

HUDSON, NH BOARD OF SELECTMEN  
Minutes of the August 25, 2015 Meeting

1. CALL TO ORDER - by Chairman Maddox the meeting of August 25, 2015 at 7:00 p.m. in the Selectmen's Meeting Room at Town Hall.

2. PLEDGE OF ALLEGIANCE - led by Donna Graham.

3. ATTENDANCE

Board of Selectmen: Rick Maddox, Roger Coutu, Pat Nichols, Marilyn McGrath, Ted Luszey

Staff/Others: Steve Malizia, Town Administrator; Donna Graham, Executive Assistant; Elvis Dhima, Town Engineer; Captain Bill Avery

4. PUBLIC INPUT

Chairman Maddox asked does anyone in the audience wished to address the Board on any issue which the Board has control of at this time. If so, your name and address for the record.

Mr. Chairman I'm Len Lathrop, 31 Winslow Farm Road. Tonight we're here as your local newspaper, the Area Newsgroup printing the Hudson/Litchfield News. To my right is Doug Robinson. Doug wants to speak with you tonight about a community forum that we'd like to host here in Hudson.

Good evening. Doug Robinson indicated the purpose of our visit here is to request the use of the Community Center to host a program entitled "Heroin in Hudson, a community discussion". The past 6, 7, 8 weeks I've been doing a variety of various heroin stories for the newspaper. I've had the ability to go to several communities to see what is going on with heroin in other communities. In the Pelham community a couple of weeks ago, they had a program which was called "Heroin in Pelham". It was a Thursday night at 6 o'clock and approximately 120 people showed up. What was most amazing of that gathering is there were families with children there. I thought that was an absolutely wonderful, wonderful thing. The vision of this community discussion is to education, inform, and most importantly offer solutions to those families who are affected and addicted to this horrible disease. We have selected October 1<sup>st</sup>, which is a Thursday night and I've taken the liberty of talking with David Yates the Recreation Director. He has confirmed that the Community Center is available that night and it will not conflict with basketball at that point in time. I've also received commitments from the Hudson Police Department, the Hudson Fire Department, a mother in town of an addict. We will have an addict speak as well. I have received commitments from HCTV to put it on television. We are presently working on a key note speaker from NH. We'll also be having a representative of a healthcare facility there to talk about what recovery looks like. I also intend to have this available for folks to call in as well as text their questions. The format will be one hour of speeches, 30 minutes of questions and answers by the entire panel. It will be no cost to the town. Any cost of paper and supplies will be absorbed by Mr. Lathrop and the paper.

Mr. Robinson said we would ask upon your approval of this that you would all come and represent Hudson as Ambassadors, meet the public, talk with the public, understand their concerns, and I've also received a commitment from Bryan Lane and the School Department as well as Bill Huguen as Director of Guidance to talk about counseling and how you talk to your children. With that we ask for your approval to use the Community Center from approximately 5 p.m. to closing that evening. I'll answer any questions.

Selectman Coutu noted Doug is well aware about how I feel about this. My son and daughter-in-law were attendance in Pelham. My son and I have had extensive discussions since then. Most recently at a family event this past weekend relative to what he heard at the forum in Pelham. He said to me, "You know Dad, we got away from Lowell. We moved to Nashua. We got away from Nashua and we moved to Pelham to get away from the problem." My response was, "There is nowhere in this country you can run to and hide from the adverse affects of addiction within a community. Whether it affects one family or hundreds of families, we're all going to be affected - as taxpayers, as residents, as family members, friends, fellow students, and the like." I told Doug that it bothered me greatly that we don't have the facilities in the State of New Hampshire nor are there many facilities throughout the region that will help. It's a very costly process. A family who can afford it pay anywhere from \$30,000 to \$100,000 for treatment. It's a very expensive process and it's a lengthy process. You don't go in and dry out in three days.

Selectman Coutu said I wholeheartedly support the concept and the idea. I watched part of the forum on Pelham Cable Television. I was very impressed by the questions I heard; the comments that were made. More importantly I watched a similar forum that was held and sponsored by the School Department and the Police Department, most recently right here in Hudson. The only thing that I'm negative about and I'm hearing for the first time the details of this is only allowing a half hour for questions and answers. The answers to some of the questions are going to be quite lengthy because people are going to express concern about family friends and the like. So they're going to want more detail. To get beyond 5, 10 questions at best if you have 200 or 300 people there might leave some people with a sour taste. If it were followed up with everyone staying and being able to communicate in small groups amongst themselves or allowing an additional half hour for questions...

Doug Robinson said we will have that as well. No way do I anticipate this being closing at 8 o'clock. We certainly can go from 6 to 8:30. Time is relative to what the purview of the Board would like to see it. We can certainly adjust that time.

Selectman Coutu didn't think it's up to us to decide about the time. This was your baby co-sponsored by Southern Regional Medical Center and the Area News Group. I'm just rendering an opinion.

Len Lathrop said the way we work in this town, we've never shut anybody off. I'm sure that most of our speakers will stay until everybody gets the information they need. This is education, information, how people get more information, and where they can go. We work extensively with Pelham in their prep before their meeting. I don't think that I as the Publisher or Doug, we wouldn't say well we have to close the doors now. I don't think any of you as Selectmen would say well you've only reserved the building for this amount of time. Get everybody out and close the doors. I think that we'll be there until people get their questions answered.

*Motion by Selectman Coutu, seconded by Selectman Luszey, that we approve the use of the Community Center and waiving the fee for said use for the topic "Hudson and Heroin" (October 1, 2015) as presented this evening August 25, 2015.*

Selectman McGrath had a comment. I agree with what you're proposing. I certainly don't have a problem with it. I wanted to add that I was watching the Boston news channel and they had a report. Don't hold me to this because I watch a lot of different news programs and I might be wrong on that. They did a report on someone in New Hampshire - I can't remember the location, the Raymond area, Derry area - where they were presenting the ability to receive or get a prescription for Narcan which is from what I understand if they overdose that they can give it to them but there's a short window of time in which they can receive that dosage. I don't know you're aware of that, and if that's something that you might want to add to your program, or if you can or cannot.

Len Lathrop thought that we've talked to the Deputy Fire Chief and several weeks ago we did a story about Narcan use here in town and how it has tripled from what they've had to do in years past. Mickey Rudolph the EMT Coordinator is going to be there that night and I'm sure she can talk about Narcan; its use. It's been pretty controversial. There's a new bill in the Senate that would allow police officers to carry it. We talked to Chief Lavoie and because of the excellent response and working relationship that police and fire have in town, he doesn't feel the necessity to train police because the fire response is so great. They use it a lot here already.

Selectman McGrath indicated this was individuals. Individual family members being given the Narcan so that they could keep it in their home because they had someone that was addicted and using heroin. Doug Robinson said I've heard of that but I haven't validated it so I didn't write it in any of these stories. I know of the story that you're talking about. Selectman McGrath thought it might be something that you'd want to add to your program. I don't know. Mr. Robinson said we can talk to Mickey about that absolutely. Good idea. Mr. Lathrop said this is a brand new one weekend let's see if we can get the community center and then start from there. I know Doug has talked to a couple of national politicians to maybe be present. There's a lot of things still up in the air but the first step was to make sure that we had the facility.

Selectman Coutu though having national politicians there is a bad idea. Len Lathrop stated we're negotiating. Trust me Roger it will be positive.

To that end, Chairman Maddox thought that maybe you want to add to your list of invitees is our State Representatives. That's where the money and the programs really have to come from is the State level. Hudson can certainly introduce people into a program but, again...Doug Robinson said that is what we are referring to. Len Lathrop indicated we've spoken with Speaker Jasper about the money and the issues like that. He's on board with the program and there's some political things about the budget that still present issues when you talk about treatment facilities. Roger we're talking with some people that have lectured or ran round tables locally about this project. It won't be a political free for all. Mr. Robinson said we're seeking absolute professionals to guide and help our residents at town. It will be local, home grown stuff here.

Chairman Maddox said one thing that maybe we need to do a better job of is to ask our Police and Fire Chiefs some numbers. I'm hearing on my pager a tremendous volume of calls but just what are those? I don't think that people realize the numbers - the small little community of Hudson is generating.

Selectman Coutu said I can tell you without hesitation that when you compare Hudson with Pelham, we're five times or more greater. We have a problem five times or more greater than what they have in our community.

Doug Robinson asked let me give you one stat that's embraced. Through June 30<sup>th</sup> of this year, we had 74 overdose calls. Of that, 47 were directly related to heroin. Of that, 27 of those had Narcan injected into their chests. Of that, many - I don't know the exact number - were repeat customers by today, tomorrow, the next day. We have a serious problem.

Vote: Motion carried 5-0.

5. NOMINATIONS AND APPOINTMENTS

- a) Resignation of Cecilia Nickerson as a member of the Sustainability Committee

Motion by Selectman Coutu, seconded by Selectman McGrath, to accept the resignation of Cecilia Nickerson as a member of the Sustainability Committee with the Board's thanks and appreciation, carried 5-0.

6. CONSENT ITEMS

Chairman Maddox asked if any Board member wished to remove any item for separate consideration.

Motion by Selectman Coutu, seconded by Selectman McGrath, to approve consent items A, B, C, D, E and F as noted or appropriate, carried 5-0.

A. Acceptance of Minutes

- 1) Minutes of the June 9, 2015 meeting

B. Assessing Items

- 1) Current Use - Map 207, Lot 8-4, 15 Moose Hill Rd., w/recommendation to approve
- 2) 2014 Tax Abatement - Map 191, Lot 131, 10 Roosevelt Ave., w/recommendation to approve
- 3) 2014 Tax Abatement - Map 191, Lot 132, 18-24 Roosevelt Ave., w/recommendation to deny
- 4) 2014 Tax Abatement - Map 222, Lot 41-9 Wason Rd. and Map 222, Lot 41-1, 9 Wason Rd., w/recommendation to deny

C. Donations - None

D. Licenses & Permits

- 1) Request to solicit funds - Cub Scouts Pack 46, Tyngsboro, MA

E. Water/Sewer Items

- 1) Sewer Abatement - S-UTL-16-02, 25 Forest Rd.; S-UTL-16-03, 45 Riverside Ave.; S-UTL-16-04, 15 Sycamore St., w/recommendation to approve
- 2) Sewer Abatement - S-UTL-16-05, 23 Executive Dr.; S-UTL-16-06, 5 Kay Court, w/recommendation to approve
- 3) Water Abatement - W-UTL-15-02, 11 Executive Dr., w/recommendation to approve

F. Calendar

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|------|------|---|
| 8/26 | 7:00 | Planning Brd - Buxton CD Meeting Room             |
| 8/27 | 2:30 | Trustees of Trust Fund - Buxton CD Meeting Room   |
| 8/27 | 7:30 | Zoning Brd of Adjustment - Buxton CD Meeting Room |
| 9/01 | 7:00 | Board of Selectmen - BOS Meeting Room             |
| 9/02 | 7:00 | Planning Brd - Buxton CD Meeting Room             |
| 9/03 | 6:30 | Recreation Cte - BOS Meeting Room                 |
| 9/03 | 7:00 | Benson Park Cte - Buxton CD Meeting Room          |
| 9/07 |      | LABOR DAY - TOWN HALL CLOSED                      |
| 9/08 | 7:00 | Board of Selectmen - BOS Meeting Room             |
| 9/09 | 7:00 | Planning Brd - Buxton CD Meeting Room             |
| 9/10 | 7:30 | Zoning Brd of Adjustment - Buxton CD Meeting Room |
| 9/14 | 7:00 | Conservation Cmsn - Buxton CD Meeting Room        |
| 9/15 | 7:00 | Cable Utility Cte - HCTV Center                   |
| 9/16 | 5:00 | Municipal Utility Cte - BOS Meeting Room          |
| 9/16 | 7:00 | Senior Affairs Cte - Buxton CD Meeting Room       |
| 9/17 | 7:00 | Benson Park Cte - BOS Meeting Room                |
| 9/17 | 7:00 | Budget Cte - Buxton CD Meeting Room               |
| 9/22 | 7:00 | Board of Selectmen - BOS Meeting Room             |
| 9/23 | 7:00 | Planning Brd - Buxton CD Meeting Room             |
| 9/24 | 3:00 | Trustees of Trust Fund - Buxton CD Meeting Room   |
| 9/24 | 7:30 | Zoning Brd of Adjustment - Buxton CD Meeting Room |

9/28 7:00 Sustainability Cte - Buxton CD Meeting Room

7. OLD BUSINESS

A. Votes taken after Nonpublic Session on August 11, 2015

- 1) *Motion by Selectman McGrath, seconded by Selectman Nichols, to hire Rosemarie Bracket as a Full-Time Truck Driver/Laborer at a rate of pay of \$17.67 per hour (Grade VII, Step Minimum) as per the Town of Hudson and Hudson Highway Department, Local #1801 of the American Federation of State, County and Municipal Employees (AFSCME) contract, effective August 16, 2015, carried 5-0.*
- 2) *Motion by Selectman Coutu, seconded by Selectman Luszey, to hire Zachary Whitney for the position of Firefighter/AEMT in the Fire Department at the contracted starting salary rate of \$18.98 per hour (Step 1) effective September 1, 2015. This assigned will be a non-exempt position in accordance with the International Association of Firefighters Local #3154 Contract., carried 5-0.*
- 3) *Motion to adjourn at 9:46 p.m. by Selectman Nichols, seconded by Selectman McGrath, carried 5-0.*

B. Public Input at Board of Selectmen Meetings

Chairman Maddox recognized Town Administrator Steve Malizia.

Steve Malizia indicated you asked that we put in that public input will not be on the workshop agendas. I also believe that if there were more than three speakers on any particular topic which may be lengthy, you asked that they come back at a regular meeting with prepared materials so that the Board can have a more intelligent and prepared discussion. Basically that's what you asked for in this document.

Selectman Coutu said I don't remember asking it. We don't have it on workshop agendas so I'll take that up first. Why prohibit people who want to come in when we're here to come in to speak to us? Chairman Maddox indicated because we have not been doing it regularly at workshops. It has not been on the agendas for public input so just to be consistent. Selectman Coutu noted I disagree with that.

Selectman Coutu asked are we going to have committees - not necessarily our commissions but our committees also send this along to them and make this applicable to them? The reason why I mention that is because - and I heard you talking before the meeting about the Sustainability Committee. The Sustainability Committee has one person who's called "Mr. Public Input". He sits there and he makes his opening comments and then he partakes in continuous discussion through the entire meeting. Mr. Public Input is a member in abstentia. He's a non-voting member is the way I look at it. Public input we didn't allow Mr. Lathrop and Doug to sit there for the rest of the meeting and continue discussions with us throughout our agenda. That committee happens to have that. I felt that we should impose on our committees the same standards that we're going to impose upon us.

Chairman Maddox said maybe offer the same thing to them. A lot of boards don't have public input. I know the Planning Board doesn't have per say public input. Selectman McGrath indicated neither does the Zoning Board.

Selectman Coutu noted I said other than commissions. Those are commissions are they not? Well they're committees but they're sanctioned by the State. Other than sanctioned, boards or commission.

Chairman Maddox said we could certainly offer it to them. Again I bet you there's not much public input during the Municipal Utility Committee. Selectman Coutu said no one attends those meetings. I mean I agree that a lot of them don't have it but for those who do. Chairman Maddox stated why don't we offer it to them and if they want to adopt it, if they felt that...Selectman Coutu said fair enough. The only other note I had was not allowing it for public input - the workshops. Chairman Maddox said we can strike that if the Board feels that that's the way they want to go.

Selectman Luszey indicated I'm going either way.

Selectman Nichols was good either way.

Chairman Maddox was saying that I think that it should be during a regular meeting rather than the workshops. I think that's twice a month people can come in and give us their input.

For clarity sake, Selectman Luszey said if you were to compare the agenda for the workshop meetings versus regular meetings if you change it to a true workshop, then I would agree with that. We're kind of wishy washy. We do old business, new business, and all that during workshops. If it's a workshop meeting and we do that, I'm okay with that.

Selectman McGrath commented I haven't been here very long but for the length of time that I have been on this Board, it seems to me that the workshops have been dedicated to meeting with department heads and getting information from them about what their departments are doing, and what their needs are, and what they may be looking for budgetary wise coming up this fall. I don't recall over the last few months any of the workshops having any old business or new business being added to the agendas.

Chairman Maddox said we might have added it for a special issue that we needed to resolve at that time frame. All in all it has been not on the agendas. If there's a dying need if somebody came in, I'm sure the Board would waive it but again I think we're just trying to be consistent.

Motion by Selectman McGrath, seconded by Selectman Nichols, to adopt the Public Input Guidelines at Board of Selectmen meetings.

Selectman Coutu said I'm going to vote no. I'm going to vote no because I think if a public citizen wants to come before a sitting board, especially the Board of Selectmen, and bring something to our attention I don't care what you called the meeting whether it was a regular meeting, a workshop, or just an informal meeting, I feel that opportunity should be afforded them on the basis of the language of the motion. I will not support the motion. I'm not in favor of locking anybody out from coming to meet with this Board at any given meeting.

Chairman Maddox stated so during our budget hearing if somebody wanted to...Selectman Coutu said fine. I don't care.

Donna Graham interrupted and told Chairman Maddox if you look at number 7 it says, "unless approved by the Chairman or consensus of the Board of Selectmen". So if somebody does come in for public input, it would be up to the Board if they wanted to entertain that person.

Selectman Coutu said exactly. So why try to put a loop hole in there. He wants to do without it. He made that pretty clear. We have a loop hole that allows it to be done so we can't even make up our mind about that. I say we're a public access board. We govern this town. If a citizen has something they feel is necessary for them to speak to us on any given Tuesday night that we sit here, we should be able to listen to what they have to say and we shouldn't have the dictates of whoever is Chair, and I'm not referencing you. It would be you or anybody else sitting in that chair deciding whether or not the person has anything worthwhile for us to listen to. That authority is given to the Chair upon their introduction to what they're going to talk about. If they're going to speak about something which we have no control, they can be dismissed and say we have no control over that. There's no sense even discussing it any further. If they're just coming here to talk about their political agenda, we have no control about how they're going to vote or who they're going to vote for. That opportunity is afforded the Chair anyway. You're building in a loop hole. It should be one way or the other. So I'm not going to support the motion as it stands.

Chairman Maddox noted so you wish to remove #7.

Selectman Coutu wished to remove #7.

Chairman Maddox indicated there is a friendly amendment to the motion to remove item #7 does the maker concur.

Selectman McGrath said it didn't sound too friendly to me. I will agree.

Selectman Nichols agreement to the amendment.

Motion by Selectman McGrath, seconded by Selectman Nichols, to adopt the Public Input Guidelines at Board of Selectmen meetings as amended by removing Item #7, carried 5-0.

#### C. Zach's Field Status Update

Chairman Maddox recognized Town Engineer Elvis Dhima.

Elvis Dhima said I felt like I had to go all the way back to the beginning to give a detailed description on what happened or at least to the best of my ability, the best facts that I had in front of me. With that said, I have behind me two gentlemen from Weston & Sampson for any questions that this Board may have regarding to what happened before my time. Before I start, I guess I'm going to do a little bit reverse. I'll start with where we're at and what's going on. Then I'll take any questions that you might have regarding the past or anything that was said on the previous meeting.

As of today, Mr. Dhima said the asbestos cells have been sealed. We have received a clearance determination from the State of New Hampshire DES that the activity use restriction has been filed and completed. All the grant money has been used or it's projected to be used. Also a practice field with dimensions of 100 by 120 has been completed and the only items left are hydro seeding the side. That's scheduled right now for mid September. The reason for

that is because there's no irrigation at the site and we feel that it will give the hydro seeding a better chance to take off. With that said as the Memo says, regionally we plan to use \$53,000. During construction there was a change to it. We have received an invoice from Tate Brothers for \$73,000. We have \$65,000 from Nashua. Weston & Sampson has agreed voluntarily to donate the remaining balance for that. This will be at no cost to the taxpayers. That's where we're at today.

Selectman Coutu said to Mr. Dhima though I recognize and I've said before you inherited this project when you came on board. There's a convolution of several engineers who preceded you who worked on this project. I went through this and I said this is a mélange of so much information to try to put it in perspective was very difficult to do and I applaud you for the effort and for the work product that you provided us. There was a part in here that I just didn't get and it had to do with the Tate Brothers bid on an amount not to exceed \$53,000. Now it appears its \$73,000. How did it go from \$53,000 to \$73,000?

Elvis Dhima told Selectman Coutu you're right. It got done without an approval from this Board. The construction took about two weeks. You're right. The amount called for not to exceed 53 and change. During construction I was notified right away of the change. Based on the information I had, I had two choices - either stop work and have a pile of dirt there and have nothing to show for or continue with work as long as they could justify the changes and make an executive decision to have a finished product at the end of the day. I went over it with the contractor. We made the changed to reduce this amount of change. We wouldn't have a massive change order. So I removed the retaining wall that was there originally. We made changes to the grading to make sure that we minimized the amount of dirt that we had to bring in and we went from there. Tate Brothers or Bill Tate took an interest in this. He did the work without a change order because he believed that was the right thing to do to finish this work. That's why we're here at that number.

Selectman Coutu said this Board voted for an amount not to exceed \$53,020 and now we're stuck with a bill \$20,000 more. I am angry as a Town Father that we can just make this kind of a change. I don't know who else on the Board knew about it or authorized it number one. Number two as a taxpayer I would take exception that the Board approve an amount not to exceed and we exceeded it by \$20,000 or almost a penny on the tax rate per thousand. What was the change that precipitated the increase to \$73,000? That's the first question.

Elvis Dhima said that would be the amount of dirt that was estimated versus the amount of dirt that needed to be used. Selectman Coutu asked who estimated how much dirt needed to be used. Mr. Dhima indicated Weston & Sampson prepared the estimate. Selectman Coutu asked by how much were they off. \$20,000 worth of dirt? Mr. Dhima said we were looking for about 2,300 cubic yards and I believe the amount of dirt that was used was 4,200. Selectman Coutu asked was it a \$20,000 error. Mr. Dhima said yes. Selectman Coutu commented Weston & Sampson owes us \$20,000 and not a cent less. The bid was for \$53,000 on the bases of information that was provided to us and to the contractor, correct? Mr. Dhima said yes. Selectman Coutu said Weston & Sampson made a \$20,000 error, correct? Elvis Dhima stated based on the information that were provided; by plans that were provided by other people that it started with which was Maynard and Paquette but yes, the short answer will be yes. There is some contingencies to that yes. Selectman Coutu stated what you're saying is that Weston & Sampson went ahead and agreed to do something based on somebody else's figures. They didn't double check the numbers themselves. Mr. Dhima said it was someone else's contours or existing topography yes based on the 2010 plans. Selectman Coutu reiterated they owe us \$20,000. Thank you Mr. Chairman.

Elvis Dhima asked to clarify real quick. This change order will not be on the taxpayers as I said. We have \$65,000 available from the Nashua grant and Weston & Sampson has voluntarily accepted to donate the remaining of the funds.

Selectman Coutu said all of the monies for this project did not fall from the sky. It's footed by taxpayers. None of this money for this project with the exception of some seed money that's been put up by the Foundation. In order for us to prep this field which was made very clear at the last presentation by Mr. Lathrop is a field that is being made available through a lease agreement with the Hudson/Litchfield Bears for the Hudson/Litchfield Bears. However in it's off times, and there will be a considerable amount of time, that is a park a field that could be used for recreation activity for the town. We all understood that right from the outset. It was something that the Hudson/Litchfield Bears agreed to. They certainly haven't backed away from that. They were well intended and provided seed money. All of the rest of the money that's been put into this project, this money did not fall from the sky. I'm not faulting you Mr. Dhima. It did not fall from the sky. This is taxpayer money period. Weston & Sampson owes us \$20,000. They didn't do their homework. That's not our problem. That's their problem. I know they're here.

Mr. Dhima asked if it pleased the Board to introduce them and have them have a say.

Chairman Maddox wanted to finish up with the questions of the Board right now and then we'll get into it.

Selectman Nichols noted I am fairly new to that part. The Town donated the land for Zach's field. Right? Did we give them money besides donating the land? Chairman Maddox stated we didn't donate the land. They're basically leasing it for no money for 35 years. We still own the property. Selectman Nichols asked did we give money towards

this. Steve Malizia said we did at the very beginning. There was an arrangement when the efforts that were specked over Robinson Pond. We had compensated very early in the process \$12,000 to \$14,000. Selectman Coutu said we offset it with the recreation donation account. We offset it with that from the Planning Board.

Chairman Maddox noted and some in-kind labor with the Highway Department and Engineering Department also.

Selectman Nichols had a follow up and a few questions. Was there a Clerk of the Works or an overseer for this property for the work to be done? Chairman Maddox said there was for the asbestos portion of it. That was part of the entire asbestos mitigation there was. Selectman Nichols reiterated that there was none for the actual field. That's another thing. Where is the entrance for the parking lot? I went down the road and all I saw was a little narrow road with a lot of rocks that went to the practice field. I went around the block 3 or 4 times looking for a way to get in to see the football field and wherever this baseball field is. Are we having a baseball field? Chairman Maddox indicated not any more.

Elvis Dhima had some pictures here that might help to look at the final product. Selectman Nichols said I couldn't find an entrance. All I saw was that little rocky nest thing. Mr. Dhima said there is an entrance but we have a chain so not everyone can get to it. It's for the purpose of people not...Selectman Nichols noted it's all rocky. It's a mess. Mr. Dhima said it's called the construction entrance. The reason for that is because the side can be a little bit muddy during the rain. We don't want that mud to come into the road so that's why that is there. Selectman Nichols wanted to know where people are going to park. I was looking for the parking lot and I was looking for the field. I couldn't find either one. I know it was down there somewhere.

Chairman Maddox said government being government; the parking lot is the cover for the asbestos cell. They would not fund the driveway. So we have a huge parking lot with no access to it yet because that is going to be the responsibility of others. It was not part of the original contract to cap the asbestos cell. Did I say that right? Mr. Dhima said you are absolutely right. It wasn't associated with sealing the cell so therefore we cannot use any funding outside the cells. The reason we were able to build the practice field is because this is one over the cell. That's why we were allowed to use the Nashua funds. This is looking at the building at the top of the hill looking down. This is the slope side. The original intent was to have two entrances to the side. This would be the primary entrance and there would be another entrance further down. That wasn't done. Again as Mr. Chairman said, it wasn't associated with sealing the site therefore the funds could not be used for that purpose. This is the access to the practice field. This is the finished product. When Mr. Lathrop came to give an update about this project to this Board, unfortunately work was still going and the pictures that he provided were not showing really the final product. This is the finished product and I have a few other pictures. (The additional pictures were showed and explained.) Mr. Tate took it upon himself to create another access from the parking area to the driveway to get to the practice field. This was required by us. It originally wasn't the intent. This was a concept done in 2004. It didn't call for this. This was required for either handicapped access or maintenance vehicles to get up there instead of parking on grass to be able to take care of the fields. A couple of other pictures. This is how the main parking area is connected to the other entrance. If the Foundation feels that this is in the way of the main field, they can definitely remove it without any issues. Again we're looking at the corner. It's just about under an acre worth of parking spaces there. The flat area at the top is for parking purposes for anyone who wants to drop anyone, or equipment, or whatever they need to do to maintain this field.

As you can see, Elvis Dhima said this is a 3 to 1 slope. We kept the silt fence. There was at some time a concept done that maybe this practice field could be bigger. We looked at it and it was too expensive. This project was driven by the cost. There was only so much money available so we reversed engineering and we said this is how much money we have what can we build with this money. The only option that was available when we ran it was 100 by 120 and that's because Mr. Tate came in at \$53,000. This is a riprap or a swale done with riprap. During my conversation with Mr. Lathrop during construction or prior to construction, I stated that river stone could be installed over this once this is installed. River stone because of the size of it which varies from one inch to an inch and a half, it's mainly used for landscape purposes. This particular stone is used to catch the water and slow it down as it makes it down hill. Anything below that that's not sharp will just end at the bottom of the hill. That is why we use that. Can it be covered with something else for the purpose of reducing any injuries? Absolutely. You can add to that but you cannot use the river stone as the material. As you can see here, this is the main slope. Any runoff down the road will be going into this slowing down, get absorbed by the membrane or the ground there and then whatever doesn't will slow down slowly going down the hill. That's the finished product.

Another thing. Selectman Nichols asked is there going to be seating for the football field. Mr. Dhima said not part of this. Not that I'm aware of. Chairman Maddox noted that would be part of the Foundation's plan once they get it done. Selectman Nichols said they would work for benches and a concession stand type of thing. Okay.

Selectman Nichols said somebody mentioned soccer and field hockey. I had never heard that before mentioned to this field. All I had heard was football and baseball maybe but that's all I have heard. Where would that soccer come in? I don't understand that one. Chairman Maddox said it would be part of the main field if I remember. They would expand the actual football field. If you go to Appendix D and you can see the field, they would have to widen that by 10 yards.

Elvis Dhima said this is based on a plan 2014. This is option 1. It is pretty much the practice field. This is the plan we used to mimic what was done before so we didn't have to redo the work. This is the main field right here. This is, again, it's a concept that was done. This line represents a stone wall. I believe that the reason that the stones and the boulders are left there is to build a stone wall 60 feet high. It would be structurally unstable to do that. You cannot do that with those kinds of stones over there and the boulders. It needs to be either a ready rock return or something that interlocks. The question is if you can't use that, then it needs to be crushed and it needs to be used so the wetland area can be filled. It needs to be designed by a licensed professional and structural engineer or GEOTECH. This is nothing you can do in the field. Mr. Webster provided this layout for the Foundation to give them a concept of what to do. It still needs to be designed. This is one layout. There is many layouts to this - at least 16 versions that I've seen.

Selectman McGrath had some questions. I think I have a pretty clear understanding of how this evolved based on a meeting that I had with Mr. Malizia and Mr. Dhima last week plus the package that you presented. I've read this over a couple of times. I think I have a clear understanding. Certainly not an easy - it seems that there were multiple changes. If I remember correctly, there's at least 15 plans that were devised by Maynard and Paquette that were being utilized to come up with some sort of a design. It's like a moving target. It kept changing. Certainly not easy for the people that were trying to develop this.

Selectman McGrath asked for clarification though about Selectman Coutu's remarks about the taxpayers paying for this and that its taxpayer money. It's my understanding that the only involvement that the town has had with this project is that they've leased the property for a 25 year period at no cost for the leasing. They've allowed town staff - I'm saying they - previous Boards of Selectmen allowed town staff, engineering staff that predated Mr. Dhima's employment with the town. This goes back to 2010. Mr. Dhima has been with us for less than a year. We've allowed town staff to be utilized for this project. I don't know how much time Mr. Dhima or the other engineers have used on this project but their fee wouldn't be inexpensive. We've allowed the Public Works Department to transport dirt from Continental Paving that was donated and then as I understand it had to be tested to ensure its cleanliness to cover the asbestos and then be covered again by a membrane. They made multiple trips as I understand it. Not just a couple but it was a full day of trucks going back and forth utilizing not only town staff but also town resources. It's my understanding that those are the only things or the only money that the town has committed to this project and not anything else. Am I incorrect in that assumption?

Chairman Maddox said I'm not going to speak for Selectman Coutu but I think that what he's stating is there was \$1.2 million put into this project not by Hudson real estate taxes but by federal dollars. This was monies from a number of different sources almost exclusively through the EPA for this project. It's still taxpayer dollars. Selectman McGrath said it's not the taxpayer dollars that you're talking about are not taxes that the Hudson taxpayers have seen in their tax bills.

Selectman Coutu noted the Chairman is correct. My assertion was as it has been said before it may not impact us directly but it certainly has an impact on the taxpayers. I think you've made similar statements about other things in the past. Money comes from somewhere. As for a direct impact on the town, you are correct in your overview of the funding process. What we contributed primarily was not money. We contributed primarily the resources of the town to assist in the project. Obviously that cost money. They could have been doing other things. We relied on the Town Engineers whether it be Mr. Dhima or the previous three who worked on it. We relied on the Town Engineer to use better judgment when approaching the tasks that are involved in the work that was necessary to get us to this point in that if they had items that took precedent, they were to work on those not that this was on the back burner but we didn't want the Highway Department for example on a good day that they could be paving to be pulling people off of that and running trucks back and forth. Slightly inclement weather where it would be prohibitive to be paving or not, a good day to be paving you can use those resources for that purpose. The engineer, he's always busy. If it isn't one thing, it's another thing. I understand the complexities of his office. It was our understanding that he too would use better judgment in allocating his time to the project. Unfortunately or fortunately I don't know which to go in light of the work he provided us, I'd say fortunately. Patrick did an outstanding job as has Gary in terms of these projects. I'm not faulting any of our engineers although I am not engineer friendly this evening. It doesn't mean that I dislike our engineers in any fashion. You are correct. The impact of the total cost of what this project is going to be, the major impact locally is resources and the funds. There's still a lot of money that needs to be expended to finish the project. We're committed to get it to a point where the Foundation can then use their money - and we're not talking about small change either - we're talking about a considerable amount of money to finish this off with bleachers, probably a snack bar, whatever funds they have and they can continue to raise.

Selectman McGrath stated that's based on their fundraisers that they've held. Selectman Coutu said that was correct. Mr. Lathrop and Mike Tompkins are here. I'm not saying that they have to come up and speak but they're welcome to contribute to the conversation if they'd like to. Selectman McGrath said I heard the conversation at the last meeting that they presented to this Board and I reread that today as well. It seems to me based again on the meeting that I attended last week with Mr. Dhima and Mr. Malizia and all that I've read that our Engineering Department and our people have done an excellent job. The only thought that was going through my head today as I was reading this stuff for the second time was Mr. Maddox and his refrain of no good deed goes unpunished. I was concerned when I



read this about the \$53,000 because I remember us voting for that. I looked at the delta and what it was from the invoice that was submitted and I got an explanation from our engineer that I'm satisfied with.

As far as Weston & Sampson based on Selectman McGrath's understanding from again what I've read, and what I've heard, and what Mr. Dhima has told us previously was that the plans that have been utilized by Weston & Sampson, again a moving target although contours and topographic lines that doesn't change dramatically. It does maybe over time but not in the last five years. I wouldn't expect that there would be a dramatic change. They relied on plans that the Foundation submitted to them. They weren't hired by the Town of Hudson as I understand it. They were hired by one of the agencies that was required by the EPA to make sure that the capping - all of the asbestos removal, and remediation, and the capping of those sites were done in compliance with sound engineering practices and their requirements. If they had a plan before them that was stamped by a professional engineer, why would they go out and redo those plans to validate the information that's been presented to them and stamped by a PE? I don't understand why we would be willing to throw them under the bus for something that a professional presented to them and they relied on. I don't understand it and maybe somebody can explain it to me. So far that's it for me for now.

Selectman Coutu said I understand it as much as I understand that when a doctor does an autopsy why doesn't another doctor rely on that autopsy if he was ordered to do another one? He doesn't. It's signed off by a physician who did the autopsy. Why should he question it? You double check and you make sure they didn't miss something. I can see somebody going to the Planning Board and say where are you engineer's plans? These are somebody else's engineer's plans but we're going to rely on those. I don't think that would be acceptable. You're the engineer presenting the plan. You should do your homework and you put your stamp on it. Most engineering firms don't stamp other engineering firms on top of another engineer's firm from my understanding of engineering. As complex as it is, it's akin to lawyers. They shuffle papers around. They have a lot of money.

Thank you Mr. Chairman. Len Lathrop said if I might Selectman McGrath. I know that you're familiar with looking at plans from your time on the Planning Board. The thing that's not being mentioned is the transition from having an estimate of 65,000 cubic yards of contaminated materials to having 150ish yards of contaminated materials. The plans that Paquette & Maynard drew up for us, the parking lot isn't the parking lot that's there because the hole had to get bigger. Cell site #2 which is now under this practice field and under the slope wasn't even anticipated in the initial plan. The initial plan was the hill would come out; the contaminated materials would go underneath the parking lot. The Foundation even dug the hole for the contaminated materials originally. Then it would be membrane, proper soil alignment, and the parking lot. We would have the whole back - that slope was going to be going as that came down from the property line. As they started to dig with Mr. Coburn being the Engineer and the reason that the Town Engineers have to be involved is that all the federal funding money has to go to the town because the town owns the property. So the town needed someone to clerk the job for lack of better definition. That fell on the engineer because the foundation couldn't take the money and do the work. It had to go to the town because it was town property. So as the parking lot grew, the whole site changed. As cell 2 came in, that whole slope returned. Now we're at a point where we've had to turn the field back to perpendicular or close to perpendicular to the road which wasn't our expectation.

If Mr. Lathrop could regress when we started this project with Mr. Webster, the idea was to cover the contaminated hill with a membrane, grind off the trees, don't break the ground, cover the hill with a membrane, put riprap on that, put the bleachers on that hill, put the football field in, and the project was a reasonable expectation. NRPC came in and said nope that's not the best way to do it. Let's do it correctly and we'll take care of the asbestos for you. Well that started the ball rolling into now what is \$1.2 million of taking care of the asbestos leaving us with a site that is significantly smaller than we started with leaving us with all kinds of different plans. We have not paid Mr. Maynard to draw a plan since the parking lot was changed. You will see that this plan which is the most recent I can find was drawn by Weston & Sampson.

Elvis Dhima said if I may correct. This plan is referring is on TV is August 2013. The latest plan that I can find it's actually August 2014. That would be this plan. As you can see, 2014 prepared by Maynard & Paquette shows the practice field on top of the cell and the practice. What happened if I may add to it Mr. Lathrop...Len Lathrop said this is the plan that you and I have been arguing about that Maynard & Paquette did at the request of Weston & Sampson not at the request of the Foundation. Elvis Dhima asked to clarify real quick because it's a lot of hand drawing stuff in here. I don't know because this is before my time. It's August 2014. What I can tell is using the software which is Autocad, I can clearly see that the Option 1 which is pretty much the practice field that we built and the grading was done using the software. The rest here, this section right here and a retaining wall seems to be over here, all this is hand drawn. I believe Mr. Webster prepared this for you to show a concept of what can be done.

Len Lathrop indicated that was when we were concerned that we couldn't even put the field in there and that we lost all our practice areas for the kids to warm up on.

Elvis Dhima asked to go back a second. As Mr. Lathrop said, the idea was to dig down the hill, get rid of all this asbestos that was at the hill which pretty much is under the practice field right now, dig a hole where the parking lot is, and have a flat area. That wasn't possible because of two things. There was way more asbestos than they thought which Mr. Lathrop just said and the other issue was they couldn't clear the hill area. There was so much of it that they

couldn't just get rid of it and say let's bring it all the way down. What did they do? They just capped it. They pretty much capped it, sealed it, and that was the end of it. The original plan called take the asbestos from the hill, put it in a hole where the parking is, and pave it and now you have two flat areas. That wasn't the case. The hill remained, the parking lot is there, and that took a lot of real estate from the property. That's why they had to relocate...

Len Lathrop told Mr. Dhima don't you think if someone told us that we would need two cells and we would need a hill that we would have questioned the feasibility of this project at that point?

Selectman McGrath didn't think that this was appropriate. Mr. Dhima doesn't work for Mr. Lathrop and he can present the question to the Board but that shouldn't be presented directly to Mr. Dhima.

Chairman Maddox asked Mr. Lathrop to step away for a second. Board members any further questions of Mr. Dhima? I guess I have a couple. As we look at your Appendix D which has the option 1. Can you tell me what's out there today this shows a level area 120 by 100. Is that there? Mr. Dhima said yes. It's this area right here - option 1. As you can see, what's on the right it's what was designed to build the practice field today. This is what the latest plan that I can say based on Gary's and my research. As you can see, this is 100 by 120. It's identical to this layout 100 by 120. You can also see the dashed line which represents the cell are identical to the 2014 layout which is right here. The grading is identical. This starts at 284. This starts at 284. The only difference between this and this is the access. That was requested by the EPA and the environmental firm rep. that attended the meeting prior to us starting this work. In addition, there is a stone riprap on the edge of it that also shows in this layout. When we started this, I wanted to mimic what was already there. I didn't want to reinvent the wheel and that's what we used.

Chairman Maddox asked what is the height differential between the platform if you would at the top of a 100 by 120 and the bottom of the slope? Are those 2 foot contours on the...Elvis Dhima said yes. As you can see, it's approximately 285 and the bottom is at 264. So I would say about 20 to 22 feet. I think the idea when this first started and obviously it was before my time was, again, to get rid of this hill completely, put all that stuff under the parking area, and have now a flat site. It didn't happen because either there's too much asbestos there and they couldn't clean it up so they had to seal it. That's what triggered the relocation of the football field. That's what I can put together from the resources, calling Pat the previous Town Engineer, talking to Gary about it, and looking at what's available as far as plans go.

Chairman Maddox said I have not been out there since they've finished. When I was out there, I just looked at a field that I thought you were just going to have little bears just rolling down that hill trying to practice. It is a 20 foot drop and maybe it's firmed up on its corners but it looked like you just keep rolling off this hill. Is it going to be as useful as they're going to need to be able to practice to get onto the regular field? That's for them I guess to decide if they're going to do whatever they're going to do. I did go to Old Home Days and Mr. Tompkins was there. I see both sides of this. Ladies and gentlemen if you look at Brownfield remediation in this country, this has been done in 5 years where some places are going on 15 years and they're not even half way done. This has been raced through for a number of reasons. It was a great project. Everybody was to benefit. Somehow or another, the quantity that needed to go into the hole far exceeded the capacity of the hole. How, why, what, I don't know. At this point, I think it's something we'll discuss for years. I guess I'd like to hear from Weston & Sampson their input as to...

Selectman Luszey had one other comment. What I'm also hearing is the physical layout - the Foundation wasn't aware of what they were getting this last proposal or what is built. It's different than what has been proposed. It sounds like there's a question of usability. Again Chairman Maddox said if you stand at the top, you got to say with a 20 foot drop/slope, it is going to be a challenge. Selectman Luszey said if there's a question of usability, how do we get that resolved? I see in here someone made a decision to take out a 3 foot retaining wall to eliminate a slope so they could add a 3 foot by 100.

Elvis Dhima asked Selectman Luszey are you referring to this small retaining wall. Selectman Luszey said it's in the write up that it talks about a 3 x 3 x 65. To do that, Mr. Dhima said that was part of the discussion at the last meeting. To do that, we were going to use some of the stones already at the site that was already there. That was eliminated because there was a \$2,500 item. I didn't feel that that was needed any more due to the changes in the field. Again to keep the cost of the change order low, I eliminated that once I consulted with the contractor. We were able to put that driveway access without building that. If we had to do that, then the change order would have been over \$76,000. I made that decision in the field by eliminating that item because it was no longer required.

Good evening. Thanks for letting us be here. I'm George Naslas. I'm with Weston & Sampson Engineers. I'm a practice leader from environmental services. I'm a NH registered professional geologist.

I'm Frank Ricciardi with Weston & Sampson Engineers. I'm a professional engineer. I manage the environmental group for Weston & Sampson and I'm also on the Board of Directors for the company. Thank you all for having us here to hear our version if you would indulge us to talk to you about our experience on this project. I'd just like to say this is a very worthwhile project. We've worked on it for six years with multiple entities providing funding. I think what the Foundation is doing is fantastic. We're supporting the project as best we can. We'll continue to support the project and we really see it as a valuable project for the Town of Hudson and the Zach Tompkins Foundation. It's a

fantastic project and we're here because we support the Town and we want to be part of this solution. George is going to go into the details. I just know that this cleanup is probably a \$2 million cleanup that was funded with Brownfield money, State of NH money, Rockingham EDC. It's a wonderful thing that's happened for the town to recognize the benefit of this cleanup. George will go into the details. One thing I will say is for Mr. Coutu I know he's not engineer friendly tonight and I understand. I would hold anyone to the fire if there was an error. We've come to the table to say we don't think we've made an error and we'd love the opportunity to explain in more detail and we would welcome the opportunity if this isn't the proper venue to have a meeting to really go into the details of what we saw during this project.

George Naslas said I look back at our first meeting minutes. We came to a meeting in April 29, 2011. We were asked to attend a meeting as a technical advisor to Rockingham Development Corporation. As they are a qualified environmental professional to provide input on the money that we're going to fund for this project. Terracon was the site engineer. I believe they worked for the Foundation. Maynard & Paquette have put out a scheme that was desirable. As Mr. Lathrop said, the idea was that we would remove the asbestos waste that was in the area on the knoll as we called it at the time, create a cell where we could - instead of having an uncontrolled asbestos dump which is what the town had. The town had a liability. Let's not lose sight of that and create a proper capped facility. NH DES was at the meeting. They had a lot of concerns about some unknowns. They were concerned about was the amount of asbestos adequately defined? Could it go where the parking lot was? These were all technical concerns that they brought up at that time. We left that meeting with NHDES requesting that we'd be the engineer because of our experience with capping and so on and the NH Regulations to take this project forward. So that's how it began for us.

George Naslas noted where it's complicated is we were given a design that everybody wants it. They wanted the field as Mr. Lathrop said over here and the idea was that we'd remove the asbestos from the knoll and put it in the parking lot. We had the question about do we know the volume here. At that time, EPA came forward and said we have a contractor - Novice Engineering that one of our service providers who will do that work for you. They spent \$100,000. \$100,000 of taxpayer money. I pay taxes. I'm upset by that too to delineate the amount of asbestos up on the ridge. Unfortunately they missed it. They blew it. So to answer the question about if we had known there was this much asbestos would we have done the project the way we did it? No, we wouldn't have. We were working off a volume estimate that we were given. Based on that original volume estimate, it could fit in the parking lot. The plan as Mr. Lathrop outlined was with the plan we started with. Now we're in the middle of construction. Now we're finding asbestos waste 20 feet down instead of 4 feet or 5 feet down whatever Novice had said. So now we don't have room to put it in the new cell. We have to come up with plan b. The important thing about plan b is now we're working on the fly. There's one thing we couldn't do is just walk away and leave uncontrolled asbestos. So we worked with the Town Engineers at the time, Patrick, and we came up with this cell 2 idea. Was that what everyone wanted? No but it was a fix that we were able to do with the money we had as we went forward.

Mr. Naslas said part of the problem at that point in time was obviously the original plans to put the field in that location was moot. We had to redesign and Maynard & Paquette came up with a bunch of designs. I remember at a meeting and you were there Len in the coffee shop with Patrick. We talked about doing a practice field. So that's where this concept came. Can we do a practice field on this knoll area? That's where we said okay so let's try and see if we can make that work. A number of iterations later, we came to the concept yes we think we can make it work. At that point in time, we were able to access some additional funding through Capital District and Nashua. At this point in time, we have done our initial report. We submitted it to the State and we were done. We were ready to walk away and the State said hold on because this is additional work and we have this additional funding, we don't want you to submit the report just yet because we can now use this funding to provide additional capping and create this practice field. At this point in time, we worked with the town again and said we don't really have much money but we can help you run some options and this is where the latest discrepancy comes from why we needed more soil. We looked at the as-built or the topography survey that was provided to us by a licensed professional survey - Maynard & Paquette. We did the calculations based on the survey and we came up with a number and that's what we bid. During the process of the bid, we're not doing oversight services. We weren't hired to do that. We find out that more soil was needed. Sure we're not happy with that. Of course not we don't want to be off in our engineer's estimate. We haven't had an opportunity to bury into the why. We haven't had an opportunity to talk to Maynard & Paquette and say was there a survey bust? What was going on? We don't know. The bottom line is there was some additional soil that was required. So here we are with additional soil that was required to get to the expectation that everybody had for the practice field area.

George Naslas commended everybody who's worked on this project. This isn't a tricky site. This had some major unknowns that were handled on the fly with the money available. I will commend all the town engineers we worked on. This was incredible that we got to this point as well as we did. So here we are with a delta. I heard you say that we are the delta. I don't feel we do. We're here in good faith. We want to explain our work to you and explain what we feel is appropriate. So we looked at there's a delta in costs but there's also some additional money that Nashua can contribute. So that reduces that \$20,000 to about \$9,000. We talked internally. We believe in your project. We believe in this program. We want to see Zach's field open. We believed in it from day one like everybody in this room. So we're willing to contribute some of that money to help this happen but that is no way because we believe we're responsible for the - in fact we're going to have talks with Maynard & Paquette about that difference and we also

need to talk to the contractor about the soil coming in. Again we're not there measuring it. So there's still some things that we feel we need to iron out from an engineer side. I want to explain to you that this is an incredibly, incredibly complicated project. Unfortunately the original idea couldn't be done because of the additional material that was over there. So that's where we are today. We've been before you. I know Selectman Coutu we've presented this to you before we got to the practice field. I think people understand that there was more asbestos out there that wasn't our work to figure that out. That was a service provided by EPA. So we're working on the numbers that another professional provided to us.

Mr. Naslas indicated you mentioned about should we be checking their data. Well I don't know what the standard of care - I know what the standard of care is for our profession. When a professional signs off on something, you usually accept it as is. We could have spent money to redo that work but we didn't have that money. On every point of this project, we were trying to do the work for the money we had. If somebody provided free work through EPA service provider, we have to take that as read. We have to take that that okay that's the volume we're working with.

Frank Ricciardi said that's the normal standard of care for the industry. It's not like the autopsy example that you gave. If a professional gives us a drawing, we don't go back out and redo that work. That is not the standard of care. You take that profession that they've done an adequate job and that they know what they're doing. They're licensed. They have insurance. They're practicing and you take that drawing and you utilize it. That is just a little bit of background on what we see with the project and where we are today. We'd be happy to answer any questions as long as you have them this evening.

Selectman McGrath had one question. The additional soil that you were talking about is that the soil that was donated by Continental Paving that then had to be tested? Is that what you were referring to? Elvis Dhima said to answer that, the Highway Department was given the okay to haul in material. The reason for that is to keep the cost down. The issue was we were not sure where the sources of this were coming from so doing a meeting with EPA and a third party consultant for Nashua overseeing that the invoices and the environmental aspect requested that this soil gets tested and certified and being able to use for this particular project. That's when Weston & Sampson got involved and they went out and tested it out and told the State of NH that yes this is. It's not perfect but it is acceptable for what we're doing. Selectman McGrath said that's what you were referring to when you talked about additional soil.

George Naslas said there's the original amount of asbestos that exceeded what we all knew at the beginning. That was problem number one on this project and we were able to deal with that on the fly. Obviously didn't end up with the result that everybody wanted included us at the beginning. The additional soil to build a practice field is what I was talking about and that became we believe because there's some discrepancy in this survey. That's going to be the only explanation.

Chairman Maddox stated okay I'll come from my perspective because I was at the first meeting. Weston & Sampson does our water utility work. I had great faith in what you were going to do for us. So far tonight you've said you relied on somebody else's information so you made the hole under the parking lot this big not knowing what was really there. Then you didn't know how much fill was going to be needed because you were relying on somebody else's information for the volume of dirt that was going to be needed for this practice field.

George Naslas thought you're twisting it slightly. We had a volume estimate that was given to us about the amount of asbestos. So we used that volume estimate to figure out how big the parking lot area needed to be and the depth that it needed to be excavated to. Likewise on the practice field, we had a survey that we relied on provided to us and we calculated based on that survey data how much soil was going to be needed.

Chairman Maddox said I might have asked my question incorrectly. Let me try to rephrase. In both of these instances Weston & Sampson drew, dug, whatever you want to call based on somebody else's information you're not to blame. Is that what you're telling me? Mr. Naslas said we're telling you it's a complicated project and we're telling you that at two critical junctures of this project we relied on other people's information. The first piece was of course the asbestos. We brought it up in that meeting on April 29, 2011 I asked Terracon is the amount adequately defined? NHDES said the same thing at the same meeting. So that was where EPA volunteers another party to do that work so that this pool of money that we had wouldn't have to be tapped so we could save it for construction.

Again Chairman Maddox noted you didn't send anybody to see if they were going to down 10 feet, 15 feet, 20 feet. You relied totally on what they provided you. Frank Ricciardi said we weren't under any contract with anyone at that point for this project. That was done prior to our involvement in this project. Mr. Naslas said it was during Frank but we weren't under contract to do that work. That was kind of a separate standalone plug in. So no we didn't send somebody into the hot zone. You have to remember there's health and safety issues that we're working in a "hot zone". Originally when we came to this site, it was wide open.

Chairman Maddox understood that the Town of Hudson was going to have to deal with this one way or the other. Either the town itself was going to have to do this or with this plan the Feds. came in with some money. I guess my concern is is that no one figured out that there was 2 1/2 times as much asbestos as proposed by an engineer that said

this is the volume. Maybe you're just in the wrong place at the wrong time but you're the people that have your name on the drawings that we had to use. Again what I'll go back to is you're doing my water. I'm just concerned that is this same oversight of relying on other people and a recipe for our issues downstream with our water.

Frank Ricciardi would say unequivocally no. Chairman Maddox in the environment business that we rely on it is common place to utilize other consultant's information. If the client and the town wants to pay us to confirm that information, we will do it. If we get something stamped or a report that was submitted to the State that's public information for the standard of care and environmental consultant, we utilize that information. So we do not redo that work. Chairman Maddox asked that was provided or this project - they certified that that's how much asbestos was there? Mr. Naslas said yes. That was one of the questions that we absolutely asked a couple of times who is providing this volume estimate. It came unequivocally Nobis Engineering is providing this volume estimate.

Chairman Maddox said let's get to the final hopefully the finish line here. I got to tell you that I'm standing on the top of this and I have not been there since they finally finished it but what I saw was a lot of little kids rolling down the hill. I just think that that platform is so rounded I guess is what I'm going to call it that they're not going to be able to throw the football any distance because they're going to be chasing it down hill. This practice field is going to be very limited. If the Bears can live with that, I guess that's fine by me. Just looking at it I just see it as problematic. That is something that they are going to have to make a decision as to what they're going to do. If it is 100 by 120 up there which it what it was asked to be and it's flat...

Elvis Dhima wanted to clarify for the record that's what we could build with the available money. During construction did inform Mr. Lathrop that if his intent was to make the field bigger, he could have a separate contract with Tate Brothers to add to that which would have been significant but we simply just didn't have the money. That was the only reason we're having that practice field today at that dimension. That was, again, something that someone came up with - I'm not going to say Maynard or something happened but in 2014 in August there was a plan produced that shows a practice field with dimensions 100 by 120. This wasn't something new that we came up with. We went the extra step to say hey maybe we can do 100 by 150 or 100 by 180 but what was controlling it was the amount of money that was available. That's all we could do with that money that was available. If we had \$100,000, probably we could have done more but with the money that was available, that's all we could do.

Chairman Maddox stated it would still have the slope that it has going from the top of that practice field to the...Mr. Dhima said absolutely.

Selectman Luszey commented so they really didn't build a practice field or just capped it. Does it meet the requirements of a practice field in terms of grade? A sports field that was requested? Elvis Dhima said I'm not a practice field expert. I don't know. What I can tell you is that we mimicked a plan that was prepared for the Foundation in 2014. We did exactly the same thing. As a matter of fact actually we reduced the slopes because they were showing 3 to 1 on both sides. If you remember the picture and I can show it real quick. This is 3 to 1. The section looking - Selectman Luszey asked if that was the practice field? Mr. Dhima said yes. Selectman Luszey said you can't play football on that or soccer. As I said again, Mr. Dhima said I'm not an expert. What I can say is that the plan was there. That was what was executed and what was mimicked. There's 4 to 1. I would say my biggest concern as a licensed professional engineer wouldn't be the slope 3 to 1 or 4 to 1. It would actually be the 20 foot drop. If they think that that's a concern, they can definitely build a cell over. There's enough dirt now over that cell and the membrane that they can come up with something if they feel that that's an issue. Again we use something that was already there. I'm not a licensed landscape architect or any of that sort. I just used what was already there. They did the same thing. The Foundation or Mr. Lathrop was made aware of this. That's what we all agreed to that could be done. Because this side is 20 feet above existing, there's nothing else. The only thing you can do is build a retaining wall to build a 20 foot fence there to catch everyone. You could easily spend half a million dollars doing that. Again, we built what we thought was feasible for the money we had. Is it perfect? I'm not sure. I can't answer that. We used a plan that was already there. That's what we did.

Selectman McGrath had two points of clarification. Number one our Town Engineer did not design this nor did he build it. As far as I'm concerned has no responsibility for what was designed and what was ultimately built. That belongs to the Foundation and the people that are proposing this and that are utilizing town property to do that. The other clarification is Mr. Dhima you mentioned the money that was available. The money that's available as I understand it is money that was collected from Nashua - the EPA, DES, and all of those agencies to mitigate and cap the asbestos and that's the money that's remaining. Correct? It's not Town of Hudson money it's Nashua money that it's not the Foundation's money that they had fundraisers for, it's simply to cap the asbestos on that site which if anybody had asked me at any point in time, I would have said you're crazy because that place has loads of asbestos, it has ledge, and it's got water. I think anybody that lived in town for any length of time would know that. It doesn't surprise me one tiny bit that that's what you found. We have housing developments that were built on asbestos sites. It doesn't surprise me but just those two points of clarification. Our Town Engineer didn't design this nor did he build it and the money issue. Thank you.

George Naslas wanted to echo Elvis and Patrick have been fantastic to work with throughout this whole project. It's been a difficult project. Things changed on the fly and your staff - I commend your staff. They've been fantastic. Really professional and great to work with from our perspective.

Selectman McGrath was glad to hear that but I already knew that.

Mr. Naslas was trying to clarify the question is that a cap. That is part of the capped area where we had the additional material that we couldn't relocate into the parking lot, then the practice field was build above that. Hence there's that height difference that we have to live with because other than digging down and re-removing asbestos, we had to put it up there. That leaves room - and Mr. Lathrop knows this - for where the main field will go.

Selectman Luszey said one of the things that bothering me through this whole conversation and it goes to somewhat of what you said, I understand that our Town Engineers didn't design this but they were acting as the Clerk of the Works which means they were the ones that are proving the change orders, correct? Elvis Dhima said the change order yes but not the practice field or the main field. The Town's portion and I have a Memo prepared...Selectman Luszey asked who approved the change orders for the fields. Mr. Dhima said the change order that was done wasn't a change order. It was a decision made in the field to proceed to get the work done. Selectman Luszey asked and who makes that decision. Mr. Dhima said I made that decision. Selectman Luszey said you're acting as the agent for the Foundation at that point without - you know. Mr. Dhima said only because they don't the expertise to do that. So there's no one that they can use right now to have the engineering or construction background to oversee this.

Selectman Luszey's only other question is at what point would you call the time out saying we need to meet because this isn't close to what was specked out and is it going to meet the needs of the Foundation. As I said again, Elvis Dhima said this wasn't about what the Foundation wanted. This was about what we could have built with the funds that were available. This was already discussed in a meeting with the EPA and other people and Mr. Lathrop already attended that meeting.

Selectman Luszey said the Foundation can take their money and go find another field and do something different because this is an EPA project of capping some asbestos then. That's what you just said. Selectman McGrath said no that's what I said. Elvis Dhima was saying is we helped the Foundation to build this practice field. I had to go in and get the quotes and oversee this per EPA's and a third party that overseeing the funding from Nashua. I got the quotes. The Town of Hudson did and not the Foundation. They got four contractors to go out and meet them to go over the scope of work, to put all this together, to come in front of you, to get the lowest bidder and go from there. If this project was heading towards \$100,000, I would have killed it right there. I would have said no we don't have it. What I did know is that there was \$65,000 available and I wasn't going to say we're leaving this pile of dirt on top of there over \$9,000. I made the decision. Was I right about it or wrong, I'm not sure. I guess time will tell. I wanted a finished product. When I went to EPA or Nashua and asked for reimbursements, I had a finished product.

Selectman Luszey's question is the finished product is it a usable sports field or is it mitigation of asbestos. Mr. Dhima said it was exactly the same layout that they had before my time which is clearly shown in one of the plans that I showed you in 2014 of August. This plan is identical to what was approved for construction. It's the same layout 100 by 120. It's the same location if you look at the cell it's the same thing. The only thing we changed was we added the access road. That is the only thing that changed.

Chairman Maddox asked the gentlemen anything else you'd like to wrap up with. George Naslas appreciated the opportunity to come in front of you and speak with you. We didn't have the privilege of being here last week so we appreciate your listening to us. As Frank offered, if you have additional questions we're happy to come back and talk to you. Chairman Maddox said I'm going to give the people that are going to operate this land for the next 30 years and see what their input is and then we can see where we're going to go.

Selectman Coutu wanted to thank both of you for coming. George we've had the opportunity before. We've had a few discussions in the past about the proposed Zach Tompkins Memorial Field. I felt again this evening the same passion and caring that you had back in the day when we first started talking about this. Your care and concern about and you reiterated tonight this being a worthwhile effort for our community and certainly a worthwhile cause to pursue and that you would do what you could to assist us in any way to see this to its fruition. This not having been my first go around with engineers per say but knowing that when a project requires engineering services, there's usually a considerable length of time from the first draft to its final acceptance as a completed project. There's a lot of time and this is moving faster than what most projects of this magnitude would move and I appreciate that.

Selectman Coutu said what I want to put to bed is the following. There is a delta of approximately \$20,000 of which we can go to 65 and you're offering to cover the balance. That somehow got lost in all of this tonight. With that done, where would we stand with you relative to this project? Would we be done? George Naslas said we'd be done because we have a report that was drafted to the State for the closure of the asbestos issue and the creation of the cells. They really were just waiting for this additional work to be done to allow it to be done with federal funds to be honest with you. If we had filed the report, then it was done and they couldn't use the federal funds. So we would just refinalize that report work with Keith Dubois over at the State and we'd be done. From here forward, it's really about

the landscaping and addressing the parameters and the bringing in the field. That's the Foundation's work. Selectman Coutu stated when you're saying its Foundation ready at this point. Mr. Naslas thought so.

Chairman Maddox thought of one other question. The large rocks that are at the back end of the property were those in the hot zone originally? George Naslas didn't think so. There was a lot that came out from the parking lot area actually. Chairman Maddox asked if that's where those came from. Mr. Naslas was pretty certain they were. I think if there were any rocks that came out of the "hot zone", they were washed down, scrubbed down. We feel confident that that pile of rocks is fine.

Without Board objection, Chairman Maddox wanted to hear from the Tompkins side of the equation here just so that we can see if we can get this resolved and get the football field built.

Len Lathrop noted Mike has been asking to speak and I've been speaking for years.

My name is Mike Tompkins. I'm Zach's Dad and I'm sitting here in front of you. I'm not an engineer. I'm not a politician. I'm a Dad. First thing I'd like to say is I would like to thank Weston & Sampson for showing up. From the day I met George, he's been a gentleman and I know emotionally he had an attachment to this project. I don't point fingers at anybody on this project. I am thankful for every second that the Town has given us, every inch of help we've received from anybody. Nobody on this panel can understand how appreciation I have. I think Mr. Luszey sort of hit the nail on the head is that my feeling, and it has nothing to do with them. I'm not saying it's anybody's fault. This isn't a football field any more. It's a capped asbestos site. I know that you weren't in on this in the beginning but every time that there was another mistake made, we kept losing more and more land. Every time we lost more and more land, we did have to pay. We do have a lot of money invested as everybody does. The option 1, that wasn't designed - that was pushed on me from somebody in the past that this is what had to be done in order to have this asbestos capped. As Dad, as someone who loves living in the Town of Hudson, how do you tell them that and how do you tell them you want to walk away from \$1 million that's already been paid and all these people's blood, sweat and tears? You can't so you go forward. You have to go forward anyway because it has to be capped. Whether I built 60 football fields or not, the work that was done had to be done as soon as it was opened. Again I don't even know any of the names involved in all of this. I'm a Dad. I'm a Dad. I don't understand any end of their business. I don't understand any of your business but I understand is being a Dad and being concerned for children in this town.

Mr. Tompkins said from the very beginning this was not about my son. I don't need a football field for my son. My son is here and he'll always be here. He'll never leave here. Whether there's 500 buildings named after him or whether nobody every mentions his name again to me again, he's here. This was for the Town of Hudson. There was a lot of confusion that it was only for the Bears. If you look at that very first article that was written, this was for the community. When I (inaudible), I actually asked if we could have town events, if we could have movie night there, if we could have father/son, mother/daughter 3-legged races there. This isn't a football field. This was to bring the town closer and so many people showed me from the day (inaudible) how strong this town was. This was our way of giving back to the town, the community who supported us. Yes there was a plate from the beginning from a few weeks before my son passed and that got the ball rolling. There is not one ounce of me that is unappreciative of anything that's been done.

Len Lathrop said this is a complex issue. I think there is a lot of finger pointing. I think there's a lot of he said, she said. Our hands are the Foundation have been tied us to when people needed money to the tune of \$120,000 we've spent already on this project. We didn't hire Terracon. We didn't hire Kaderi. Kaderi came to us from NRPC. NRPC got the report that we paid \$5,000 for NRPC and they threw it out. Terracon came in. They made a report and that wasn't good enough. Norvis came in and somehow something was short \$27,000. We paid \$27,000 of the Norvis price. Norvis is the one that made the biggest mistake here. Everybody else relied on their data. Can we build this field? I think we can but with that big pile of stone there, we can't even constructively measure if there is enough space between the bottom of the slope over to where it falls off for the water. We need 200 feet. We need 60 yards and side lines if we make the field that will be compatible for 3 sports. We can't even measure that because you can't get through the stones. Maybe the stones are clean, maybe they're not but how is a project designed where you have a bi-product of a pile of stones and they left. We have a new pile of stones from this most recent work that was just left. We'll make this work. We need 180 foot practice field up there so that people can throw a pass. That will be downstream. That will be phase 5 if the Foundation allows us to continue.

Len Lathrop said I'm not sure if the Foundation which is a LLC or something is even going to allow Mike and I to continue on this project. They're going to have to vote on this because my estimate is that we probably need another \$800,000 to do this project and we have a little less than 3. Can we raise a half a million to give you the field there that we vision is what the town could use? We've met with the Hudson Field Committee. Mike met with them. They were going to be working with the Alvirne field initially and then said they could come over and work with us. As you've heard through the years, field space is a big deal. If lacrosse and soccer could play on this field with football, it would alleviate a lot of issues. We lost 3 acres when we paid to have the lot surveyed. It was 13 acres when we first sat here. We had walking trails that went on to the other side of the water. When we paid Paquette & Maynard who had to go and take all the outside properties and measure them in because that property had never been surveyed for

the lack of better terms, we ended up with 10 acres. Property lines of the other people cross the water so that we have to now go to property lines verse to wetland lines.

Sitting here tonight Mr. Lathrop said I'm as tired as Mike is. I want to make sure that people hear that we had to deal with the town engineers and they were great. It wasn't - yes until this last round when I think we asked for X and got Y and stuff, Patrick got the asbestos buried. He came up with the idea of the practice field up on top. I was disappointed a few weeks ago when Elvis told me that there was only 2 inches of soil above the membrane on top of that practice field. That didn't seem like - I was standing there with Billy Tate and he said yeah you could have reached that membrane with a spoon. Great. So now we've put in that much more dirt. It's capped. The Foundation will start work on trying to a) we're going to have to crush all those stone because they're not usable. First we were told they were usable to fill the space. Then we were told they weren't usable to fill the space. Then we were told they were usable to build a wall. Then the wall didn't get built. So now we're going to have to hire somebody to jackhammer them in half, some of them, and crush them to 6 inches so that we can fill the back corner. We'll do that. That's the first step. Then we'll have a flat surface. Once we have a flat surface, then we can stake the field out there.

Chairman Maddox asked how deep is the depth now. Elvis Dhima said what happened is I believe the minimum cover was 6 inches and because there was no vegetation there doing run offs, this soil was being transferred from the top to the bottom. When they went in and they removed about 3 inches of vegetation because we couldn't add to the vegetation to make sure that this was structurally stable, three inches was removed. All that was left was pretty much a couple of inches. I would say there was there originally 5 inches. Maybe not 6 because of the runoff until the vegetation was established. Lori Stevens the previous Town Engineer did that with the interns during the summer. Was there any soils lost there during the time of sealed and vegetation established? Yes. There wasn't 2 inches at any time. Two inches came about because we removed some of the vegetation before we started bringing the field..Chairman Maddox noted now there's probably a foot. They still couldn't put a fence in because..Mr. Dhima noted the fence can be installed outside of the cell.

Len Lathrop indicated the fence can go between the cell and the outcropping of ledge. We knew from day one that we'd have to have a fence across the top of that ledge regardless of what we did. Chairman Maddox said I was talking about the edge of the practice field as it goes towards the game field. Mr. Lathrop said yeah it's a slope. It's a slope. The Foundation will have to decide if we want to instead of it being 100 feet wide making it 110 feet wide. We know that we have to at some point make it longer. Where we're at right now is to get the game field in so that we can start having games there and start doing things. We'll take out some more trees as we head to the pump station to give them places to warm up if we have to. We don't have all the answers but we can see the problems every time we turn around. Mr. Tate did a nice job of connecting the parking lot to the thing. We were advised not to put the entrance ways to the parking lot in because the construction people would tear it up and to wait on that. We've asked Tate for an estimate to put the entrance way on the north side of the parking lot to keep that other area still as a construction site. If we can get out of this -when Elvis said to me the Foundation is going to have to pay \$10,000 because he's overbid, I think that's when everything hit the fan. Now that's been resolved so it's a non-issue.

Elvis Dhima asked to just add. My understanding based on my conversation with Pat was that prior to his departure - and I have a report here if you want to see it - that capping the site, sealing it, removing the asbestos was town portion of it. The fields, the main field and the practice field was the Foundation. When I went over budget and I had to look at what was happening, I informed Mr. Lathrop that this is where we had it originally. This is where we're at now. I have this much available from Nashua. Either the Foundation will have to pay it or the town will. I never asked because I don't have the authority to ask Mr. Lathrop or the Foundation for that money but I informed them that it was either the town had to pay for this change or the Foundation. At that time, I contacted Weston & Sampson about the change that happened in the field and we're here today to say that they're voluntarily contributing the remaining of the balance.

Len Lathrop said that was wonderful and the three of us sat in that meeting with the EPA and stuff and said there's \$70,000, use the \$70,000. We didn't do that correctly. We used more than that. It's been resolved. It's a dead issue. Let's move forward on this project. If Mike and his Foundation decide that we're going to continue and I think that's a big if that you have to hear because I know I've had to keep Mike in the chair back there a few times today and in other meetings. We have spent \$126,000 I think is the real number on this project already. That's a lot of money for a small Foundation. We have to go forward. That's my feeling. I'm only one vote on this Foundation.

Chairman Maddox said that I think we asked for a Zach's Field status update which we have received between the Town Engineer's report, input from the Foundation, and Weston & Sampson. Do any Board members have questions in regards to the update we've received?

Selectman Coutu had a comment. In light of what was just presented to us by Mr. Lathrop, I think this town ought to not go any further until such time as we have confirmation and assurance from the Foundation that it is their wish to go forward. I understand where Mike Tompkins is coming from. That's all I got to say.



Chairman Maddox thanked the gentlemen. Again I think that you have to make a decision. As soon as you can tell us, then we'll take it from where we need to go to.

Selectman Luszey had a question. Should the Foundation decide not to pursue finishing the field here, what's the consequences of that? Chairman Maddox said I have asked the Town Administrator to research that with our attorneys. I don't have an answer other than we do need to take a look and see what or commitment to the federal government was. Hopefully it's not like the train station. That's for us to deal with when they make a decision. Thank you all.

Chairman Maddox declared a 5 minute break at 9 o'clock. 9:08 p.m. we are back.

8. NEW BUSINESS

A. GZA Contracts for FY16 - Environmental Consulting Services - Burns Hill Road & West Road Landfills

Chairman Maddox recognized Town Engineer Elvis Dhima.

Good evening again Mr. Chairman and members of the Board. Elvis Dhima said as you are well aware we have two landfills in Hudson and we have to provide yearly reports to NH DES. The vendor providing those services so far has been GZA. This is a regular standard contract that we have with them. The amount is for a total of \$28,300 to do the reports, to do the field inspections, and testing associated with the water coming from residential wells or monitoring wells. With that said, I'm here in front of you tonight to ask permission to grant this contract to them for the next fiscal year.

Chairman Maddox asked Mr. Dhima to update us quickly on where you are with the houses within the 500 feet of Burns Hill.

Elvis Dhima said we concluded that study and the testing and I'm happy to say that the compound that they were looking for was non-existent to all the wells that we tested which I believe were 10. So all the tests came back negative. That information was provided to the State and the residents.

*Motion by Selectman Nichols, seconded by Selectman Luszey, to award the contracts to GZA for the total amount of not to exceed \$28,300. Funding for this contract has been appropriated on FY2016 4311-5585-264 (Engineering Water Quality Monitoring) account.*

Selectman Luszey stated this is one of those contracts that appear that we do every year. I'm wondering since this appears to be a single source type of vendor would we get a better deal if we did a multi-year? Elvis Dhima said that's a great question. I can ask that moving forward. I am not sure but I can definitely ask that to the vendor. That would be a great question for the vendor.

Chairman Maddox asked what was it last year do you know. Mr. Dhima said it was 2 percent lower than this year.

Steve Malizia said you'd probably want to make sure, if I may, you have to think about a non appropriation clause in any multi-year agreement in case for some reason the voters took it out even though it's in our default budget. I'm just always concerned about that from the perspective of non appropriation clauses. I don't see why you couldn't try to negotiate something but I'd want that clause in there.

Chairman Maddox asked the Town Administrator and Mr. Dhima could see if we could make this into a multi-year contract is that what the Board is trying to look for is to lock the price in at this rate or - that's what you're implying right Selectman Luszey? Selectman Luszey said yes. Is there a time? Do we have to do it tonight or do you have time to do it? Mr. Dhima said we can wait. There is a little bit of a window. I think their reports are due November. I believe the next meeting is two weeks. I can do that.

Chairman Maddox asked if that was the consensus of the Board.

Selectman McGrath asked Steve Malizia could you repeat what you said. I couldn't hear you over here. Mr. Malizia said I'm concerned that if we do multi-year agreements that it should contain what they call a non appropriation clause. If some reason, and I can't think of one logically on this particular contract you don't get your budget, you don't want to be committed to a contract if you don't have the money in a future year. Because this has been a long-standing practice, because it's been in a default budget, I'm not as concerned with that because it's part of our default budget. There could be a scenario where some future budget takes it out and I'd want to be able to get out of any multi-year contracts even though you still have to do the work so I'm not sure how you'd do it. That's my only concern. It would probably be prudent to at least have language so that if you needed to you could. We do it in a lot of leased purchases. There's a non appropriation clause that when we make payments over years for say dump trucks, or trucks, or large purchases, we put a clause in that says if for some reason in the next year or some other

year during the term of this contract we don't have an appropriation, i.e. a budget, you can walk away. Of course they get the equipment back but that's a different story.

Selectman Nichols and Selectman Luszey withdrew their motion.

Selectman Coutu said I misinterpreted what Selectman Luszey was proposing then. Are you saying that we stick with this as a single source or do we go out to everyone and see if we can get a multi-year contract?

Selectman Luszey said good point. I prefaced saying based on that this was not put out to bid, it's one of those single source vendors that why ever would we would be better to have a multi-year contract with them? I am of the same mind. I'm not sure why we're not looking to bid this out too to see if we can get better prices. This is just testing but we've had this discussion many times and it's gone nowhere.

Selectman Coutu could have belabored this by saying I would like the maker of the motion who's sitting immediately to my left explain to me why they would support this especially if you read the indemnification clause. It specifically states in their contract that we ought to be very careful and read that clause very carefully before we approve this. It's the fine print that's the detail. I guess we're just going to stick with this as a single source and try to get a multi-year contract. Is that what we're going to do?

Selectman Luszey said I'll make the motion that we go out to bid too.

*Motion by Selectman Luszey, seconded by Selectman Coutu, to go out to bid.*

Selectman Coutu noted we have to start this.

Selectman McGrath had a question either from Mr. Malizia or the Town Engineer whoever can answer it. This is a requirement for DES that the wells be tested. Are they the ones that are recommending GZA to be utilized or it's just that we've used them for a number of years. Elvis Dhima said no. They don't require them to be used. They're just the main vendor being used by the municipalities and I guess they were hired prior to my time to cap one of the sites that we have and monitor it. I believe it started in 2010 from one of the sites and 2012 and before that. So they've been using the same vendor for a long time. Can we go out to bid? Absolutely. It might take a little bit longer. I'm not sure what that will do to our permit. I think we have a 90 day window but I'll get on it. Do you still want me to pursue the price from them for that particular...

Selectman Luszey indicated absolutely. The bidding process should be for a 1, 3, and a 5 year package so that you can compare apples right across for a single year, multi-year contract.

Chairman Maddox commented and maybe it's just because they've been here longer than I have, they have the experience of all of the wells that they've drilled, all of the paperwork. Maybe it's easy for them to just scratch out 2014 and put in 2015 because probably not a lot changed other than those households that was all of a sudden a concern. I just don't see us saving a lot of money but again maybe it's better to have someone else look at it. I just think that for \$28,000 I think we'd be better served chasing other contracts than this one.

Selectman Luszey said that's kind of the same logic we had/conversation we had when we talked about our water systems and wells with Weston & Sampson. It's this institutional knowledge. The value that we're placing on that. If it's that valuable, we should state that and make these sole source contracts period and have them automatically renewable. By rubber stamping them, that's what we're doing.

Chairman Maddox asked are you going to have to write up a request for proposal. Mr. Dhima said either that or what I can do to keep the cost down because this could be - if we go out, we'll probably have to go out to GZA to prepare this because they know exactly the scope of work. I would say to keep the cost down is use the same requirements for the same scope that they have in their proposal and put that out for advertising and see what happens. Would I need any consulting with them or any questions that might be asked by other companies, I might have to refer to them for expertise because it's their thing. It's not mine. We have to go back to them to help us through the process. They have an advantage right there compared to the other ones that want. If advertising for \$500 or less than \$1,000 to put this in, I can use that account to do that and hope that that's the case.

Chairman Maddox indicated I'm going to vote in opposition. I think this is one where we're going in circles. I understand the value of going out and seeing what's out there but I just don't think this is the one I want to go with.

Selectman McGrath agreed with Chairman Maddox. Years ago when West Road was being capped, and I don't remember what my capacity was at the time if it was Planning Board, Council, I was doing something. I did a tour of the West Road Landfill as it was being capped and the importance of the wells that were being tested. I believe GZA was the firm that was selected because of their expertise. Whether or not they've been utilized each year consecutively since then, I can't answer that. It would seem to me that their knowledge of those sites and the Burns Hill Road site has been problematic over the years for having water samples that were contaminated. They were

contaminated by the landfill. I think that in this case having GZA that we've utilized for many years and if they've only increased the cost by 2 percent, it's not like they're gauging the town.

Elvis Dhima said those costs could be associated with the lab work that it's not really up to them. It goes to another sub. Selectman McGrath noted so the lab has increased their costs too. Mr. Dhima said they're used by other municipalities around this area as well. They're typically the leading firm for this kind of services.

Vote: Motion failed 2-3. Selectman Coutu and Selectman Luszey in favor.

Selectman Luszey commented we're just going to rubber contracts from now on.

Selectman McGrath objected to that.

Chairman Maddox understood all the points. Let's move on.

B. Oliver Drive - Water Line Extension Acceptance

Chairman Maddox recognized Town Engineer Elvis Dhima.

Elvis Dhima said recently the town was approached by the Terrace Condominium regarding connecting to the town water because their community wells were failing. They've prepared the plan. They went to the State and got a grant for that. They were granted that grant. They built the line and we have an agreement with them. I'm in front of you tonight to accept a portion of this main that is being built. The water line located on Ranger Drive and Barretts Hill Road will become town property while the rest of the line which is located on Oliver Drive will remain private. What does that mean? We will be responsible for the 12 inch line on Barretts and Ranger and the rest of the line will be their responsibility. If something happens, we've set it up so they can come to us for help but what we'll do differently is we'll give them the bill instead of paying it.

Selectman Luszey asked what is the actual benefit for us taking on the responsibility of owning this line. Elvis Dhima noted it's a great question. It goes back and forth to why don't we do it for all the lines and why some of them are private? Why some of them are public? The reason we take portion of this main extension is because we as a town can do the best job maintaining it and making sure that our customers get the best water. Also it's recommended by the PUC as well that the towns or municipalities own the water lines and they don't become private. When things become private, they have the tendency to be too expensive let's not do anything is fine versus when they become public, they become our - if someone calls and says there's a leak there we respond to it versus I'll get to it next week. That is the benefit to it.

Chairman Maddox asked is Oliver Drive an accepted town street. Mr. Dhima said yes. I was a little surprised myself but yes it is a public road. Chairman Maddox said so it's clearly delineated on these drawings for what they are responsible for. Mr. Dhima said it was in the agreement that you Mr. Chairman will sign tonight. It's in the water acceptance form. It's not as much the plans. The plans are more to show you what we're taking ownership of but the form that we'll sign, the MUC did as well. It clearly states what's their responsibility and what's ours.

Motion by Selectman Coutu, seconded by Selectman McGrath, to accept the water line extension on Barretts Hill and Rangers Drive, along with the two (2) fire hydrants on Oliver Drive, acknowledging that the water line extension on Oliver Drive will remain private, carried 5-0.

C. Request to withdraw \$1,716 from the Duty Weapons Capital Reserve Account to purchase new pistols

Chairman Maddox recognized Captain Bill Avery.

Captain Bill Avery noted I'm before you to request money in the tune of \$1,716 from our capital reserve fund which we have \$24,000 and change in there. Steve Malizia said \$81,000 plus. You have plenty of money. Captain Avery said we're requesting these fire arms. They are for the newer officers but also so we have some spares. Obviously we need to have spares just in case they're taken for part of an investigation if we had God forbid a shooting.

Motion by Selectman Coutu, seconded by Selectman McGrath, to authorize the purchase of new pistols in the amount of \$1,716 from the Duty Weapons Capital Reserve Account, carried 5-0.

D. Request to withdraw \$3,520 from the Bullet Proof Vest Capital Reserve Account for bullet proof vests

Chairman Maddox recognized Captain Bill Avery.

Captain Avery indicated those four vests will be to outfit or four recruits who will be entering the police academy on Monday morning. They have all passed their entry exam so they'll be heading off their Monday and we'll see them in 16 weeks.

Selectman Coutu noted that has \$75,500 in it.

*Motion by Selectman Coutu, seconded by Selectman McGrath, to authorize the purchase of bullet proof vests in the amount of \$3,520 from the Bullet Proof Capital Reserve Account, carried 5-0.*

Selectman Coutu asked Captain Avery do you want to make a plug for the Hudson Department Golf Tournament. We're raising money. Captain Avery said the 27<sup>th</sup> the HPEA - Hudson Police Employee's Association is hosting a golf tournament at Green Meadow Country Club on September 27<sup>th</sup>. If interested, please contact Officer Jason Downey who has been heading up the organization of this tournament. I know myself, Chief Lavoie if he's healed by then, and Selectman Coutu, along with the manager of Sam's Club will be participating in the tournament.

Chairman Maddox asked Captain Avery to give us an overview. We lost a member of the Police Department and I think that you were involved in the planning so I would hope that you could give us a kind of a quick synopsis for all the people that didn't get a chance to attend. Captain Avery said on Friday we had a retirement of Captain Robert Tousignant. He spent 35 years with the Town of Hudson. The one word I can use to describe Captain Tousignant or you could write this word on a board is "integrity". The guy has integrity second to none. This town came first. We had over 100 people show up for his party - the Fire Department, the Board of Selectmen, just about every division in the town. Donna Graham was there. Mr. Malizia was there. It was a fantastic event. I know he was pretty much overwhelmed and I think Mr. Maddox saw him and I when I escorted him out to the lobby of the police station to go into the community room. I think he was in shock of how many people were there. He called me immediately following the event and expressed his gratitude and said he couldn't have asked for a better going away party. It was nice and low key. There was a lot of emotion people there to say goodbye to Captain Tousignant.

Captain Avery said I think that one of the things that gets overlooked during those is everybody talked about Captain Tousignant's career as a police officer. I'm here to tell the Town of Hudson Captain Tousignant is one of the best father's I've ever seen. He raised three boys that are outstanding individuals and he did it by himself. He was divorced shortly after his youngest was born and he raised them by himself. The guy is second to none. He will be missed by this town, by his co-workers, by just probably everybody that he's touched in their life. Thank you.

E. National Grid/Eversource Merrimack Valley Reliability Project

Chairman Maddox recognized Town Administrator Steve Malizia.

Steve Malizia indicated we received correspondence from Eversource I believe regarding the upgrade to the line that runs from Londonderry down to Tewksbury. Basically it's up there in the northeast corner of Hudson. They've sent us a permit application. If you recall, there's a pretty thick book upstairs that I didn't copy. Basically we have an opportunity if the Board so chooses to provide any comment or input. Not to confuse us with any Kinder Morgan gas pipeline. This is an upgrade of the electrical lines that are there. This particular application committee has provided the town with an opportunity so I didn't want to just have it go unmarked or unnoticed. If the Board has a comment or would like to submit some input, I believe we have up to 90 days to do so.

Please correct me if I'm wrong but as Chairman Maddox understood it, there will be no enlarging of the existing easement. Mr. Malizia said that is my understanding after looking at all the plans.

Selectman Luszey asked define enlargement. They cut right to the edge of that easement, right. It's not replacing or upgrading, they're adding. They're putting towers in right now as we speak. Mr. Malizia said I can't speak to that particular line. Selectman Luszey said I can because it's right behind my house. Chairman Maddox didn't think that's the same project. Selectman Luszey questioned it isn't. Then what are they doing there? Selectman Coutu said this is going to run parallel with the Kinder Morgan pipeline. Mr. Malizia didn't believe this comes anywhere near where your property. Selectman Luszey asked what power line upgrade are they doing down in the south end. From what Selectman Coutu understood, they're replacing poles down at the south end. Selectman Luszey said I got a letter that says they're adding another tower to put a 350 something KV line in. Mr. Malizia noted this is not the same project. They have some other probably more modest things going on as they always do to improve their systems. I believe they still have old copper lines running through some of these. As far as this goes, this was the I guess I'll call it the major lines that run from Londonderry going down to Tewksbury. If you recall some time ago, there was someone who came in to talk about the Sealink project which was going to go from Seabrook under the ocean to Everett. This was he competing project. This project won out. It's just going to be an upgrade for reliability purposes where the power lines currently are and not behind your house though.

Selectman Coutu said the one by his house is the Luszey memorial tower. Selectman Luszey said if you go down River and Dracut, you can see that they've widened it right out. They've got a tractor down there hauling steel towers down into the woods to put them up.

Steve Malizia said they've also done some on the 102 corridor if I might add. If you drive behind True Value and you look right there, they're cutting and there was also some additional or higher towers put in in the same easement. This is not that.

Selectman Luszey noted there's another upgrade going on.

Steve Malizia said this is considered a major upgrade. That's why I just wanted to make sure the Board at least had a chance to see it. If there was comment, we could...Chairman Maddox said unfortunately it's in the same path as the Kinder Morgan wants to use. Mr. Malizia said it's not to be confused with that.

F. IAFF Local 3154 - request to commence negotiations

Chairman Maddox recognized Town Administrator Steve Malizia.

Steve Malizia said you can see from the correspondence the IAFF has asked to commence negotiations for a successor contract. Their current agreement will expire next June. It is in Town Code that we have a negotiating team which consists of a labor consultant or labor attorney, myself, the Finance Director, and a member of the Board of Selectmen. Typically it's assigned to the liaison that if there's a department involved - for example in this case it's the Fire Department. We have a Fire Department liaison. If it were to be the Police Department, we have a Police Department liaison. That's been the typical practice of the town. I've put that out there for you to appoint a member of this body to that negotiating team.

Motion by Selectman Coutu, seconded by Selectman McGrath, to appoint Chairman Maddox to the Town's negotiation team for the IAFF Local 3154 successor contract.

Chairman Maddox asked Mr. Malizia are we on for the September workshop to talk about the healthcare. Is that still...Mr. Malizia said I was going to bring that up in my remarks.

Vote: Motion carried 5-0.

G. Sale of Town Property - 15 Hurley Street

Chairman Maddox recognized Town Administrator Steve Malizia.

Steve Malizia indicated this Board approved going out for sealed bids for an excess piece of property located at 15 Hurley Street. It's a wet parcel of land and it appeared to have little to no value to anyone. We advertised. I sent it directly to the abutters so anybody who's abutting the property the bids closed last week. There were no bids. So we had no interest in the property. At this point given its low value and really lack of interest, I think we just put it on the back burner for now. I don't see any reason to do anything else. It was tax deeded. It doesn't appear to have any value. It doesn't appear to be buildable. That's what we did.

H. Tax Deeded Property - 6 Bear Path Lane

Chairman Maddox recognized Town Administrator Steve Malizia.

Steve Malizia stated at the meeting of July 24<sup>th</sup>, there was some properties taken by tax deed. This happens to be a vacant property that's been empty. We took it by tax deed. It's been secured by the various town departments. Matter of fact we just had the weeds cut. We have some windows to replace. In order for us to sell it, we need to have some affirmative motion of the Board's intent to sell because I need to notify - we need to notify the former owner and any former mortgage holder of our intent to sell. We have to give them a 90 days notice. I want to start the clock ticking so I'm asking you to offer this tax deeded property for sale. What basically will happen after that is I have the notices in here. It's prepared to the former owner. A copy of that to any lien holder, the former lien holder giving them an opportunity to repurchase which is their right. They have 90 days to respond. If they don't do so, we can sell the property. Any proceeds above a certain number, i.e. our costs, our interest, and a 15 percent penalty will go to the former owner or the mortgage holder depending on who has an interest in it. I need to get the clock rolling. I'm asking your permission.

Motion by Selectman McGrath, seconded by Selectman Luszey, to offer tax deeded property located at 6 Bear Path Lane (Map 185, Lot 047) for sale and to notify the former owner and any mortgagee of their right to repurchase, carried 5-0.

8. TOWN ADMINISTRATOR'S REPORT

As you alluded to earlier, Steve Malizia said each of our labor contracts contains language that was negotiated into have a Joint Management Labor Committee to look at healthcare and possible healthcare choices, or options, or offerings. We the committee have been formed and has met monthly I believe if not a little bit more frequent since

basically the end of March. The committee would like to come in with the Chairman and the Vice-Chairman at the workshop and present where we're at right now and give the Board an update where we're at and possibly get I'll use the word "some direction" but give you some idea of where we're at and what some possible directions are. We want to get the Board updated. Again this is a labor management committee so we're working with the various labor groups. There are representatives from each of our labor groups and there's management representatives. So I wanted to just tell the Board we're planning on doing that at the workshop. It should take probably 15 minutes but it may take longer depending on discussion. It probably will take longer.

Selectman Coutu asked who's on it. Steve Malizia indicated I'm on it, Kathy Carpentier is on it, the Police and Fire Chiefs are on it. Selectman Coutu noted okay you're talking about our side. Mr. Malizia said yes which is how the committee was envisioned when it was set up. Selectman Coutu said it was referred to as our side versus their side. Mr. Malizia said it's a committee that's made up of representatives versus union representatives. Selectman Coutu added legal counsel will be left out of this. Mr. Malizia said legal counsel has been left out of this. We're trying to just sit down with the people and see what we can enhance. We've done a lot of education which is really critical because when you're dealing with a lot of employees, they don't maybe fully understand all that's out there. We've made some progress. I just want to give you that's a coming highlight.

Steve Malizia indicated the only other real quick thing if you've been by the train depot, you've seen them working. I don't know who's been by but the work has started - the scraping and I believe they've dug the hole or they're digging the hole. That seems to be going along pretty well. Chairman Maddox said it's up on the dollies too. Mr. Malizia thought the wheels are there. Selectman Coutu asked they dug a big hole and they're going to bury it.

Mr. Malizia said Pelham Road Bridge will be I believe it's on schedule I believe for the third week of September to be complete. Selectman Coutu said I was told there were delays. No? Mr. Malizia said they've made up the delays as far as I know from the Engineer talking to him yesterday. So we've kept the school in the loop because that's critical and Fire and Police. They've already had their (inaudible) but we want to keep the school because as everybody knows school starts next Tuesday. So just a word out there be careful. People will be on the road. Kids will be on the road. Selectman Luszey noted teachers started today.

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

Selectman Nichols - Thank you. I attended the Benson Park Committee meeting. We did talk about motorized vehicles in the park that they're not allowed of course. We did discuss that. They would like to change the locks because everybody in town knows the combination to get into that park with their cars and whatever. So they want permission to do that. They want to know how many parking spots would they need right up there because they'd like to take the others down and put staff parking so that people that have to come in to go to the barn or things like that can do that. They'd like the crew to have access to the park. They had Dick and those fellows that do all that cleaning and they drag in all kinds of equipment. They would have access to the park to go around. The rest would park in the staff parking lot up at the top at some of those sites. So if we could find out how many handicapped we have to have. We have quite a few down at the bottom but I don't know how many we're allowed at the top.

Selectman Nichols wanted to know if we knew when they would be coming to meet with you with this committee for a workshop with their budgets and whatever. Selectman Coutu said there's no agenda yet. We don't have an agenda yet on the budgets for the committees and all that. Chairman Maddox noted they will be on it. They were last year, right or is that rolled into Highway? Mr. Malizia believed they've come in and asserted their own budget. We normally do budgets at the October frame. As a matter of fact, at the Finance Director's workshop you probably will be looking at the schedule of who's doing what on what evening. At that point in time, we should be able to firm that up if that helps.

Another thing, Selectman Nichols said there's a problem with the chimney at the elephant barn. I don't think that committee that runs the barn feels that that's a town problem. I was told to bring that back to you and I have no idea. I haven't been down to look. What do I know about a chimney. I don't know but they said they think that was a problem for the town to...Chairman Maddox guessed they'd have to go back and look at the agreement. I forget exactly that where are our responsibilities lie. Are they going to be having fires in the fire place? Selectman Nichols said it's at the barn. It's not at the office building. This is in the barn - the roof. Chairman Maddox said yes that's what I'm saying. That's the one we have an agreement for 25 or 30 years. We can take a look and see what that will be.

Selectman Coutu knows and said they're correct. I think it's our responsibility. What they're suggesting is - there's a lot that came up at that meeting. You should watch it. They're recommending that - the chimney should come down because it seems somewhat unstable. They don't want somebody climbing up on the roof and then all of a sudden the thing comes down. It was selected that perhaps Kevin can send somebody up there that knows what they're doing with a bucket truck. It probably would be from our own crew. There might be somebody that knows something and they can probably bring it down to a certain level and cap it. Bring it down to its point of stabilization, wherever it's stable, and just cap it so no water or nothing will get in and we're done. They're not using the fireplace or anything in

there. We're going to bringing in sewer and water or whatever we're going to do with the barn. I don't know how extensive we're going to go on the barn but certainly electricity. They're going to provide I guess their own heat.

Chairman Maddox asked if you can verify that that's our responsibility and we could have Kevin at least put it on his list of things to do. I don't disagree but I thought all that was outside of our responsibility but I'm not going to argue. You seem to know it better.

As far as the parking spaces, Chairman Maddox was having a concern is "staff" parking. I think that I would not have a problem with a loading zone so they could unload their stuff. Then they can go park in the regular parking lot. I don't know how many "staff" we're going to have and how many parking spaces will be eaten up by that. Selectman Coutu said we don't have staff. We have volunteers. Selectman Nichols said they did say "staff". That was the word they used. I can understand just leaving a few for the handicapped and the others plain that people could park there if they needed to bring in. Chairman Maddox said if they're playing, everybody will be parking there that would park in the lower parking lot.

Selectman Luszey said the handicapped is defined by law. So what really needs to happen is we need to understand what the occupancy of each of the buildings are and make sure we have the proper number of handicapped spaces for that because I don't think we do today. We went through this with the senior center.

Selectman Nichols indicated the bottom has tons. At the very bottom of the hill from the senior center there is a ton of handicapped places there. Quite a few.

Selectman Luszey said that's for the park. If you were to talk to - that top of the park is access for those buildings. Look at the way the law is written. Those buildings you have to be so many feet from the building and provide handicapped. The lower section we're providing handicapped for like the 911 A-frame and stuff like that and not up top.

Steve Malizia noted there's only one building I think that has any kind of access is the elephant barn. Nothing else is open to the public if that's truly the formula. There's also no parking allowed inside the park by the deed. Chairman Maddox heard that there was going to be parking next to the new train station. Mr. Malizia said no that's not true. If you look at the pavement, it's not marked. I verified that and sent that Representative Jasper and asked that same question.

Selectman Nichols said the handicapped parking was put in before there was any handicapped parking or any parking really at the other area. They put it in there because they had no other place at the time. They were still working. It was for the park. It was not designed for as far I know at the time and I was there for a special building or anything it was just handicapped. So they took what they had and put them there and everybody could park at the bottom. Now they moved some of the handicapped down there and so I don't know how many. We could take out if we're allowed to take out a few and leave a few handicapped and leave the rest plain. So be it if somebody goes there.

Chairman Maddox indicated it would defeat the purpose that you're looking for. You want to be able to have people unload their vehicles and bring equipment in. If Joe citizen is parked there, then you have lost that availability anyway. I would think you'd be better off just having them dedicated as unloading/loading zones so that they would be open except for people bringing stuff into the park. If you just leave them plain, then people are just going to park there. Who would we send this off to?

Selectman Coutu said that would be, again, Mr. Burns. As I recollect, first ascertain how many would be an adequate number of handicapped parking spaces and as Selectman Nichols pointed out, at the time we had limited parking. It wasn't fully developed at the base and he determined we needed X number of parking and that would take care of it up on top. Since then, we have rehabbed and refurbished a parking area and we dedicated a goodly number of parking spaces for handicapped at the lower end. I don't see a problem with dedicating an area for loading and unloading. When I go by there, I seldom ever see any people parked in there at all number one. Number two if it was a loading zone, then it's a loading zone and it's not a parking area. So they would have to move their car unless they're handicapped down to the lower parking lot. I think that would resolve it. That would be Mr. Burns to take a look at that and ascertain that. As far as the lock is concerned, changing the locks I remember when these locks were first put in within two weeks, 35 people had the combination to the locks. Now it's like 435 and the same thing is going to happen. We're going to go through all this expense a month from now or by next spring half the citizens of Hudson will know the combination to those locks.

Chairman Maddox said it's the same lock. We're just changing the code.

Selectman Coutu noted I have the code in my cell phone. I just went and called somebody and they said oh yeah I got the code. Wow I took a shot in the dark and he has the code. He gave me the code and it works. Selectman Nichols said I never thought to put in my phone. I have to ask somebody every single time I go over. Selectman Coutu said just put it in your phone as if it's your phone number. Just put the four digits in.

Selectman Nichols commented I went to that retirement party for the officer. I was really, really nice. He's got some beautiful grandchildren. They're gorgeous. It was a fun day. Loads of people. A lot of policemen from different towns. Somebody was there from Lowell. Someone was there from Salem and the whole surrounding area and firemen too. It was really very nice. A great honor for a young man. Thirty-five years. I think that's great.

Chairman Maddox asked are you done paving. Selectman Nichols said not quite. I think the paving is done they just have the striping. Chairman Maddox was wondering if there was any more - again there was a number of questions about us not telling people. Again I thought there was a chance for you to tell people if there was. Selectman Nichols said as far as I know, we're done the paving. It's just the striping. Mr. Malizia indicated they had to let the pavement cure because the particular composition of the paint would just suck right in. You have to let it cure for probably a couple of weeks that reflective paint. Selectman Nichols said our area is done. It looks really nice.

Selectman Luszey - Thank you Mr. Chairman. The only real comments I have tonight is I attended the Sustainability Committee last night. We had a very lengthy discussion about the future of the committee, what its focus is, what its focus may not be. They will be putting together a presentation to come here to talk about where they would like to take that committee. With that being said, we also talked about the membership. I would like to ask this Board to approve the change in membership requirements from its current 11 and 2 to 7 and 3. Seven regular members and three alternates. One it will allow the committee to be more focused on what they will be proposing and two it will give them the ability to meet a quorum more readily.

*Motion by Selectman Luszey, seconded by Selectman Coutu, to change the membership requirements of the Sustainability Committee from 11 to 2 to 7 members and 3 alternates.*

Selectman McGrath asked how many members are on the committee now. Selectman Luszey noted eight right now. There's no alternates. They're vacant. Two committee members resigned this week. So we're down to 8 that are still there. Selectman McGrath asked how are you going to determine who the 7 members are. Are you going to - if we vote on this tonight, it will change the membership from 11 down to 7. Selectman Luszey thought with Uday's resignation, it brings it down to 7. Selectman McGrath confirmed there will be another resignation coming in. I'm okay with that.

*Vote: Motion carried 5-0.*

Just to summarize, Selectman Luszey said they'll be coming forward. I asked them to put their budget numbers together and submit them to Steve and the Finance Director for inclusion into the budget process by the end of September. If they had any special requirements that may exceed their current budget needs that we will need to come before this board and justify the need for any additional funds for next year. We will be coming forward in late September early October time frame with a presentation on the focus of that committee.

Selectman Coutu - I had an opportunity to go to Garrett Frohman's Eagle Scout project car wash this weekend. It was drizzling out on Saturday but it appeared that when I looked at the cash box, they were doing very well. They have a lot of friends in the community and I'm sure there are lots of people that are involved in scouting and they have parents of kids who are in scouts. I'm sure we jump from fundraiser to fundraiser to help everybody else out. It was great seeing him and his mom and dad. He seemed to be having a good time. He had a few kids out there holding signs car wash and he and a bunch of kids on the inside washing the cars. I haven't received a final report. All I received is an e-mail from him requesting a lot of information so he can proceed. You provided me with a document; you signed it so that he can present it to the Board saying that yes indeed the Board approved the project. Yesterday I received an e-mail. He needs to get a hold of Kevin to make sure he's buying the right paint. The three of us will meet out there and we'll take care of that.

The other is relative that Selectman Coutu wanted to mention and this will be the last thing I'll talk about is relative to the Benson Park Committee meeting. On several occasions I have heard the Benson Park Committee state two things. There was a deluge of requests for park benches and they wanted to limit the number of park benches in town. There were some people who wanted to put in different types of park benches and they were told no you are going to adhere to the standard bench that is put out by the Friends of Benson's. In essence you had to buy your bench from the Friends of Benson's which I don't object to. Now the Republican Committee is proposing as I understand what I heard to have a precast cement permanent bench put into the park with Hudson Republican Committee on the front and a placard on the back donated by the Hudson Republican Committee. So now I suggest because Benson's has violated their own policy. They said that they had to adhere to the benches. I don't care whether it's the Republican but if the Socialist party, or the Libertarian party, or the Democratic party, or whatever horsefly party comes in and they want some permanent cement benches put in the park, we're going to have civil liberties down our throat. Ultimately that park is our responsibility. Ultimately it's our responsibility. They're not going to sue the Benson Park Committee. They're going to sue us. I just want to remind the Benson Park Committee that you made rules and now you're breaking the rules for the Republican party of which a member on that Benson Park Committee is the Speaker of the House and he's a Republican. I think that we have to look at the picture in its total. I thought that they had hard and fast rules about benches and they had too many and now all of a sudden they're



allowing another one that's going to be constructed differently. I'm not picking on anybody. I'm just laying it on the table.

Chairman Maddox asked so that has been approved. Selectman Coutu said yeah it's been approved. Selectman Nichols questioned we approved that. I don't remember. Selectman Coutu said yes you did you voted for it. Selectman Nichols said I don't remember doing that but okay. There are benches in there - cement benches here and there in the park that have been allowed in some of the areas. They're small but they'll still cement and they are in the park. I've been asking for more benches because it's easier - the regular benches because it's easier to walk from one to another and sit for a bit. I got told no you can't have any more because we're already crowded.

Selectman Coutu said I'm having difficulty. Are you saying that there are permanent cement benches year round in the park now? Selectman Nichols said yes Sir. Selectman Coutu said they must be well hidden. I haven't seen any. Selectman Nichols noted they're not big but there are one or two. At this time I can tell you that. Selectman Coutu wanted them to know that if they're allowing the Republican Committee that's political that any political party wants to put benches in there, and I don't think they're going to be knocking on our doors but in the event that they do, they can't be rejected.

Chairman Maddox thought the idea that there were putting all the benches the same so that if something was broken they were interchangeable. You wouldn't have to go through 17 different styles of bench to make it repaired. Selectman Coutu said that's how it all started out. Apparently they changed the policy. Chairman Maddox thought our liaison needs to bring back that the Board has concerns about making these one offs that make it difficult for people to maintain. Again Kevin is going to be saddled with this downstream. Selectman Nichols said I may e-mail everyone and let them know that the Board is not happy with this and we don't want to get into too much trouble.

Selectman Luszey said I'd be more concerned about having political parties putting things in because it becomes a contest now who's got more, where, when, and all that. Just maybe. Chairman Maddox said just maybe. I don't know.

Selectman McGrath asked is it possible that the Board could reconsider that vote. Selectman Nichols was sure. That can happen. I will bring that to them and see. Selectman McGrath said whoever can do it. I agree. I think that it certainly puts questions in your mind about who's running that committee number one and number two, whether or not the town wants to put in political statements in a park.

Selectman Nichols believed they wanted that kind of a bench for Mal's Pals - the little girl down in that tree area. That was voted down. I'm thinking back to that now. I know that was voted down.

Chairman Maddox thought that it's a question of just maintainability. If we're going to get into this one is allowed to be different than all the rest, you're just going to have a maintenance nightmare downstream. The ones that are there, they obviously can pick up, bring in for the winter. I don't know what they're doing with them but I know they move the ones up at the top when the train station is getting moved.

Selectman Luszey asked do we need to make a motion so that Selectman Nichols can go back and say the Board of Selectmen voted to X versus her just going back saying well we talked about it.

Chairman Maddox asked is it the consensus of the Board that we would like the liaison to the Benson Park Committee to have them reconsider that decision. We can make it a motion. We can make it a consensus.

Selectman Luszey said to reconsider, they can say we can reconsider and we're going to do it versus if we make a motion to say no they have to abide by the rules of a single style bench that they selected, that's a lot different. Chairman Maddox said we're getting into the elephant grass again. Selectman Luszey indicated we've always have been in the elephant grass and the giraffe.

Selectman Nichols agreed with Selectman Luszey in a way. I think it should be a vote though because they could say all right we'll have a regular bench and still put who it's from on it. If you want to do that, fine. You have to say all parties are allowed to have a regular bench or not. You have to keep the political...I don't know.

Selectman Coutu wanted to clarify something. I don't care who donates a bench but don't be inconsistent with your statements. We're overloaded with benches. We don't need more benches. Now they're erected cement benches according to what she just said, there's a couple of them already there. Now they're going to have this special bench. Republican Party in the front. Republican Party on the back. The Republican party - the Hudson Republican Committee or whatever they're called, and a member of the Republican party but I don't know what our committee is called because I don't go to their meetings, want to put up a bench and they want to put the little placard just like there's one for Jim in the park in memory of or donated by. A small little placard donated by the Hudson Republican Committee that's fine. If the Democrats want to donate one, let them donate one. They're going to get the same thing. Either we're going to stick with consistency or we're not. I forgot and I'm glad you brought up they wanted to put one specially designed and permanent down at Mal's Pals. They were told no. But now they can find room for

the Republican Party for this special design bench, or the Democratic Party, or whatever party. Maybe we're in the weeds and maybe we ought to be.

Motion by Selectman Coutu, seconded by Selectman Luszey, that we request our liaison to the Benson Park Committee to inform the Benson Park Committee that all park benches must conform to those benches provided by the Friends of Benson Park.

Selectman Coutu indicated I'm going to vote against the motion because.

Chairman Maddox was going to say I think we're getting in the weeds.

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

Selectman McGrath - A couple of brief things. I, too, attended the retirement party for Captain Tousignant. It was well attended and I think it was quite a testament to how well thought of he was.

The other thing that Selectman McGrath wanted to bring up, I'm the liaison as you know to the Conservation Commission and Zoning Board and Planning Board as an alternate to Selectman Maddox. On the Planning Board, there's no question I don't vote and I'm fine with that. On the Zoning Board, that's a quasi judicial board and I'm not a member so I assume that I'm not going to vote and I don't. I participate in discussions but don't vote. The Conservation Commission and I've taken the same position on the Conservation Commission that I can participate but not vote. They questioned that. I'm bringing it to this Board. I don't know who was the liaison before me and whether or not they voted but I think I'm correct and doing the right thing by not voting. I don't know enough about the Conservation Commission and I haven't attended too many meetings and I certainly haven't participated over the years. I haven't watched their meetings. I haven't attended their meetings. I think that my role really is as a liaison from this Board this to that board and if they have any issues to bring up to me or any questions that I can answer for them, that's what I think my role is and not as a voting member of that board.

Steve Malizia said would you like me to check. I'll check with the attorney just to see what the law allows. For example if you're on the Budget Committee, you're a voting member. Chairman Maddox noted that's by Statute. Selectman Luszey indicated I was on the Conservation and I wasn't a voting member. I'm not a voting member of the Sustainability Committee.

Selectman Coutu said you have to realize that whenever you enable whether it's a liaison or anybody to become a voting member, that increases permanently the number of members on the board. It's the voting members that count. So now the quorum will shift. It might not. It depends on which way you look at the half vote. An odd person as opposed to an even number of people. Again I respect where she's coming from and I think what she didn't state and probably could have but she chose not to is that some of the stuff from the Conservation Committee flows over into Planning or ZBA. I know that she's trying to be fair to all parties concerned. If she's voting on a decision, then she would have to pretty much abstain herself I think on Planning or Zoning if it got to that point. The only thing that surprised me about that meeting - Conservation - it wasn't so much whether or not you vote, it was more that Elvis Dhima said something to the affect that he would like to be a voting member and staff cannot be voting members. He had said something about I'd like to be a voting member. Maybe the next meeting. I'm quoting him exactly. He said maybe the next meeting. I thought he was going to bring something up tonight and just say no that's going to get shot down.

Selectman McGrath really thought that was in jest. Selectman Coutu was hoping it was. I listened to it and it didn't seem to be. Selectman McGrath thought it was in jest because of the topic and...Selectman Coutu noted I know which topic. It was a fun show. It may be in jest of because of the meeting content.

Selectman Maddox - The Chair has a couple of things. Selectman Nichols you kind of said a magic word "e-mail everybody on the committee". I think we have to be careful here. The Planning Board had a raucous discussion about having e-mails between themselves. If Selectman Nichols and I want to have an e-mail back and forth - a discussion all day long just like we could call on the phone. When it starts to get confusing and ugly is when all of a sudden everybody is part of that chain and maybe by accident. I think the Planning Board was somebody decided to just send it out to everybody at some point and it just mushroomed. I think that we as a Board need to and I would suggest whoever our LGC or whatever that group is that assists us with our legal and our insurance, if they have a program for the right to know/electronic media. Steve Malizia indicated we've had those in front of you multiple times. Chairman Maddox understood that but I think we need to get an updated copy and get them out to all of the boards and committees. It is not right to have a meeting electronically between e-mails. I know with the best of intentions the Planning Board member wanted to put out an idea but as soon as now they start discussing it and then the public was semi involved, they were getting copies of it. Now some people knew about it but the applicant didn't. This is going to set us up for a very, very bad beating. I think that we need to reinforce. I know we've done it in the past but people change and whatever. Again if you send it out to everybody as a - and I try to go through Donna if I'm going to send something out to everybody. We just need to be careful that we don't start a multi-person conversation. Again I think

if we can get something from that group and get it out to our various boards and commissions so that they are also aware of what the practice is.

Selectman Nichols would wait for the next meeting. I won't do anything. I think it would be...Chairman Maddox said you could send something out in my opinion and we can check this. You can send something out saying the Board of Selectmen had this but as soon as there's a conversation back and forth no. Then it needs to say this needs to be discussed at a public meeting. You can make them aware.

Donna Graham indicated I can send out the motion to all the members tomorrow to let them know that at tonight's meeting this is what the Board voted on so going forward they're aware. Selectman Nichols indicated that's fine. That will work even better. Chairman Maddox thought it's something we don't think about. Everybody wants instant gratification. Citizens wanted answers. People were trying to get them answers but it sets us up for the - some people didn't get the information.

Selectman McGrath wanted to add that a bigger part of that was that there were e-mails coming in from residents about the project that was before the Planning Board. It mushroomed and got Planning Board members involved. So it was not just people sending e-mails to the Board of Selectmen and staff trying to get answers, it just mushroomed and involved Planning Board members as well. Then it becomes I think that the whole issue becomes if that project whether it's approved or not approved and whether or not it ends up in court which it may very well end up in court from the abutters perspective. Then all of those e-mails that e-mail chain and the whole conglomeration of e-mails becomes discoverable evidence. It's a very slippery slope and the Planning Board some of the members really weren't happy with the Board of Selectmen.

Just on that note, Selectman Luszey thought it would wise also if we send out there's some stuff about what constitutes a meeting amongst members. If 3 of us are together and if we talk, that's an illegal meeting. I'll use the example of the Budget Committee this past Thursday. The agenda said that we were to meet in the Buxton Conference Room at 6:30. Mr. Lane and I met in the conference room at 6:30 and we waited until 8 o'clock. No other Budget member showed and yet I received minutes for a Budget meeting. I replied back that said it wasn't called to order per so I'm not sure how that happened. I think because new members come and go off of all these committees and things like that, it may be good to send out a refresher on what constitutes legal meetings, what's the posting requirements, and like I said all the e-mail stuff. It's getting dicey.

Next item. Chairman Maddox said minutes at various meetings - the ZBA, the Planning Board. I guess the only one that still has a recorder is the Planning Board. Selectman McGrath said yes. We lost the recorder for the Zoning Board and I don't know if they're - I haven't talked to Brad so I don't know if they're attempting to get someone else. I would think that they're going to have to at some point because they...Steve Malizia indicated they did put out a RFP and in the interim they're using a service that will come in and record and then transcribe. My understanding is the minutes are being taken. I'm not aware that they're not. Selectman McGrath said we don't have a person sitting at the Zoning Board meetings. We have not for a while. Mr. Malizia said that's correct. We've not gotten anybody in but I believe there's someone who's taking the tape or the document an actually transcribing it so you have minutes. That's my understanding. Selectman McGrath said I haven't asked the question so I really don't know.

Selectman Coutu said it's an expensive process. Steve Malizia said yes it is. You put out an RPF and you don't get any takers, you have to do something. They're at least trying to keep up with at least the basic minutes.

Chairman Maddox asked can we find out what - we have the minutes that is done by the Secretary of the various boards and they have to record the attendance, any votes taken, if Joe Smith came to the Conservation and spoke - the gist of what he was saying. It doesn't have to get into verbatim type of thing. Are the recorded DVDs sufficient? Again there is a requirement statutorily for those minutes that the Secretary makes. I'm not sure that there's a statutory requirement for the verbatim. Can we just find out what we have to do? Is the DVDs acceptable? Steve Malizia said you have to say who attended, what time did the meeting start, any motions made, any votes taken on those motions. That's the minimum. That's what you need.

Selectman Luszey said we did this with the Budget Committee because we used to have a paid recorder and we eliminated that from our budget because we did that research. We had what is the requirement. It's the attendance and it's the motions - who made the motion, who seconded it, and what the motion was pretty much. Bare bones.

Selectman McGrath said this conversation has been repeated over the last 30 years. I can't tell you how many times. Planning Board and Zoning Board are different. They're different from the Budget Committee or any of the other committees in that they're making decisions about land use that ultimately and a lot of times have ended up in a courtroom to make a decision about whether or not they're getting an approval. Those applicant and those people that are concerned about those issues want the transcript. It doesn't have to be verbatim but they want that transcript and in my opinion and I believe that I'm correct; the legal opinion has been that we have to provide that. It doesn't have to be verbatim but it has to be a transcript of the meeting what took place. The decisions that you talked about that the secretary does, they have to be available within I believe its 72 hours of the meeting. That just shows the

bare bones of what took place at the meeting. I believe if you check with Dave Lefevre he will tell you that we have to provide a transcript for those two boards.

Chairman Maddox indicated we have a recording of it. Again we need to find out.

Selectman Nichols said I was the secretary or the clerk for the Benson Committee. I had a tape recorder and I recorded everything and it had to be in by 72 hours and they went in. I had everything. I missed nothing. Selectman Coutu questioned and said every single word said. Selectman Nichols said just about every single word. Selectman Coutu noted I've read some of your minutes. They're a couple of pages. Every word said would be hundreds of pages.

Chairman Maddox said if you retired tomorrow, the next secretary would not be doing that. Selectman Nichols indicated I don't do that now. Somebody else does it. They're close but no cigar. Again Chairman Maddox thought we just need to be prepared is the technology good enough? Can we use those DVDs that we're recording? You're saying no. I think we should at least...Selectman Coutu said let's get a legal opinion one more time because we've been this route as Selectman McGrath pointed out in the past and in my 8 years it's been asked 2 or 3 times. I think you've come back with the same opinion every time. The courts do not accept DVDs. If it goes to court, the court will not accept it. They want to see the written transcript. Mr. Malizia said just like cops can't take digital photos as you can alter them.

Selectman Luszey commented and you can't alter a type-written page.

The last thing Chairman Maddox has is the Planning Board. Yeah it wasn't terribly thrilled with us but they did vote to approve the Hawkview plan. Selectman Coutu asked why weren't they thrilled with it. What did we do as a Board that upset them? Chairman Maddox guessed they took umbrage to some comments that a couple of us had made about what should be done and how it should be done. Again I am trapped as the voting member to the Planning Board but I represent this Board. I was looking for some guidance from this Board as to where this was going to go number one. Number two, the citizens came in on roads that the Planning Board did not control. They have issues. They still have issues but we're going to see where it goes. The Planning Board took additional monies from the developer. He offered additional monies on a limited time basis and the Board accepted those. I guess we'll know in 5, 6 years when the project is completed how much traffic is actually going to be going through there.

Selectman Coutu stated the Board accepted that money because he stood there and said you'll take it right now or we're with withdrawing it. He forced you to take it.

Chairman Maddox said there was talk about command influence but as I quickly pointed out, it did real good that night. The Planning Board will do what the Planning Board will do. They should be independent from us. Yes do we appoint them yes. I don't think any of us are going to remember that vote in two years when somebody comes back. I think you look at the overall output of the person at that position. This is one of those where I think we're planning the project and politics all converged. I don't think that the neighbors are going to be happy with the decision. I know they weren't that night. The Planning Board made a decision and at this point, I don't want to get into the habit that was 15 years ago of Hudson vs. Hudson. We'll see how it all shakes out but I don't think this Board wants to get into the weeds with the Planning Board unless somebody else has a different opinion.

Selectman Coutu would like for members of the Planning Board and the ZBA especially because they have some difficult decisions to make. You can't please everybody. You may make the same type of case may come before you or two different meetings and you might vote exactly the opposite. You might not want to put a pool here but you'll allow it to go there. People don't see the circumstances. I certainly would like the members to know that I've been here 8 years and for 8 years I've never heard anybody on this Board have any consternation about what the Planning Board voted on or what the ZBA voted on. We appreciate their service. We appointed them to - it's like watching a trial by media and you're saying to yourself wow the more I hear of the evidence the more I think that person is guilty. What the media is reporting to you isn't verbatim everything that's going on in the courtroom. Then all of a sudden you hear a jury come back and say not guilty. Unanimous decision. Jesus he looked pretty guilty to me from everything I saw. You only saw three pages of what is probably thousands of pages of evidence and it's the same thing with the ZBA and the Planning Board. A lot of these members go out and they look at the properties before they make a decision. There's a lot of information that's provided to them that's not privy to us. I can speak for myself - I might not agree with every decision that's made but it's based on the limited information I have and I know that in the end Hudson's not going to go away. We're not going to be destroyed because we allowed a developer here, or didn't allow a developer there, or allowed a pool here and didn't allow a pool there. I appreciate their service and I certainly don't lose any sleep over any of their decisions like I hope they don't lose any sleep over ours. Even I lose sleep over ours sometimes.

10. NONPUBLIC SESSION - None

11. ADJOURNMENT

Motion to adjourn at 10:29 p.m. by Selectman Luszey, seconded by Selectman Nichols, carried 5-0.

Recorded by HCTV and transcribed by Donna Graham, Recorder.

HUDSON BOARD OF SELECTMEN

\_\_\_\_\_  
Richard J. Maddox, Chairman

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Roger E. Coutu, Selectman

\_\_\_\_\_  
Pat Nichols, Selectman

\_\_\_\_\_  
Marilyn McGrath, Selectman

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Ted Luszey, Selectman