman Jasper said this is not an auction. Selectman Massey said it's the same thing. Mr. Malizia said they could sell the motor and throw in the boat for nothing, for what it's worth; it's all patched up.

Selectman Maddox said he could not support the motion. He likes the idea of selling the motor and gave the Chief accolades for thinking outside the box, but the Chief told them this boat was unsafe to put people in, so why are they going to sell it to put people in it? For whatever reason, if someone is out in that boat and a seam or patch lets go, for the 50 bucks they're probably going to get for the boat, sell the motor, that's the value and trash the boat and say it wasn't safe to put somebody in.

Chairman Coutu said that was his concern. He could support the motion but couldn't understand why they are going to sell the boat. He remembered when the Chief presented the argument to purchase the new boat, he did make that statement, that the present boat they currently have is unsafe. He thought they were going to junk it and try to sell just the outboard motor. He asked the Chief if he felt comfortable selling the boat that he said was not safe. Chief Murray said it was unsafe for the department's tough use in rescue work, for how they use it up and down the river. If someone wanted to use it to float in a pond or do something such as that, but he was OK whichever way the Board wanted to go. He can destroy it and walk away and do away with the liability concern, or they can try to get a couple bucks. Chairman Coutu said with regard to the inflatable rescue boat, he remembers the Chief saying it was unsafe for rescue purposes. Based on the Chief's knowledge of the inflatable boat, and the statement he just made about someone using it to go floating down the river, was he saying this was just as safe as some toy someone might buy that's inflatable, they have those big rubber boats that two men can fit in? Chief Murray said that was correct. Chairman Coutu said it's safe, it's not leaking, it doesn't need patched. Chief Murray said that was correct. Chairman Coutu said that's what he wanted to know, that it's sellable. He will support the motion.

Selectman Jasper said it's unsafe for rescue purposes, which is a whole different use than putting this in Robinson Pond and paddling around. He used to have a lot of fun paddling around in a leaky boat when he was a kid. The Chief wasn't trying to sell this for job security.

Vote: Motion carried 4-1. Selectman Maddox voted in opposition.

D. Derry Street/Route 102 Sidewalk and Bike Lane Project, Award of Bid

Gary Webster, Acting Town Engineer, was recognized and publicly thanked Deb Winter for filling in for his secretary last week, Betty Holt, who was on vacation. Last week, the Engineering Department get bombarded with work from the state regarding this item, and there was a lot to do in order to get this bid out. The office was busy and a lot of things had to be prepared for tonight's meeting, but because of Deb's help, they came through and survived. He and Steve worked together to put together the documentation for this bid.

Mr. Webster said one thing in the memo was the extra cost that the town has to come up with. He got an email from William Rose of the DOT. What they were over on the estimate—it was supposed to be \$340,000, but they are \$377,000. DOT is looking at the overage and the DOT and the ARRA money is much quicker to get. The town will be doing a 30-70 with them, so the town will have to come up with \$12,000 instead of the \$40,000. They town won't do anything until they approve that amount. It's less money for the town, which surprised him, but he only got that today.

Chairman Coutu asked if Mr. Webster was saying the \$378,000 proposed for this bid project, the town will only have to come up with \$12,000. Mr. Webster said \$12,014.90 for that portion. Selectman Maddox said no, it will be additional. Mr. Webster said originally, they'd have to come up with \$40,000. Now, they've only got to come up with \$12,014.90, which will be the town's share and the rest of the \$28,268 will be the ARRA money share.

Mr. Malizia referred to Page 4, where he'd broken down the cost. Under Funding Sources, DOT will give the town \$275,200; \$125,470 from the American Reinvestment and Recovery Act (ARRA). The town was originally going to pay \$39,402, but Mr. Webster was saying the town was going to be getting a little more than anticipated and was going to have to pay less of the \$39,000. The project in the bid is still \$378,402. The town's share is coming from the Route 102 corridor account, which the money had been put aside for.

Chairman Coutu clarified that the \$12,114.90 was in place of the \$39,402, but that hasn't been confirmed. Mr. Webster said that was correct, and he just got notified today. Given this is an ARRA project, it's a lot quicker than a federal highway project, the authorization should come quicker than normal, but waiting is still required. He is waiting for them to say OK before he proceeds. Chairman Coutu thanked Mr. Webster for the excellent job and asked what happened to the balance of the money that's in the corridor account. Mr. Malizia said it stays there until the Board either makes a decision to do another project or continue on with more sidewalks or some other improvement.

Motion by Selectman Massey, seconded by Selectman Nadeau, to award the Derry Street and Route 102 Sidewalk and Bike Lane Project to the lowest bidder, Pichette Brothers Construction Co., in the amount of \$378,402 for the base bid, pending approval from NHDOT, as recommended by the Acting Town Engineer and the Finance Director's memo dated July 9, 2009.

Selectman Massey said this project was a long time in coming and he was glad to see they are finally going to get some extended sidewalks on that highway. It will be greatly appreciated by the residents.

Selectman Maddox said Pichette Brothers did the sidewalk construction on Lowell Road, but he wasn't impressed with their speediness. The ending at T-Bones seemed to take forever. For \$10,000 difference, he wanted to make

sure they were getting value. Is there a time frame to this one? Is there a penalty if it goes on as long as the Lowell Road sidewalk did? Mr. Webster said the Lowell Road contract actually ended June 30. The biggest thing was the paving, and they saw what happened this week because of the rain. He contacted DOT and they agreed to continue the thing. It will be 100% finished next week. It was on the end of the paving, which wasn't confirmed because he had to come to the Board first to do the whole thing. They were two months late in starting because of the drainage problem. They did everything up to December; everything was done except for the guardrail that took a little time to get out there. They are also doing the Pelham Dam, which is the next project. They were the low bidder. There were nine bidders and three showed up for the opening last Thursday.

Selectman Maddox said the next item is asking for \$35,000 to watch these people. His concern is the total cost of doing the project. When he saw Lowell Road where they'd start for a week, be gone three weeks, come back.... he just wants to see this project start and end by the time allocated and not forever hanging on that this contractor did on Lowell Road. For \$10,000 difference, the town may save... the top bidder was 388, if they are going to pay somebody on the next deal \$35,000 to watch this... Mr. Malizia said they are required to spend the \$35,000, no matter who the contractor is. (Talking over each other.) ...ARRA money, they are requiring the town to do that. Selectman Maddox said it's for full-time inspection. Mr. Malizia said yes, it's required. Selectman Maddox said they will argue that next. Selectman Maddox said what he was getting at was if these people were going to turn this around in a timely fashion. If the recommendation was for these people, if they were saying these people are the best ones to do it, he just has concerns about their timeliness.

Mr. Webster said they have the recommendation from CLD and they check them inside and out, as they did with the Pelham Dam. His concern is to make sure they can do both projects at the same time.

Chairman Coutu said with the situation on Lowell Road, how much of the problem of the area directly across the street from T-Bones, the area of the guardrail, was a result of poor engineering from CLD? Coming north on Lowell Road, when he gets to that point, he thinks about the serious hazard that will present in the wintertime. Personally, he didn't like the configuration of it, just like they didn't like the configuration of Central Street when they made the road too narrow for even a plow to go through. Did that, yes or no, impact whether or not Pichette, or whoever... Mr. Webster said no, they went by the plans that were designed and the problem he had—and he's not making excuses for himself, but he's taken over all of these projects to try to get them done—but the big reason they couldn't go straight across, they had to build another bridge over for the sidewalk because they didn't have enough room. They had to come out. They could have cut the thing short, but then that would kill the whole purpose of that sidewalk come out because of the crossing to get across into Birch Street. It had to continue. If they left it short, they'd be going into T-Bones; he has no property there. Where they tie into T-Bones, it's still town property right there. The crosswalk was the main thing to get, and that's why they had to extend it. He's had a lot of people ask him about that and he's had a lot of complaints about it. Luckily, it survived the winter, which was his concern; the plows never touched it. When they ever continue the sidewalk up Lowell Road, that will come up and will be a different taper there, or they take care of the drainage problem there with Birch Street and under the parking lot and the bridge. At that time, they can consider making that longer, make the sidewalk back where it was. All the plans get reviewed by DOT because it's their money, too. The first time he saw it, he wondered why it was out there. There was no way he could change it in the field. Central Street was an easy change. Because of the crosswalk, that's where they spent the extra, the addendum to do that. The idea was to get the crosswalk, and to do that, they had to go further up and it's out in the road. There was no other place to put it because of the brook there. He said the same thing himself, but it's done. They tapered it.

Chairman Coutu said he wouldn't walk across that sidewalk for fear a car will come up over and hit him; it tapers too quickly at that point. It should have been a gradual taper, but he's not an engineer. He just looks at it from a common sense perspective. It doesn't look safe to him, but that could happen with a straight sidewalk, too. Mr. Webster said the sidewalk ends at the sidewalk. The taper is only a continuation. No one is going to walk beyond that. The idea was to get a crosswalk to get across on to Birch Street and that was the real reason for it.

Vote: Motion carried 5-0.

E. Route 102 Sidewalk Inspection Services

Gary Webster, Acting Town Engineer, said in order to get ARRA funds, the requirement is full-time inspections by the engineering firm because of the high rate of accountability. There is a way, however, to get reimbursed for the \$35,000. Chairman Coutu said they all know what they went through with this engineering firm at Ottarnic Pond. He was told by several people that a different engineering firm was used for Ottarnic Pond. Chairman Coutu said he didn't want to have the same problem they experienced at Ottarnic Pond.

Motion by Selectman Massey, seconded by Selectman Jasper, to approve Amendment #1 to the CLD Consulting Engineers contract for engineering and inspection services on the Route 102 sidewalk and bike lane project in the amount of \$35,000, which will increase the contract value from \$61,670 to \$96,670, in accordance with the recommendation of the Acting Town Engineer's memo dated July 9, 2009.

Selectman Massey said the federal government certainly knows how to stimulate the economy because if you want to take the \$125,000, you gotta spend \$35,000, so it's kind of a no-brainer. They might have been able to do it for less money if they could have used their own inspection processes, but it's worth spending the \$35,000.

Selectman Maddox said there was no timeframe. If it takes two years for Pichette Brothers to get this thing done, they're not coming back for another run at the moneybag. There's no hourly rate fee; it's a flat rate fee for \$35,000. Mr. Webster said that's what their estimate was. They're going to be starting from scratch out there to finish on 102 where the other contract they talked about, they were 8% finished. They won't go over that and, hopefully, the town will get reimbursed. Selectman Maddox asked if this was a not-to-exceed number. Mr. Webster said it's a flat fee. Selectman Maddox asked what the mechanism was by which they prove to the feds and to the town the amount of time that they were on-site. Mr. Webster said it's full time and they are accountable for everybody else. Every person that works there, they have to find out if they are being paid the right rate and they have to account for every person there on a daily basis. When they do their billing, they will give the hourly rate and, hopefully, the town will get reimbursed from the DOT. He could have done the inspection, but they wanted someone out there full time and there was no way he could do that. There is also a lot of paperwork that goes with this, because of ARRA funding. He gets audited every month by the compliance board—and he's getting audited tomorrow on the other two projects. They had a deadline, which is in the amended contract that the Chairman signed. They don't have to get started until next year; there's a deadline on when they have to start. The problem is if he hears something from DOT, they have to wait for them and he has to start in September. They are not going to start the project this year. They can't do it. He's waiting for the government to tell him to go ahead. That's why he put that in his memo. Until they give him the approval, he can't do anything. Chairman Coutu said they are between a rock and a hard place. It's a narrow mandate they have to abide by.

Selectman Massey said his granddaddy told him locks were made to keep honest people out. They only need to look at the ARRA requirements. They are a fall-out from the amount of money that is unaccounted for in Iraq. The billions of dollars poured into Iraq that are unaccounted for are simply unbelievable, and the government is reacting to that because they've already been given some indication there were going to be some people who decided these hundreds of billions of dollars the government was going to throw into the stimulus program was an opportunity to take advantage of it. They are paying the price for the people who don't play by the rules.

Vote: Motion carried 5-0.

Chairman Coutu declared a recess at 8:57 p.m. The meeting resumed at 9:09 p.m.

F. Use of Benson's Impact Fees

Assistant Town Administrator Mark Pearson said his request was to use \$2,800 to clear trees and brush from around the buildings at Benson's in order to commence the roofing work on the buildings the Board recently awarded. The purpose of his memo was to provide background on the account, how it was established, the uses for the monies, the balances and timelines for the funds that were put in there. This request is consistent with the reason why the fund was established, and funds are available, although some of them were obligated. This will leave a balance of just under \$20,000 to be used before it expires on the sixth year, next year. The Highway Department provided him with the names of two contractors. He brought both contractors out there and showed them the work. The bids came back as \$2,800 and \$3,900.

Chairman Coutu said the lowest bidder was an in-town contractor, which is what he liked. For purposes of edification, so people know they are not just throwing \$2,800 away, he asked Mr. Pearson for a brief, general overview because people will say they can get volunteers to go in there and do that. When he reviewed his packet, that was an item he wanted to bring up. He asked for an explanation of how extensive the brush and tree situation is and how it will impact or present some of the contractors from doing roofing work.

Mr. Pearson said with the Office Building, which is closest to Kimball Hill Road, there is a set of cedar trees between that and the Railroad Station and the branches are touching the roof of the Office Building, which presents a problem because of the shade and moisture cannot dry on the building. The trees need to either be pruned back to allow the sunlight in so the roof stay damp and doesn't grown mold and moss. He told the contractor he wasn't sure what the Board of Selectmen or Benson's Committee would want to do with the trees, so he asked for a price to prune them and a price to take them down. There are trees growing inside the fenced-in areas against the Elephant Barn. They are not only touching the roof and soffits, but are against the building. There's also extensive vines growing along the fences along the edge of the building and roofline. The Elephant Barn looks like green shrubbery with a fence behind it. Around nearly all sides of the Gorilla House are branches hanging down, touching the roof, soffit and a tree at the back of the building that has grown up next to the building and is actually touching it. They need to trim the trees on the sides and front, and the one on the rear, taken down. There is a pine tree against the A-Frame to the rear and another large bush at the rear corner of the A-Frame. Along the side of the Hazelton Barn, they are some trees growing against the barn at the back section of the el and against the building. There's also brush in the areas of the buildings, especially around the Office Building.

Chairman Coutu said it his concern was that immediately abutting some of the buildings was rare plant life and he wanted to make sure that somebody was there to make sure that none of that was destroyed. Mr. Pearson said he spoke with the Chairman of the Benson's Committee, who had the same concern, and asked him to go out and survey around the buildings and to mark anything that was there and the contractor would work around it. The only thing the Committee Chairman was able to identify was a small bush in the area of the front of the Office Building and he said it wasn't worth the effort to save even that. Other than that, it is all junk, provided they trim the trees around

the Gorilla House, prune them back and not cut them down. Mr. Pearson said he had the same concern with the cedar trees, but the chairman said they are in tough shape and close to the building and if they are going to pose a problem for the roofing project and will cause the shingles to remain damp, it's better to just take them down. Chairman Coutu said, for the record, Ken Dickinson is the Chairman of the Benson's Committee.

Selectman Massey said he was having a very difficult time with this issue and will have to recuse himself from any discussion because, although this is a local business, they are before the Planning Board with a request to correct a site plan issue. At this point (9:15 p.m.), Selectman Massey left the table and took a seat in the audience. Selectman Maddox said he could say no without any hesitation.

Motion by Selectman Jasper, seconded by Selectman Maddox, to approve the request of the Assistant Town Administrator to authorize the use of previously collected impact fees in the Shepherd's Hill/Benson's Account, #2050-163, for the purpose of tree and brush removal surrounding the buildings at Benson's and to hire Tip Top Tree Service of Hudson, NH, in the amount of \$2,800, to remove or trim the brush and trees that are against, on top of and surrounding the immediate building locations at Benson's, as recommended by the Assistant Town Administrator.

Selectman Jasper said most of this money is going to be spent on things that volunteers cannot do. Taking down the trees that are between the Train Station and Office Building are going to consume a great deal of this money. Trimming the tall trees isn't something they would want volunteers to do, unless they get to the point where they have a list of volunteers that are insured and certified to do this type of thing. They are not at that point yet; they don't have that data base. This is relatively short money to get this done, and it needs to get done so they can move on and do other things. They are still collecting the names of the volunteers and have not begun the process of forming the subcommittees. This is a vendor who the town uses on a regular basis through the Highway Department. Two quotes were received and the recommended bidder was \$1,100 lower than the other bidder. He hoped the majority of the Board would support this request. Otherwise, they will be in a quandary.

Selectman Nadeau said the quote reads, "Remove and prune back trees from five buildings. Remove all branches and wood. Cut to ground level." The second quote stated, "Pruning, tree removal, brush removal, five buildings. All brush generated by us chipped. All wood removed." He went out today to look at the buildings and at the brush that had to be cleared. The people who bid on the roofs did so fully knowing what was around them and what they had to work with. None of them said it needed to be done before they could get in to do the roofing work. He felt the Highway guys could go in and clean the brush up, or they can get volunteers to go in this weekend, if they wanted, and clean up the brush around the buildings. Maybe the trees need to go, but they don't need to go today. It won't hamper them putting on the roofs this weekend, next weekend or two weeks from now. When do they want to start roofing?

Mr. Pearson said as soon as possible—tomorrow or the next day. They've been in his office nearly every day and they all asked him about the clearing of the brush. Back at that time, the Highway Department was in there, already clearing brush. The problem is they don't clear brush right up to buildings because of the type of machinery they have and they also don't take down trees that are close to buildings for insurance purposes. All the contractors asked about the trees around the buildings and, at that point, he assumed the Highway Department was going to take down the trees, but he later found out they wouldn't. This is not part of the contract. It seems like anyone can take a chain saw and take down a tree next to a building, but sometimes they fall the wrong way. It's a little more difficult than having volunteers go out there and do it. If damage is sustained, who is liable if someone gets hurt? The Highway Department contracts through an outside vendor to do that work, and that's what led him to this proposal, to get an outside tree contractor who was insured to do the work.

Selectman Jasper said he noticed Selectman Nadeau's face and it appeared that he was pretty angry about this and is going to vote against this, as is Selectman Maddox, so the motion will fail. He asked Selectman Nadeau to pledge that he will spend the rest of his week, or part of his week, coordinating volunteers and getting the brush removed and taken care of before next Monday.

Chairman Coutu gavelled Selectman Jasper, saying that was an unfair and unreasonable request.

Selectman Jasper said no, that Selectman Nadeau said it could be done this weekend, but there were no volunteers scheduled to do the work. Selectman Nadeau asked if he [Selectman Jasper] wanted it done this weekend.

Chairman Coutu gavelled the members. Selectman Jasper said you [Selectman Nadeau] said it could easily be done this weekend. Selectman Nadeau said it could be. Selectman Jasper said it could be, but they don't have a volunteer team in place and some of the branches are relatively high. It makes more sense just to take the trees down because the spruce trees that are near the Office Building are going to shorten the life of the wooden shingles on the building. Cedar shingles need the ability to dry. If wooden shingles are kept wet, which pretty much will happen when they are shaded, will grow moss and the moss stays moist, the shingles begin to life and rot. It shortens the life of the shingles greatly. Those trees need to come down. No, they don't have to come down now, but there are branches that will hamper the whole operation. It would be easier to work on the building with the trees out of the way, but if they are not going to do it, and he is sensing they are not, then they need to have Plan B and Selectman Nadeau has suggested that could be done this weekend, but that won't happen without someone coordinating it. It won't be him because he doesn't have the time to do that, and there won't be a Benson's meeting until the 30th, so he wants to know how this is going to get done.

Selectman Maddox said he's not as fluent in Benson's as he should be at the rate they are going, but if the Train Station is moving, why do they need to take down trees near it? Selectman Jasper said they are between the Train Station and the Office Building. The problem is with the Office Building, not the Train Station. Selectman Maddox thought that when the Train Station goes away, they can drop that tree pretty easily, as opposed to taking it down today, where they have to land it more specifically. They have only \$20,000 left and they are burning through money. Is there way to do this more economically? If volunteers cleared the brush and a professional tree service can take down the trees. If they are racing for some reason and spending extra money to clear out the brush by volunteers, whether this weekend or next, how much of the \$2,800 is trees and how much is brush? The buildings are surrounded or encrusted with vines and brush. Are they spending their money, which they have very little of at this point, frugally?

Selectman Jasper said he asked for a breakdown, but that didn't happen. He thought the brush was real short money on this. It is taking down the trees and trimming the high branches that are at roof level. Most of them won't be something you can do with a pole saw; you will need a bucket truck to get in there and take them down. Yes, the trees can drop easily, but they can also drop between the buildings. He doubted the cost was significantly different. Does it make sense to spend money to send somebody in there with a bucket truck and take the branches off that are interfering with the building at this time, and then three months later, pay money to take the trees down entirely? They've either spent the same amount of money, or more money, to do the same job. It doesn't make sense to him. It's not clear to him this is the only money. His understanding is this is the money in the account, but there are other monies that were approved by the town that are non-lapsing funds. These are the only money from the Benson's account, but not the only monies. He didn't have a handle on that, but will have to before the next Benson's meeting. Without a plan to do something else, they are arguing about \$400 - \$500 for something, or about \$2,800 and holding up all the contracts to get the work done and everyone said, "let's get Benson's open," "let's get people out there," and if the contractors can't get in there, then that delays everything, so what is the goal? They've got \$96,000 in roofing contracts out there, and now they are micro-managing which tree or branch should be done by volunteers versus the professional, and they don't have a group of volunteers in place to go in there. Then they are left with a situation where, yes, they can get the Highway Department, perhaps, to go in and remove the brush, but Kevin has also made it very clear he's got a very full summer schedule. He's got a lot of projects going on, so now they've created a situation where they've got brush hanging around there.

Chairman Coutu said the \$2,800 would come out of the impact fees collected from Shepherd's Hill. There is an additional account, about \$130,000 out there. Mr. Malizia said there was money left over from the original appropriation account, the capital reserve, but he didn't have the balance in front of him. In the future, they could appropriate out of that because money has been set aside. This is just the Shepherd's Hill account.

Selectman Maddox hoped there was an accounting somewhere of all the monies spent at Benson's. Mr. Malizia said of course there is; KC has it. Selectman Maddox thought he saw on the Benson's Committee something 'you're' going to be looking for. This is how much money is in various accounts and what it has been spent on. One of the things he heard second-hand before his time here is they bought a lot of T-shirts and hats for sale. Where's the revenue from that showing up? Where are the monies they are supposed to have... just an accounting of the monies Benson's-related. It would make him feel much better. He's hearing there's more additional money. He asked the Benson's Committee liaison [Selectman Jasper] what the vote of the Benson's Committee was.

Selectman Jasper said this was not a vote of the Benson's Committee. The committee was asked whether or not there was any objection to the trees being removed and there was not. There was a suggestion that some of this could be done by volunteer labor. He talked to Mark about that, what the differential was. This has all been happening rather quickly. Brush is easy to remove. Not a lot of this money is for ground brush removal. It's a case of not having volunteers lined up. It's easy to say tonight they can get it done this week, but how do they know they can? It could pour like cats and dogs and the last he saw, it's supposed to rain this weekend. Will people go out there and cut brush in the rain? He didn't know who these people were or where they were coming from. This is what they are trying to do. They are behind the eight-ball. Hind sight is 20-20. They should have gotten things going a lot better a lot sooner, the day they took possession of Benson's, but they didn't. They had a lot of other things going on, and this is where they are at today. They have a problem. They need a solution. This is the solution that the Assistant Administrator came forward with. If the Board has a better plan, he didn't object to it, but it needs to be implemented and done tonight.

Selectman Maddox thought Selectman Nadeau sounded pretty adamant he could get it done either this weekend or next weekend. Selectman Nadeau said he could make it happen. If they want a 10' path around the buildings, he could give them a 10' path around the buildings and worry about the trees later. If they want to start roofing, show him what trees they want trimmed up and as high as they want them trimmed. Show him the ones they want removed and he'll get someone to do it, whether it's a tree service in town that's willing the volunteer their time or they clean up all the brush. From the looks of it, it's pretty labor-intensive to clean the brush from around the five buildings. Whether they put it all in a pile and haul it down to the dump for them to burn down there, or ask Kevin, when he is driving by with his chipper, to stop in and chip it up. He knows how to pile the brush, with all the butts going the same day, so they can run it through the chipper pretty quick. If they want it done by next weekend, he can probably get a tree service in to take a look and volunteer their time. In the past, two or three have offered to do it. A lot of people want to get involved with cleaning up Benson's and he didn't think this was a big project. They can spend the \$2,800 in a much better way than spending it on brush that needed to be done yesterday.

Selectman Jasper said that was fine, if Selectman Nadeau could get it done. He left him a voice mail yesterday. He wished if... Selectman Nadeau said he didn't get it. Selectman Jasper said his point was that Selectman Nadeau has obviously thought about this in advance and, as the liaison to this project, it would have been much appreciated, had he [Selectman Nadeau] called him and told him his concerns, and they [could have] worked on a plan. This is not the way they should be doing these things. He's not looking for rebuttal. He's merely asking, in the future, if he'd [Selectman Nadeau] give him the courtesy, if he has a problem with something that he [Selectman Jasper] placed on the agenda, giving him a call to try to work it out. He did not appreciate having to do this this way tonight.

Mr. Pearson asked if he could give the contractors the go-ahead to start roofing and they can try roofing around whatever is there because they are anxious to go.

Chairman Coutu said they were in the middle of a discussion whether or not they are going to remove trees and brush. He's already signed the roofing contracts and it sounded like Mr. Pearson was supporting Selectman Nadeau's argument that it's not prohibitive. If that's the case, they should defer this request and move forward with the roofs and end the current discussion.

Selectman Jasper withdrew his motion because it was obvious it was not going to pass. Chairman Coutu asked if Selectman Maddox was going to withdraw his second. Selectman Maddox said he wasn't going to go against the liaison and, to be honest, he was on the fence—and Selectman Nadeau seems adamant he can get it done.

Chairman Coutu said he was available Saturday and Sunday to help with the brush removal and he asked his fellow citizens to join in with them. He knows Mr. Desrosiers will be there. He then addressed his remarks to Mr. Pearson, saying there were a couple of things that bothered him, but he didn't want him to take it personally or in a negative tone. He appreciates the amount of time Mr. Pearson has spent on the Benson's thing, but when he said the contractors were in his office every day, they have no business in there; Mr. Pearson has other things to do than entertaining contractors every day. That's borderline harassment. They will get the green light when he gives it to them. That's why they have telecommunications today. Mr. Pearson has a large department to manage and better things to do than entertaining contractors. Tell 'em to get the hell out.

Selectman Massey resumed his seat at 9:35, saying he was back at the table because the motion was no longer before them. He has always said when they act in haste, they repent in leisure. He was under the distinct impression—and shame on him for making an assumption—that if a contractor bid on a building and they saw all that pucker brush, that they were going to take it as part of their bid to remove it. Selectman Maddox has really put his finger on it—they've got a limited amount of money and they can't continue to be looking at these projects on the basis of "we need to make a decision tonight." They need to start looking at decisions that are going to be made two to three meetings out. Otherwise, they will be constantly, "we've got to do it now, or the world's going to come to an end," and he blames himself just as much as anyone else because he truly felt that because of all of that pucker brush around the Elephant Barn, he didn't know how anyone was going to get into it—and he brought it up that night. Shame on him for thinking the contractor knew that was going to be their responsibility.

Selectman Jasper said he was sorry and offered the Board his resignation as the liaison to the Benson's Committee if what he was doing did not meet with their approval. He didn't want to be fighting with the Board, having the Board think he was giving them incomplete information. He's been spending a lot of time on various aspects of this project, time which he should spend on other things and he is sorry people think, apparently, he has not been forthcoming with the information. He knew the contractors were not going to be responsible for the brush and it never occurred to him anyone would think that they would be responsible for tree-trimming and brush removal, but that's based on his knowledge of construction. That's not something a contractor would be responsible for, unless it was part of the bid.

Selectman Massey said his issue is with himself, for making an incorrect assumption, not with Selectman Jasper. The roofers would have know if they could do the work, or if there was an obstacle and since none of them commented on that being an issue, he made an unfortunate assumption. He apologized, saying he would not want to see Selectman Jasper drop off as liaison to the committee; he's more than a liaison, he's an actual member of the committee. His issue is not with this thing; his issue is they need to get out in front of the curve. They probably should have started back in December, but in the words of a former Selectman, "It's time to move forward."

Selectman Jasper said the problem is they are so far behind, it's difficult to get ahead of the curve. Unless they are going to put a stop... he was under the impression that this Board wanted that park opened, at least for people to be able to go in several times this year, as soon as possible. If now he is hearing they don't want to deal with things like this at a meeting, then forget about the idea about anyone going in the park this year and they'll sit down and plan out everything that needs to be done and come in with complete plans, with a couple of weeks notice. He can't do both. They will either be doing this until they get ahead of the curve, or they will tell everybody, "we want to have more complete information with a longer span time with A to Z on everything that's going on." They can do that. He's got people on the committee who are already upset because the park isn't opened to people. There are people on the committee who think there's no reason people can't be going in there right now. He didn't see it that way. Buildings are a hazard and there are other hazards around there right now, and those have to be taken care of. That's their responsibility. All he can do is try to bite off what I can on a weekly basis and there's only so much time that staff has and they are just not there yet. He needs better direction because right now he's getting push back from the Board that this is coming too fast. If that's the case, tonight they should say nobody's going on to Benson's until next spring.

Chairman Coutu said there was a lot he could say and probably should.

Selectman Maddox told Selectman Jasper to stay on the committee. Selectman Jasper said he didn't want to leave, but if the Board isn't happy with what he was doing... Selectman Maddox said this was a democracy. He's not thrilled with some of the expenses made, but he's still here. His [Selectman Jasper's] job was to fight for what he believes is the right thing to do and his is to fight to be cheap. They will have disagreements. That's how things work in this group. He appreciates Selectman Jasper's passion, but he didn't always agree with him. All of them have a passion about something. He didn't think Selectman Jasper was doing anything wrong, but didn't think he was always going to win, or it wasn't always going to go the way he thinks things should go. This may blow up and not get done or whatever, but they are trying to stop spending as much money. Maybe that's wrong in the long run. About not opening the park, with the volunteers that are chomping at the bit for Benson's, to have two of them stationed at the various buildings that are under construction, they could have one day that they're open on a Saturday for people to walk around the supervised areas to start the process of people seeing what's going on in there. Maybe some of their thoughts might change as they see progress on the trails and buildings that are there. They could try to do something instead of trying to complete everything before opening.

Selectman Jasper said there's this idea that there's this plethora of volunteers. During the last couple of weeks, they put out over 200 volunteer sheets, but as of last Thursday, they had six, so there isn't this backlog of people who are contacting them. It's on the web site. They've discussed it on TV, but the volunteer database isn't there. They put off doing anything last week about forming any of the committees or volunteer groups because they had so few applicants. A lot of people say they want to get involved, but again, they are behind the curve. It's not there. People are just finding out about the opportunities. Everybody is on summer vacation, doing their thing, so there are not a lot of people there at this point. They will get there; there's a lot of interest, but this is his frustration, thinking they can do all these wonderful things with all these volunteers. Right now, there's eight of them on the Benson's Committee, and that's it at the moment, so don't think they are ready to do these wonderful things at this point because they're just not there. Once the contractors move on site, they don't want to have people walking around the park with building materials around and other equipment. They're not at that point and he didn't want to resign. It wasn't, "I'm going to quit." He was just saying if they don't like what he's doing and they think somebody can do it better, he doesn't have so much personal involvement that he's not willing to step back and let somebody else run with it. Selectman Maddox said he didn't believe that. Selectman Jasper said to believe it, that he's more worried about other things right now.

Chairman Coutu said, with regards to the volunteers, Selectman Jasper attends the meetings and knows Chairman Coutu watches the meetings because he's called Selectman Jasper in the middle of the meetings and they talk to each other following the meetings. When he watched that meeting, somebody was saying they had a whole bunch of volunteers signing up. He thought they were talking about 50, 60 because of the way it was presented. Now he's hearing there are only six. He'll get to the personal aspects of Selectman Jasper offering his resignation, which Chairman Coutu said he wouldn't accept, but wanted to take the points in order. With regards to the tree removal, it was presented to the Board as a stumbling block to the roofing, but Mark said they are ready to start tomorrow morning. Selectman Jasper thought he said, "let me see if they are." Some of them may be willing to and some may not. That's what he heard.

Chairman Coutu guessed he was as ignorant as Selectman Massey about the way a contractor should be presenting his proposals. If he was going in to do something for somebody, and had to put in a bid, he would say what needs to be done and what he was bidding on, and what had to be moved out of his way. That's the common sense approach to bidding, but what he was hearing from Mr. Pearson was the contractors are ready to go tomorrow. Well, the trees aren't coming down tonight because he and Selectman Nadeau were not going there after tonight's meeting to take down the brush and the trees. Relative to Selectman Jasper's earlier remarks, he never got the impression that anyone was unhappy with the way he presented this. Chairman Coutu is aware of Selectman Jasper's passion for this. Even in his campaign speech, he said they should name the Hazelton Barn the Jasper Barn because he has so much passion for the Benson's project, and he wants to make sure something is named after Jasper—the little plant they want saved, or the Jasper cupola, or whatever. No one wants him to leave; they all understand his passion. They watch him at the meetings and he gives a lot of direction. He has the history and the work that his wife has put into this—all of that is to be applauded. It's not that either one of them is looking for recognition; they do an awful lot. He appreciates that. As Selectman Maddox said, this is democracy in action. Chairman Coutu recalled that one time when he was going to present something about Benson's, Selectman Jasper was getting anxious about the way that might go, Chairman Coutu reminded him at that time that he could bring anything he wanted before the Board. They are five individuals who may not agree collectively and may have a difference of opinion, but they will entertain whatever a member wants to bring forward. Nothing is directed at Selectman Jasper; it's just the process. They all have the same opportunity to put something on the agenda that someone feels passionate about and it may pass and it may not, but he isn't going to take his ball and glove and run away. He didn't want Selectman Jasper to do that, and he's heard, pretty much collectively, they appreciate the time and effort and energy he puts into it. He knows there's a lot on Selectman Jasper's plate, not just Benson's, but he exudes that passion at the meetings. Chairman Coutu is proud that someone in the community has taken that kind of interest, much like Jerry Desrosiers and the other people who serve on that committee, who want to do so much—and they all want it done yesterday—but, as Selectman Massey often says, haste makes waste. They need to approach these things in a more deliberate, time-allotted fashion so they can think through the process and arrive at a conclusion that makes sense for everybody and they don't look like they are wasting money. In terms of the roof, they are telling the Assistant Town Administrator to tell the contractors that if they want to go bang away tomorrow morning, go ahead. If they start saying trees are in the way,

tell them to find a saw; it's their problem. They didn't present it as an obstacle when they submitted the bids. The volunteers will do what they can this weekend and if they run into an obstacle, they will bring it to Selectman Jasper to bring to the Benson's Committee and then the Board will take it from there. He asked if that was fair enough.

Selectman Jasper said that was fine and he appreciated the Chairman's comments. It's just the... it has been an agenda item and he feels blindsided by some of this tonight. That's all in the fact that he perhaps feels he needs a little better direction from the Board. Do they want to get this opened as soon as possible? If they do, then he's got to come in this way, and if it's more relaxed, then they will take more time as things come along and put things out there longer and it's just going to take longer. That wasn't his impression and, perhaps, that was his fault. Perhaps it was the Board not understanding that if they want to get it opened, there's going to be a whole lot of things thrown in their faces on a pretty regular basis to make some of these things happen.

Chairman Coutu said he appreciated that. He is one of the people who have advocated getting it opened. At this point, considering what has taken place at the Benson's meetings, and what is transpiring here, maybe they ought to take a little more relaxed approach. He's not in such a hurry any more.

Selectman Massey said Selectman Jasper brings up a really good point. They are behind the curve, and they are learning as they go along, and they will continue to learn. When everybody was talking about mid-July as a target date, he was hearing tonight maybe that's not a good idea because if the contractors are in there, that's new information, and if that's good information, that's what they should act upon, but then they need to reset people's expectations that oops, they need to get that piece out of the way so they're not stumbling over it, but he thinks the goal is to try and get it opened as soon as they can and he really likes the idea that Selectman Maddox had. The first opportunity that it makes sense from the Benson's Committee's perspective, to really think about having people in there. Put some people, and he'll volunteer for that right now, on the six buildings so that when the people are walking around, there can be a little bit of oversight and one of the things that might happen, as a result of that, is it's one thing to call out to everyone and say come and volunteer. It's another thing for someone walking around the park, saying, "Wow! You mean I could do that? Sign me up." There's a Chinese proverb that the gist of it is you learn by doing, not by somebody telling you how to do it. One of the things he's taking away from tonight is new information has come up that the date has to be worked around the contractors' schedule at the front end. He would look to the Benson's Committee to help them decide what would be an optimum time and begin setting expectations in the community as to when that might be.

Chairman Coutu said, as they witnessed this summer, the elements are a factor. They've had so much rain, it has delayed everything. He asked if Mr. Pearson expected the contractors to be there more than a week, once they get going. Mr. Pearson said absolutely. He was told the Elephant Barn and Hazelton Barn would probably be four or five weeks. The Gorilla House and A-Frame would take a couple weeks, and the Office Building. He also wanted to clarify something the Chairman brought up about the contractors, just so there's not the wrong impression that the contractors have been in his office. They've been dealing with the Town Attorney regarding the contracts, who drafted all of them, protecting the town's interest, making sure that all of the bid information was followed, and it was all broken down by building. That's why the Chairman had all of the contracts to sign. They are also dealing with public works performance bonds, certificates of insurance and all of that, so there has been several trips because they are working with the contractors and their attorneys—and while they are here, they are anxious to get started. They contractors haven't been banging down his door just for that. They are also dealing with a lot of paperwork.

Selectman Nadeau said when he and Selectman Jasper were at Benson's the other day, they noticed that the foundation was wide open from when the barn burned a few years back. They need to get some chain link around that before they even think about opening the park. If they do an open house to get the people in there and see the Old Lady in the Shoe is a three-week project by someone who is good at doing certain things, and they want to take that on, that would be the perfect opportunity to let people walk around, reminisce. He'd like to see an open house at Benson's this fall, after the roofs are done, and that's reasonable to say they could have a Saturday and Sunday open house at Benson's in early September or October. There's a lot of things they can go forward with utilizing volunteers when they get that underway, projects people can work on for the winter when a lot of the vegetation is down. They can go through and map things out. They can work on things as a collective group. He thinks Selectman Jasper is doing a great job and wished him luck in going forward.

G. Benson's Memorabilia Display at Hills Memorial Library

Selectman Jasper said the display was well received by the community, but didn't get the publicity it deserved until the end, although every effort was made to get the information out. They were averaging about 150 people a day. Last Saturday, there were 314 and 380 on Sunday. *Chronicle* came in to do a segment, which will be airing within the next few weeks. He asked Mr. Provencher if he'd be willing to show the memorabilia during Old Home Days and he said he would. He had preliminary discussions with the members of the Library Board of Trustees and they are willing to work out the details to see that happen. Selectman Massey assumed that the display would stay in place from now until then. Selectman Jasper said yes. Selectman Massey asked if Mr. Provencher was going to continue to have the liability if something happens to his stuff. Selectman Jasper said it would be the same agreement they have now; they're covered with a deductible of up to \$50,000 and it's agreeable to Mr. Provencher for [the memorabilia] to stay under the same terms.

Motion by Selectman Jasper, seconded by Selectman Maddox, to agree to host the display of Arthur Provencher's Benson's Memorabilia at the Hills Memorial Library building during this year's Old Home Days, August 6 through August 9, 2009, pending approval by the Library Board of Trustees, carried 5-0.

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

Selectman Maddox said as long as Selectman Jasper is working on it, the Benson's accounting. When he mentioned T-shirt sales earlier, someone chuckled. Selectman Jasper said that was a sore subject with him. Selectman Maddox said they need to show that was expended. They need to see those monies were there. He thought they were at Old Home Days for sale. Selectman Jasper said he didn't know where they are right now, but there are a lot of T-shirts and hats someplace. Selectman Maddox said there should also be revenue from them. They need to document this because it's becoming a bigger and bigger entity in the budget, the way it's going. If Selectman Jasper is undertaking that, to get a list of all of the incomes and expenditures. He heard about huge signs for Benson's. Selectman Massey said they're in the Hazelton Barn. Selectman Maddox asked for an accounting of those kinds of things; he hoped they'd get that done.

►Water shut-offs that is happening during the summer. They talked about doing something at a workshop and asked if that was moving forward as far as what the procedure, tightening that up. He also talked to the Town Administrator about the ones that have been done since April. What happened? They get a notice now, thank you, but at least they know it's going to happen. What was the result of that? Did 99.7% of them pay up? Mr. Malizia said they are working on that but, in essence, yes. He will get them the actual report. Selectman Maddox said he was just following up to see what that procedure is.

►It's amazing that the summer is racing by. They're talking about Old Home Days and it's less than a month away and they haven't had summer yet. He was hoping that all is going as quickly and as well for everybody.

Selectman Jasper said he had a number of Benson's-related items on his list. The first, and he hoped they didn't want to get involved in the details of, but the Benson's Committee talked about the colors of the shingles going on the buildings out there. The Committee has recommended the Hazelton Barn, the Elephant House and the Gorilla Cage be done in slate. They are all 30-year architectural shingles. That will mean for a period of time, Hazelton Barn will be two-toned because for a period of time because they are doing only one side. In the long run, it's much better than the brown that's out there, much more classical. For the A-Frame, the Committee has chosen a forest green that has a lot of black in it. That color will go nicely on that building. If there's no objection from the Board, and they don't want to get into detail, that's where that's at.

Selectman Maddox said some of the buildings have to go through the historic group and if changing the color of the Hazelton Barn will have any effect on them. Selectman Jasper said no. That's not really a historic feature, and Mark is the person who has been up to date on all of those things and spent a lot of time reading that. The Office Building is cedar.

The Train Station was another issue. Mark has done a lot of research on that and they have to get going. He's working on an RFP which will come to the Board at the next meeting to get that process moving because they do have deadlines. The recommendation of the Committee is also the recommendation of the Old Benson's Committee, that it really be where the John T. Benson house was. The Train Station would be at right angles with the Office Building, facing Kimball Hill Road, so you'd see the front of the building as you drive by. They'd like to look at the possibility of, rather than just putting in frost walls, putting a full cellar under it, which, with the topography there, would be a walk-out cellar. That allows them to put the utilities down cellar and gives them additional space in that area, probably very short dollars. Mark will be bringing forth a schedule for all of that to happen.

Before they have a Benson's day there, there needs to be parking. When they were out there with the committee for their walk some time ago with Kevin, they identified an area that was a parking area. As you come in from the gated area, it's to the left, with room for probably a good number of cars, but it needs to be grubbed out, so they need to schedule that with Kevin so he can get in there and grub that out and spread some gravel down. Right now, there's literally no place to park. Since the last cleanup, things have changed quite a bit, so that area needs to be taken care of. It was always his intent that they would not be in before September, that they would be ready to have people come in. Other people have suggested an earlier date, but he had not had that vision because of what he thinks needs to be done in order for it to be safe and they don't have 200 kids running around, getting poison ivy after their visit.

Selectman Maddox said he saw part of the Benson's Committee meeting and asked if they could utilize the interns to take the GPS out and give them a map. They guys were all showing papers on their desks. He didn't know where John T. Benson's house was, so maybe some sort of sketch would make it a whole lot easier. He thought people would park in that huge parking area down at the bottom, where the big gate is, where the DOT iron, big pipe gate is, and walk up, unless they were handicapped and then they could clear up some spots by the historic district for handicapped parking. He had no concept of the area they were talking about that needs to be grubbed out, so maybe some sort of map—something they can relate to. Selectman Jasper has it memorized, but he's not there. Selectman Jasper said the problem with that area is that is reserved for the state for wetlands mitigation, an area that is not part of the town's area to utilize. Perhaps they could do something temporarily, but that wasn't part of his vision.

Selectman Massey said perception is reality. He asked the Benson's Committee to take a realistic look at what the things they have to get done right now and how that does or doesn't impact having people wandering around, to set a target date for when they could have the first public availability so that people aren't going to be constantly asking why it isn't open. September

sounds like a reasonable time, but based on what Mark said about the amount of work, but it would help if the Committee set expectations, publicly saying what the target date is. That's how he'd look at it.

Selectman Nadeau said the Highway Department is busy around town with their paving projects. They completed the culvert at the corner of Bush Hill and Pelham Road and are working on widening Griffin Road. Some of the guys were out on Lowell Road doing the finishing paving down there.

Selectman Coutu said he'd like some assurance from the Town Administrator and Assistant Town Administrator that the Benson's property, while construction is on-going is going to be closed to all public access so they can maintain the integrity of the equipment that's being put in there, that somebody doesn't go in there and damage any of the work that's being done and they don't steal equipment or get hurt on the equipment or from flying debris while they are working, that they don't allow public access to the property at all. If someone comes in to ask if they can take 10 people in, the answer is no, not while construction is in progress. Mr. Malizia said, except for the Committee members, someone inquired and he told them just that; they could not go in to bird watch.

Selectman Jasper said he wanted to go through the Board on that. One of the concerns any time you have multiple people is a chain of command relative to... if there are members of the Benson's Committee who have concerns or questions relative to the contractor, and he wanted this confirmed by the Board... Mark and he have talked about this and he wanted the Board to say either yea or nay, that nobody should be talking to the contractor but Mark, so if Committee members have questions or concerns, they should come to him [Selectman Jasper], who would go to Mark, and if they decided they were warranted, Mark would go to the contractor. He wanted to make sure that chain of command worked because he didn't want potentially eight people bothering Mark with things.

Chairman Coutu said he got a perception from the meeting the other day that there might be some interaction between some Board members and contractors. These people bid on the project and they know what they are doing. They don't need to answer questions or be interfered with or people micro-managing their job. If they have a problem, they need to address it to the Assistant Town Administrator, and then he can bring it to the Board, or to the liaison first and if the two of them can handle it, fine. He didn't think anyone should be interfering with the work. Selectman Jasper said Mark has got a lot to do, and will have a lot to do while this is going on, so he'd really like the Board to support the idea of anyone, any member, going to him [Selectman Jasper] with their issue and not going to Mark because Mark could be tied up a lot. He wanted to deal with it himself. Chairman Coutu said he didn't have a problem with it, but what he didn't understand why the member would be on the property talking to the contractors. They shouldn't even be there. The contractors are there to work. Selectman Jasper agreed and said if the Board's decision is everyone is off the property during... Chairman Coutu thought that's what they just said. Mr. Malizia said he didn't include Benson's Committee members. If the Board wants to get more finite, they have to direct that.

Selectman Maddox said if the Committee members have a question, it should go to the chairman and then he would contact either Selectman Jasper or Mark. Committee members should report to the chairman. To split that baby, there are Fridays that Committee members that could go in and take a look at what's going on and bring those concerns back to the chairman. They don't want everybody going in, but he didn't want any surprise at the end, saying, "wait, this isn't what we thought was going to happen." He could see both sides. Chairman Coutu thought they were going to have a Clerk of the Works. Selectman Jasper said no, not the way they ended up doing it because they went to a finite number. They were going to have staff over-viewing what was going on. He wanted to make sure, and he was not casting aspersions that this would happen, but it's planning. He didn't have a problem with Committee members viewing from a distance, standing back from the building, but they should not be in the operating zone, trying to interact with the contractors. He was trying to eliminate a step of contacting the chairman and the chairman contacting him and then him going to Mark. Selectman Jasper said he was willing to take on the burden, since it's not anything the Committee has any direct oversight over. They could have just as easily gone to Mark, but he didn't want to stress his time. Selectman Jasper was willing to take this responsibility on of dealing with the members, but if the Board wants to put another step in.... but they need to have a clear chain of command on this, and his recommendation is him to Mark, Mark to the contractor.

Selectman Massey said they should use the same philosophy with this committee that they use with any other, that if a member of the committee has any issues they think needs to be addressed, that they bring it to the committee chairman, and it's the chairman's responsibility to determine whether they bring it before a staff member or to the Selectmen's representative. They need to reinforce with that committee that the chairman is the chairman, and it's the chairman's responsibility to funnel all of the requests to staff. The reason for that was to keep staff from having to respond to 20 different people. He felt the same was as Selectman Maddox. He was looking at it with a broader view than just this committee. Over time, there will be things the committee members will see that they think ought to be brought to the members of staff, and it needs to be reinforced that it's the chairman that's the funnel.

Selectman Jasper said he's fine with that, but it needs to be the chairman to him. This is different than any other committee Selectman Massey was thinking of; this is an advisory committee to the Board of Selectmen. That's why it needs to go from the chairman to him. Selectman Massey agreed. Selectman Jasper said but Selectman Massey talked about the chairman going to staff, and he [Selectman Jasper] needs to be in the loop on this as the Selectmen's representative to the Board. Selectman Massey said that would be OK with him, but the members should funnel everything through the chairman first. Selectman Jasper said fine, just as long as they have a chain of command that's in place—committee members to the chairman, chairman to him [Selectman Jasper] and if he thinks it needs to go further, he'll go to Mark.

Selectman Maddox said if someone on the Planning Board has a question, they go to the chairman, who then goes to staff. They don't go through him as the liaison, so they are setting a precedent of something special. Selectman Jasper said it is because the Planning Board is a statutory board with certain responsibilities and statutes. This is an advisory committee to the Board of Selectmen. The Planning Board, the ZBA and the Conservation Commission are merely appointed by the Board of Selectmen and has no authority over them. In this case, it's a committee that reports to the Board of Selectmen. Selectman Maddox said a member of the Recreation Committee doesn't go through the liaison, they go to the Rec Director. Selectman Jasper said they are a committee created by the town and are given certain responsibilities through ordinance.

Chairman Coutu said Selectman Jasper has asked for guidance. Selectman Jasper said it's up to the Board; he made his case. Chairman Coutu said he didn't want to see people walking in there, telling contractors that they are doing something wrong, or they shouldn't be doing that, and every little thing they do, run to the chairman about it. In order to avoid that is to shut down the park during construction. Mr. Pearson is going to oversee certain aspects of the project. He didn't have any objection to Selectman Jasper being part of that oversight. He didn't see why committee members should be going to the chairman with some construction aspect they didn't agree with. The Selectmen awarded the contract and are ultimately responsible for the expenditure of the money and getting the job done. He didn't see any problem with having it go directly to the Selectman liaison. He didn't want to see it brought back here; it should be resolved in the field. This discussion, alone, is taking too long. Selectman Jasper was just asking them to arrive at a consensus for a chain of command.

Selectman Jasper said he was fine with that, but his preference was to come to him. Selectman Massey said no, they get three. He was thinking of the broader perspective than just the issue of the construction, that all requests for information from the town should go through the chairman, but in this particular case, he sees the merits of those requests then coming to Selectman Jasper because a lot of things coming to the chairman may not require coming to Selectman Jasper. (Talking back and forth.) Selectman Massey asked what the guidance would be to Selectman Jasper for all activities of the committee. If they want some information from the town, how should they go about getting it? Chairman Coutu said they should go through the chair, and then the chair would go to the liaison and he can provide it, fine; if it requires Board input, they will do so. They are getting into some minute details they shouldn't get into. He could care less about the color of the roof, just as long as it's fixed.

Selectman Massey thought Selectman Maddox said the person should go to the chairman. Selectman Maddox said the chairman would then ask if it needs to be a nonpublic item that he needs to put on the next agenda, or does he need to contact the liaison or Assistant Town Administrator. Selectman Jasper said the problem he has with all of this is that something always gets lost in the translation. If somebody has a question, the chairman is probably not going to be able to answer it because the chairman's job, in this particular case, is merely to set the agenda and run the meeting, and he [Selectman Jasper] has explained that to him [Chairman Dickinson]. He is a member of the committee and a liaison back and they've got this Round Robin going. It's the old thing where if he whispers something in someone's ear, etc., by the time it gets back, it's going to be something entirely different. He sees the same thing potentially happening here. If the person just goes to him, he'll be able to give them the most direct answer, and the quickest and he doesn't have to wait until he catches up with the chairman and the chairman's got to try to catch up with him. He sees a lot of bureaucracy that serves no purpose, in this case.

Chairman Coutu said it's a short-term project. He just didn't understand all of this. Selectman Massey said these contracts were let to professionals; they don't micro-manage any other contractor that comes into town. Chairman Coutu said exactly. Selectman Massey didn't think the members of the Benson's Committee should be kibitzing on these projects. Chairman Coutu said exactly. Selectman Massey didn't want to go so far as to say they shouldn't be on-site, but the Board shouldn't have to listen to any conversations about the way they were nailing or the color, etc. That's why they hired a contractor. If they were to ask three contractors how each one of the contractors were doing the job, they've have a different opinion as to what's to be done. To move this along, he didn't have any problems with any requests that require information from the town go through Selectman Jasper. Chairman Coutu said he was of the same mind as he said earlier, that committee members shouldn't be kibitzing with contractors. That should not be an issue. Selectman Jasper said it shouldn't be. He just came here... (talking over each other)... Chairman Coutu understood where Selectman Jasper was coming from because he watched the last meeting, which almost put him to sleep, but that's another subject for another day.

► Alvirne High School baseball team. In the Lowell Sun, the base ball team All Stars, Cory Lee is the player of the year. When you consider the size of the Merrimack Valley, and then thrown in Hudson and Nashua, that is quite an honor. Also on that list on the first team is Adam Hagman, a kid who can hit some home runs and who has done an awesome job, and the second team was Alex Jones. A lot of people asked how a catcher with glasses can catch. He's seen a lot in his day and this kid is just so great behind the plate. Matt Topper also made the team as an outfielder. There were so many other kids that he knows that played and he had the distinct honor of being there. They didn't win. It was tough because they were playing on graduation day, no less, the final game, which made it pretty tough for them. He was very proud of the baseball team, as they all are. Two of the other members were at the game and they had a great time and enjoyed watching the kids. They won the semi-final, but didn't win the final. Also, the Hudson Heat softball team—he wears their T-shirt, as a supporter. They came in third in the American Softball Association NH State tournaments. They should be proud of that.

► The first coating on the Lowell Road paving was applied this evening and hopefully that will get done and there will be smooth passing.

► He thanked the Recreation Director and his staff. He had received a request from someone in town who suggested that if they could extend their hours by one hour earlier in the morning and one hour later in the evening, for parents to be able to bring in their children because of their work schedules. They saw it as an opportunity to provide a service to the community, but at the same time, if they could get two staff people to stay on the additional hours, the added revenue from that hour could be

very financially healthy for the town. Staff was willing to do it and he's had several phone calls thanking him from people who got the word he was the one that made the request to the Recreation Director to look into the possibility. It was quick action on the Recreation Department's part and he truly appreciates it.

9. NONPUBLIC SESSION

Motion by Selectman Maddox, seconded by Selectman Nadeau, to enter Nonpublic Session under 91-A:3 II (c) Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the public body itself, unless such person requests an open meeting. This exemption shall extend to any application for assistance or tax abatement or waiver of a fee, fine, or other levy, if based on inability to pay or poverty of the applicant; (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.

Nonpublic session is being entered into at 10:34 p.m., thus ending the televised portion of the meeting. Any votes taken upon exiting nonpublic session will be listed on the Board's next agenda. The public was asked to leave the room. Open session was entered at 10:55 p.m.

Motion by Selectman Massey, seconded by Selectman Maddox, to agree to the settlement in the matter of Jean Russell and William Russell v. Michael P. Davis and Town of Hudson, as recommended by Attorney Dewhirst and to authorize Chairman Coutu to sign the Consent to Settle Civil Litigation agreement, carried 5-0.

10. ADJOURNMENT

Motion to adjourn at 11:00 p.m. by Selectman Massey, seconded by Selectman Maddox, 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, Selectman

Benjamin J. Nadeau, Selectman