

HUDSON, NH BOARD OF SELECTMEN  
Minutes of the June 23, 2015 Meeting

1. CALL TO ORDER - by Chairman Maddox the meeting of June 23, 2015 at 7:00 p.m. in the Selectmen's Meeting Room at Town Hall.
2. PLEDGE OF ALLEGIANCE - led by Jim McIntosh, Cable Facilitator.
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; Dave Yates, Recreation Director; Lori Bowen, Senior Affairs Coordinator; Kathy Carpenter; Finance Director

4. PUBLIC INPUT

Chairman Maddox asked if anyone in the audience wished to address the Board on any issue which the Board has control of at this time. Please state your name & address for the record.

- Cable Facilitator Jim McIntosh - discuss cable audio problems

Chairman Maddox noted that we asked Mr. McIntosh to come in in regards to some volume and voice on the cable lately. You said you didn't know about the one where the police and fire were coming over telling us that people were calling the station saying they didn't hear the Selectmen's meeting.

Jim McIntosh indicated I did not hear. I don't know how long the audio was out or anything. I wasn't even aware of this issue. I knew about the Kinder Morgan meeting. That was an equipment failure from a piece of brand new equipment we had but the Selectmen's meeting I was not told.

Chairman Maddox asked Donna Graham and you thought it was May 26<sup>th</sup>. If you could go back and take a look. Again I've gotten some e-mails saying why is this happening. I'm saying I don't know. We brought the Facilitator in to see if he could give us enlightenment. He's not even sure we were without audio.

Selectman Coutu said so he's not caught off guard, on the Selectmen's meeting it was a plug that was not plugged in. That's what it was. I spoke to Mike O'Keefe about it. There was a plug that was disconnected but they were able to capture it all on disk but lied because the plug was not in. He came down and fixed it.

Jim McIntosh apologized. I should be in the loop on all this stuff but apparently people are going to Mike before they go to me. If I don't resolve the problem and nobody tells me about it, I have no idea about it.

Chairman Maddox asked do you have a log of issues with various pieces of equipment or issues with - the cable operators tell you something was broken or whatever. Is that who it goes to? Mr. McIntosh said the way it sits right now is they're supposed to send an e-mail or a text to myself and my assistant Rob. If he gets it, he's supposed to call me up to find out what's going on. If it's an immediate issue if I'm in the area, I come right down here and resolve it. If he's in the area, he'll resolve it. It's not a formal log but anything that's happened that we're told about, I do take it into account and I write it down on my desk blotter at the Access Center. I write it down and keep track of what's going on. We resolve whatever we can. We're in the process of changing a lot of our equipment over and updating it.

Selectman McGrath asked the people that are in the back room, do they monitor the meeting to make sure that the audio is on and that everything is working appropriately. Jim McIntosh stated they monitor it as much as they can. The audio goes from here; it goes into there. They listen to it replaying but they're hearing two different levels. They usually turn one down lower. It's the return level because live television is actually 3 to 5 seconds slower than what you people are experiencing. Like I said, they never called me up to tell me there was an issue so somebody in there was missing something. I'll have to look into that and find out. It sounds to me like it was either an operator error or I don't know how the plug fell out or which plug it was. I'll talk to Michael about that and see.

It was Selectman McGrath's recollection at least the first time that it happened when you were getting texts or whatever you were getting. Someone came in behind me. They weren't obviously listening behind there because otherwise they weren't aware of it either until all of this activity happened.

Selectman Coutu noted when Donna went in to tell them.

Chairman Maddox was just trying to keep a handle on it. We don't need to have our police and fire departments getting phone calls that they can't hear the Selectmen's meeting. I'm just trying to see if there's a method by which - I know we're very popular. We're jumping up rapidly.

Jim McIntosh said we did have an issue audio. This might be related to it. Michael had discussed with me about - like I said we're replacing our equipment and upgrading it to an all newer system because some of the stuff is failing in the middle of events. There was a point we've been having problems with Comcast too. We have brand new equipment. We switched from an analog system to a digital system. Analog if something failed, you just saw snow going on the screen. Nowadays if you see a color bar, you know you're getting a digital signal. When the color bars come up, it failed. Audio doesn't have that kind of an indicator. If somebody calls us up and tells us something is wrong, then we can fix that or adjust the issue. We did have Comcast in there replacing this system - the radiant communication system and it's just a transmission system. Maybe what might have happened at that point, we did have some techs in there who are a little heavy footed. They might have stepped on one of the cables and it popped out. That's the only thing that I can think of. If it recorded to our system, then it was between here and that piece of equipment.

As I understand it, Chairman Maddox said the playback was fine. Mr. McIntosh said it made it to our system okay. It was the play out to the radiant then. That's a Comcast issue.

Selectman Coutu stated we had the problem with the community center. That was entirely different. Mr. McIntosh said it was the same thing. We've been upgrading our equipment. The Community Center we no longer use the Comcast fiber. We use a fiber - we worked with IT on that. We had a fiber drop put in there and it comes directly to Town Hall so we have full control over it before it goes out to Comcast. So we can give you a clearer, stronger signal which I don't know if you noticed the Kinder Morgan meeting. It looked a lot nicer than most Deliberative Sessions have in the past. The problem was we had brand new equipment and one little tiny box that took an HDMI signal in and sent it out to digital for us, it passed the video beautifully and the audio just didn't work on it. We went crazy trying to figure out what was wrong because we had like several pieces of equipment that it could have happened on. We did figure it out as quick as we could. We got it back. We bypassed the situation and we got it working. The playback was 100 percent though. Whatever people saw at home, they got all the audio and all the video except for one part where we actually unplugged the unit to swap it in there, there was a little glitch for about 2 seconds when some lady was talking.

Again Chairman Maddox commented just trying to keep informed why they're hearing what they're not hearing and move on. Thank you very much for coming in.

Ben Nadeau - Ben Nadeau, 71 Kimball Hill Road, Hudson. I went to Benson's this weekend and experienced a lot of problems. A lot of the problems are with the scheduling of our areas in the park. We had two groups scheduled for the A-frame and one group was a little bit more powerful than the other group and kicked the other group out. The other group was amenable to move and wanted a picnic table. The other group didn't want to give up a picnic table. They finally gave up a picnic table and it worked out. On the request form for Benson's, for two years I've been asking for a reserved section and every time we say that we're going to put a reserved section for this time frame from 10 to 2, we tell the Rec. Director to do it and it never gets done. You're having all these people trying to use the same spots. The spots that are getting used the most, I think we need to put - I don't know if you want to call it like a plastic sleeve and have them on Friday night go slip the sheet in and say this is reserved tomorrow for this group. If there's two groups, put another sheet in from 2 to 4 or whatever it is like the gorilla house. Everybody thinks they have it. We have a sign on the fence that strictly states over 15 people you need a permit and you have to get it from the Rec. Department and nobody is following it. We need to start making it so that it's enforceable and we need to start doing something.

Mr. Nadeau said the park is getting overused. The Benson's Committee or the group of volunteers that work on the Benson's Committee have been working very diligently on the Mal's Pals gazebo. They have it all roped off and they're trying to grow the grass. They go out every other day - one person goes out and waters it. They use a pump and take the water out of the pond to make sure the grass is growing and getting established so that that amphitheater will be a beautiful and it is a beautiful place to be used by the community. We have people that say it's okay to use it just untie the ribbon and go in. This weekend when one of the Benson Committee members went over and asked the person, he gave them the permit. I physically have the permit. The permit does not say on it anywhere where there is a spot to reserve but they put in Mal's Pals gazebo. I can't tell that it's a photocopy if the ink is the same as the signature ink or if the person wrote it in afterwards and then made a photocopy of it. I don't know that. I think that we need to have better communication between the Rec. Department and the Benson Committee. There's no problem with the Highway Department and the Benson Committee with communications. Certain members have good communications with people that they've been working with for years on the grounds. We need to not stifle any of them from doing what they're doing especially the volunteers that we have are older and they've been there 4, 5, and 6 years. They're getting told they have to go this route and for the last 3 years they've been going right to Kevin and Kevin's been doing what he can when he can. Kevin doesn't do any more than he can do. He doesn't put anything aside that he can't do. He just says okay that's on the list and if it rains tomorrow and I'm not going out paving, I'll do that. I have brush cutting to do instead. Maybe the next rain day I'll do something over there.

Ben Nadeau indicated we can't burn out our volunteers at Benson's. When we have stuff roped off over there, we need to really pay close attention to what the Benson Committee is doing. After this member left the park, he was driving by the Haselton Barn and the barn was vandalized. I don't know if any of you know that. I might have told a

couple of you. The broke the windows out of the barn. Two weeks before that, we had Kevin's guys down there. I drove by and saw the nose of a pickup truck and I stopped and said that's odd there's a pickup truck behind the barn. I got up and walked down. It was the Highway guys repairing some vandalism from the barn. They do they best they can but we need to start posting stuff with no trespassing especially around the barn so that when these kids do the damage that you guys can enforce it. If it's not posted, it's not enforceable. The police will tell you that. Your attorney will give you a different opinion but I think that we need to take a serious look at Benson's and come up with a fee structure for the spots and use the money that we get from the fees to have somebody come in and be the weekend park ranger if you want to call it.

Mr. Nadeau indicated to keep the stuff cleaned up and let the proper people know that the toilets on Monday are overflowing from the weekend instead of waiting until Tuesday. That's becoming more and more of a problem with the use in the park. The park is getting used 7 days a week even when it's raining. We really need to take a hard look at that. We've been arguing do we need 3 port-o-potties, or do we need 2, or do we need 4 and do they need to be cleaned 3 times a week. We really need to get a grip on it. I think the Rec. Director needs to take a hard look at that situation and figure out what we need to do. We're going into the July 4<sup>th</sup> weekend in a couple of weeks. You know that park is going to be well overused.

Mr. Nadeau was going to get off the Benson's subject. We've been having some problems with cable. I was glad to hear Jim's working on it. The other thing is when you guys did the raises last week - I know you're going to go over them in a few minutes. You have to think really long and hard who works 24/7 for this department and what department works 24/7. You know that the Fire Chief is out there during the storms. You know that the Road Agent is out there during the storms. They don't get any more than anybody else. You seem to pass out the raises and overlook the people that actually do some of the hardest work for this town. I'm not saying the ones that you gave raises to didn't deserve it but when I'm out in the middle of a snowstorm plowing and I see Mr. Burns out plowing, he's not making a penny more than he made last year and you look at what he got for a raise and you look at the Fire Chief and at 3 o'clock in the morning when you hear him out there on a call at a structure fire, you know he's there. I really think that you might want to by the end of the year try to figure out how to correct some of these deficiencies.

Mr. Nadeau said I'll put my other hat on now as a School Board member. We are looking to find the money to try to give you guys some money for the snow plowing. We'll know better by June 23<sup>rd</sup> or 24<sup>th</sup>. We'll have our better numbers for you guys and see what we can do for you. Its tomorrow and we'll see what - I didn't check my e-mails before I left so I don't know. The days have all been running together for me. That's all that I would like to talk to you guys about tonight. Thank you. Does anybody have any questions on what I had asked?

Chairman Maddox thought we'll probably cover it a little bit later on. I know that the Chair has some things in regards to Benson's but I want to get people who are waiting so we'll take care of them.

5. NOMINATIONS AND APPOINTMENTS

A. Resignation of Cheryl Cummings as an alternate to the Benson Park Committee

Motion by Selectman Nichols, seconded by Selectman McGrath, to accept the resignation of Cheryl Cummings as an alternate to the Benson Park Committee with the Board's thanks and appreciation.

Selectman Nichols thanked Cheryl Cummings for letting us know that she cannot fulfill her duties to that committee and if she wants to leave it open for someone else that can spend the time. So I thank you very much for your letter.

Vote: Motion carried 5-0.

B. Interviews

- 1) Benson Park Committee - (2 vacancies - 1 member term to expire 4/30/2017; 1 alternate term to expire 4/30/2017)

Margaret McQueeney (already interviewed at 4/7 BOS meeting)

Motion by Selectman Coutu, seconded by Selectman Nichols, to suspend the rules and nominate and appoint Margaret McQueeney as a member to the Benson Park Committee with a term to expire 4/30/2017, carried 5-0.

Benjamin Nadeau interrupted and had a question for the Chairman. On that alternate position, I was interested in it. I have not had time to fill out the application. If you want me to fill out the application and go through the process I will do that. To save you guys the time, I would be willing to fill that position for now.

Chairman Maddox asked the Board's pleasure. He's standing here. He obviously has a lot of input.

Selectman Coutu asked what do we do with the next person that comes in and says I'm here appoint me.

Like I said, Benjamin Nadeau said I'll go through the process if you want me to but I feel that you guys know where I come from and it was advertised and nobody applied for it.

Selectman Coutu asked we have no applications.

Mr. Nadeau said if you had an application, I would have said you know okay. Seeing that you have a vacancy.

On the basis of his experience and willingness to serve, Selectman Coutu said let's get it behind us.

Motion by Selectman Coutu, seconded by Selectman Luszey, to suspend the rules and nominate and appoint Benjamin Nadeau as an alternate to the Benson Park Committee with a term to expire April 30, 2017.

Selectman McGrath said I'm not going to support this because I think that we should follow the process where if an applicant wants to apply for one of the committees that they fill out the proper paperwork and get...I'm not familiar with Mr. Nadeau. As I've said to you before, I...

Benjamin Nadeau said, "Are you for real?"

Selectman McGrath said yes I am.

Selectman Coutu withdrew his motion. That was totally disrespectful. I'm withdrawing my motion.

Benjamin Nadeau said withdrawing your motion I'll put in an application.

Chairman Maddox said why don't we do that and make it clean.

Selectman McGrath asked to continue. I did not make it a habit of watching Selectmen's meetings. I may have watched a couple over the course of the years but I didn't watch Selectmen's meetings, Planning Board meetings, Zoning Board meetings. As a matter of fact, I don't have Comcast. Maybe I should be familiar with Mr. Nadeau but I am not. Until I see an application, I'm not willing to act.

Benjamin Nadeau indicated I will not be putting one in.

Chairman Maddox told Mr. Nadeau to calm down. Fill out the form if you want to join. Mr. Nadeau stated she knows who I am. She knows what's going on. I'm not playing the game. Chairman Maddox indicted there was no game to play tonight.

- 2) Conservation Commission - (4 vacancies - 1 member term to expire 12/31/2017; 1 alternate term to expire 12/31/2015; 1 alternate term to expire 12/31/2016; 1 alternate term to expire 12/31/2017)

Raimundo Matos - 7 Bear Path, Hudson. My neighbor Glen Della-Monica told me there were a bunch of vacancies. I've been an environmental consultant for 20 years here in New England. Mostly in Massachusetts as an LSB and internationally. I can be home watching TV now. I'd rather choose to help the community for a couple of years.

Chairman Maddox asked Mr. Matos how long have you lived in Hudson. Mr. Matos noted 10 years now. I lived in Hudson in 2000 and I moved to Worcester for a couple of years and I came back. I didn't like Worcester. My wife, and I and my daughter and she's 14 now. We've been living here since 2005. Chairman Maddox said if you have Mr. Della-Monica as a reference, you're certainly moving up in my book.

Motion by Selectman McGrath, seconded by Selectman Coutu, to suspend the rules and nominate and appoint Raimundo Matos as a member to the Conservation Commission with a term to expire 12/31/2017.

Selectman Coutu said Raimundo is well known and well liked at the Hudson Fish and Game Club. We have mutual friends and based on what I'm hearing and his experience in geology and things of that nature, I think he's going to be a tremendous asset to the Conservation Commission. He comes highly recommended and I echo what you said about Mr. Della-Monica. He's a well respected member of the community and works very hard on the Planning Board.

Chairman Maddox commented he took on that job that no one else wanted to. He's doing that re-write done.

Selectman McGrath was impressed with Mr. Matos' background. Having the degrees that you have, and geology, and public policy, I think you'll be a perfect fit.

Vote: Motion carried 5-0.

6. CONSENT ITEMS

Chairman Maddox asked does any Board member wish to remove any item for separate consideration.

Selectman Nichols wished to remove under F. Calendar Benson Park. The Committee will not be meeting on 7/2. It's too close to the 4<sup>th</sup>.

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

A. Acceptance of Minutes

- 1) Minutes of the May 5, 2015 Workshop Meeting

B. Assessing Items - None

C. Donations

- 1) Donation from Kitty Angels a modular cat cage valued at \$159 to the Hudson Police Department

D. Licenses & Permits - None

E. Water/Sewer Items

- 1) Sewer Abatement - S-UTL-15-15, 19 Westchester Court, w/recommendation to approve
- 2) Water Abatement - W-UTL-15-01, Hudson School District, w/recommendation to approve

F. Calendar

- 6/24 7:00 Planning Brd - Buxton CD Meeting Room
- 6/25 7:30 Zoning Brd of Adjustment - Buxton CD Meeting Room
- 7/01 7:00 Planning Brd - Buxton CD Meeting Room
- 7/02 6:30 Recreation Cte - BOS Meeting Room
- 7/02 7:00 Benson Park Cte - Buxton CD Meeting Room - CANCELLED
- 7/03 FOURTH OF JULY HOLIDAY - TOWN HALL CLOSED
- 7/08 7:00 Planning Brd - Buxton CD Meeting Room
- 7/09 7:30 Zoning Brd of Adjustment - CD Meeting Room
- 7/13 7:00 Conservation Cmsn - Buxton CD Meeting Room
- 7/14 7:00 Board of Selectmen - BOS Meeting Room
- 7/15 5:00 Municipal Utility Cte - BOS Meeting Room
- 7/15 7:30 Senior Affairs Cte - Buxton CD Meeting Room
- 7/16 7:00 Benson Park Cte - BOS Meeting Room
- 7/16 7:00 Budget Cte - Buxton CD Meeting Room
- 7/21 7:00 Cable Utility Cte - HCTV Ctr.
- 7/22 7:00 Planning Brd - Buxton CD Meeting Room
- 7/23 3:00 Trustees of Trust Fund - Buxton CD Meeting Room - CANCELLED
- 7/23 7:30 Zoning Brd of Adjustment - Buxton CD Meeting Room
- 7/27 7:00 Sustainability Cte - BOS Meeting Room
- 7/28 7:00 Board of Selectmen - BOS Meeting Room

7. OLD BUSINESS

A. Votes taken after Nonpublic Session on June 9, 2015

- 1) *Motion by Selectman Nichols, seconded by Selectman McGrath, to allow Fire Chief Rob Buxton to buy out 160 hours of earned time leave: 79.3406 hours of earned time comes from time earned prior to his promotion to Fire Chief (union); 80.6594 hours as a non-union employee, carried 4-0.*
- 2) *Motion by Selectman McGrath, seconded by Selectman Nichols, to increase the salary of the Executive Assistant by \$1,000 and to increase the salary of the Town Administrator by \$1,000 (effective July 1, 2015), carried 3-1. Selectman Luszey in opposition.*
- 3) *Motion to adjourn at 10:32 p.m. by Selectman McGrath, seconded by Selectman Luszey, carried 4-0.*

B. Adoption of Hudson Senior Center Policy and Procedures

Chairman Maddox indicated that this item will be deferred as they have made some more changes.

Steve Malizia said I asked for it to be deferred because Selectman McGrath it to our attention that there were some changes made and I want to sit down with all the parties involved and make sure we have the correct version. I asked for this to be deferred. I called the Rec. Director and said I'm not putting it on the agenda. We're going to meet just to make sure that we have the changes we expected to have.

Just to clarify, Selectman McGrath stated I was doing a side by side analysis again of both of the documents and I didn't get past the first page. There's no correlation with what was there the second time and now the third time. I wasn't going to go through it again. It was really time consuming.

Selectman Coutu agreed. I was reading it and I said to my wife I said I don't think they made any changes. The first page there's nothing changed.

Selectman McGrath said they did make changes. They made changes to some of the wording and some of the format. The format I don't care about that but the wording I did care about. I called Town Hall today and spoke with Donna and...Steve Malizia said I asked that it be deferred. I spoke to the Rec. Director. We will take care of it.

Chairman Maddox asked if we could make it kind of a semi-unwritten that it won't come back until the Town Administrator and Selectman McGrath have done the - you're the grammatical whiz. I don't understand. When I looked at it how we don't have some sort of numbering system, letters, whatever to be able to reference where you're going in the document.

Selectman McGrath said the last time that I reviewed it a side by side, they had made changes after we initially suggested changes to the whole thing. When I started to look through the document, they moved some of the information to other pages. It was difficult to follow. I had detailed notes on my copy. Today I was expecting to see the same thing that we saw the last time but with the changes that we recommended or that we wanted to see and it got changed again. I wasn't about to go through the entire document and try and do a page by page analysis or review to try and see where they made the changes. It's like trying to nail Jell-O to a wall. I can't do it and I'm not going to do it. They have to come back with something that makes sense.

Selectman Luszey noted it would be helpful if they actually had the revision change sheet on the document. That's quite common in those types of documents. That tells you what the changes are.

Selectman McGrath said the changes could be in red. I've certainly done documents. Believe me - volumes of documents where you know if made changes, it would be highlighted in red and you could easily see where they made the change and see if it related back to the original document and that just isn't the case today.

Chairman Maddox said there's just no way to reference what section you want to go to. They just have these squiggles things. Again not ready for prime time. Move on.

C. Benson Park Train Station Relocation Project

Chairman Maddox recognized Town Engineer Elvis Dhima.

Good evening Mr. Chairman and members of the Board. Elvis Dhima stated as you recall not too long ago I came in front of this Board to ask for the pre-approval for this project with a condition of the State and the Feds approving the lowest bidder and the State and the Feds approving the additional amount required for this work to be completed. I'm pleased to announce that they have provided both of those conditions to the town. I'm in front of you tonight to ask for the final approval and award this work to the lowest bidder BMR Contracting.

*Motion by Selectman Nichols, seconded by Selectman Luszey, to award the contract for the Benson Park Train Station Relocation project to the lowest bidder, BMR Contracting, Inc. for the amount of \$350,000 for the base bid only.*

Selectman Luszey asked can we add "not to exceed" that bid. It could come in lower. It's just customary not to exceed.

Chairman Maddox asked are you comfortable with not to exceed.

Selectman Nichols was comfortable with that.

Motion by Selectman Nichols, seconded by Selectman Luszey, to award the contract for the Benson Park Train Station Relocation project to the lowest bidder, BMR Contracting, Inc. for the amount not to exceed \$350,000 for the base bid only, carried 3-2. Selectman McGrath and Selectman Coutu in opposition.

Selectman McGrath commented same reasons as previously stated.

Chairman Maddox didn't disagree with either of you but, again, if we sit here and say we don't want to do it, we're still going to be stuck with the ugly train station and the fabulously valued rails underneath them.

Chairman Maddox told the Board the Mr. Dhima needed to put the Library Park Lights in.

D. Library Park Lights

Chairman Maddox recognized the Town Engineer Elvis Dhima. This will be one of the items that is in our handouts.

Selectman Coutu asked why are these things coming in at the last minute Mr. Chairman.

Chairman Maddox allowed this one Selectman Coutu. This is one of those things where we are squeezing the time frame and we kind of hope that the DOT - I think it was kind of important for us to get this moving along. I was just trying to not drag it out.

Elvis Dhima wanted to say I believe the Board members were cc'd in one of the e-mails to the DOT regarding this. We finally got the approval for this yesterday. It wasn't my intention to add this at the last minutes but it's very important that we get this done so we can order the parts. I do apologize for this. I think this will be a benefit to the Town if we do this tonight.

Mr. Dhima said the item in front of you is the Library Park lights. Again not too long ago I came in front of this Board and got the pre-approval with the condition that the State approves the lowest bidder and they guaranteed 80 percent of the funds. We have received both of those. We got the approval and I'm in front of you tonight to ask for the final approval and to award the contract to the lowest bidder.

Motion by Selectman Coutu, seconded by Selectman McGrath, to award the contract for the Library Park Lights to Electric Light Company, Inc., in the amount of \$287,684 for the base bid, \$10,606 for Alternate #1, \$24,000 for Alternate #2, and construction and Testing in the amount of \$35,000. The Town's 20 percent cost share will come from the Route 111 Corridor Account 2070-086 (75%) and the Route 102 Corridor Account 2070-091 (25%).

Selectman Coutu had one question. Mr. Malizia relative to the two corridor accounts, is there a balance in both of those accounts. Steve Malizia said the balance is well in excess of the numbers that we need. I think they are both in excess of - 111 is \$300,000 and the 102 has over \$100,000.

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

Chairman Maddox asked when is their timeframe.

Due to delays from the State, Elvis Dhima said unfortunately we were originally scheduled all this to September and now we might be looking at October to November. It's going to be a challenge with the school buses. I will work with the contractor and our sub-consultant to see if we can reduce that. That's our Plan B. We're still trying to get closer to Plan A which was August to September 2<sup>nd</sup>. We will work with them to see if we can stay close to it. Right now we have a Plan B change order in place at no cost to the Town for October to November.

Chairman Maddox asked why would there be a cost increase to delay.

Elvis Dhima indicated it would either be damages to the contractor or not being able to order parts. In this particular case like a traffic box. In our case it's zero so we don't have to worry about it.

8. NEW BUSINESS

A. Oakridge Development - Phase 4, Water and Sewer Acceptance

Chairman Maddox recognized Town Engineer Elvis Dhima.

As you are well aware, Elvis Dhima indicated this project has been going on for a long time. Phase 4 is the last phase of the project. This is standard procedure when the developer builds the water and the sewer. The Engineering Department, the Highway inspect it, test it, and make the recommendation to the Municipality Utility Committee for acceptance. That is what you have in front of you tonight with a recommendation from the Road Agent, myself, Gary

Webster the Civil Engineer, and the MUC. Sewer will remain private and their responsibility - the condominium association responsibility for all the water becomes town property.

Chairman Maddox asked is this the section that they're sprinkling the units. Mr. Dhima indicated yes some of them.

Motion by Selectman Coutu, seconded by Selectman Luszey, to approve both the water and sewer acceptances of Phase 4 of the Oakridge Development project which was voted on and favorably recommended by the Municipal Utility Committee on June 17, 2015, carried 5-0.

B. Agreement for Engineering & Construction Services - Weinstein Well Replacement - Phase 3 (Task 5 & 6)

Chairman Maddox recognized Town Engineer Elvis Dhima.

Elvis Dhima noted probably some of you already know, we've been working with Weston & Sampson to drill a new well in Litchfield. This is our biggest well right now - the Weinstein. Before my time, it was identified some issues with the well and a cost analysis was done to either fix what we have or drill a new well. We designed it. We got the permitting and right now we're doing the drilling and development of a new well. This particular contract that you have in front of you tonight will allow the town to connect a new well to the existing housing unit and may go the updates necessary to make it operational. The current well that we're drilling right now and developing is about 300 feet - 400 feet away from the existing one. This will be a design built so the contractor's quote is going to include the designing phase and the construction.

Selectman Coutu had one question. Is the new well going to pump greater volume per day or per minute that what the other old well did? Elvis Dhima said it would be the same volume.

Steve Malizia wanted to clarify something. As I understand the current Weinstein Well situation, it has degraded to some degree because of fine materials getting into the well casing. What will actually end up happening is when the new well gets drilled and put into service, it will actually go back up to what the well was rated for some number of years back. So we'll get the yield that we expect to get which is greater than we're getting now. In other words, the well is rated for X amount of gallons per minute. Just for argument sake, let's say 800. Right now we're getting 700 out of it. With this well, we'll be able to get back to the 800. Because of the fines and the situation with the well casing the well had, we've lost capacity. We're trying to get back to the capacity that that well can produce.

Elvis Dhima said that number will actually be about 1 million gallons per day.

Selectman Coutu was concerned about what we're going to spend this summer for water from Nashua. Again, Steve Malizia said this is critical from the Water Utility.

Selectman Luszey asked did this go out for competitive bidding at all - this phase. Elvis Dhima indicated this project was started approximately in 2012/2013. Because we have started at the very beginning with the same vendor Weston & Sampson, it wouldn't make any sense that we would do four tasks with one company and then switch vendors. We have done the design, he permitting, the construction with Weston & Sampson which is typically our vendor for the water. We kept the same procedure. In this particular case, it might be beneficial to us not having the additional expenses especially now that our consultant is very familiar what needs to be done. The contractor is out there that they can pick to give us a reduction in price instead of going out to bid.

Selectman Luszey had a follow up. This is a design build project - this phase right here 5 and 6. That's like a total standalone project. It really doesn't have anything to do with the 1 through 4 which is a lot of the consulting and the findings. This is we're going to have someone design the infrastructure they're going to build. It's a standalone project. Given the amount, why wouldn't that have gone out to bid? Mr. Dhima said it isn't because fitting the housing they already know what's already for the housing unit for the existing well. So they're very familiar with that. To bring someone new right now to get familiar with it, what our needs are, and what needs to be updated will start the process all over again. They've already done the evaluation of it when they first went through and did the permit with the State what's already there to what we need to bring a vendor in now and start the process all over again.

Selectman Luszey didn't understand then because design build says you're going to have engineers work on something per a set of specifications and you're going to build it. It sounds like the design has been done and now we're building. Given I don't understand it, I'll abstain from this. I just don't understand.

Selectman McGrath had a question. The first tasks 1 through 4, when they designed that and bid on it originally was there any cost incurred by Weston & Sampson for those tasks so that if we had to go out for a different competitive bid that we might end up incurring additional costs? Elvis Dhima said we had an original price, and correct me if I'm wrong, it was approximately \$400,000. We're off by \$6,000 - \$7,000 from the original which was two or three years ago. I would say we're not much far off from the original estimate. If we had a 20 or 30 percent increase, I would



have been concerned about it. Because we seem that the Town is on track for the estimated costs, I have confidence that we are on the right track by staying with the same vendor and getting this work done.

Chairman Maddox wanted to see if the Chair understood. They told us what the price would be and dammit all they nailed it. Selectman Coutu said yeah within 3 percent. Again, Chairman Maddox said they're the ones that told you what the price was going to be and miraculously that's what it is. I'm not impressed actually.

Selectman Luszey didn't know if that's an accurate price because we didn't go out to bid for it and had other people look at it.

Elvis Dhima said if it helps a little bit if we go out to bid, we have to spend money to come up with the scope of work that we cannot do. So then we have to hire someone to give us the scope of work on what needs to be done, and all that needs to be updated, and how it needs to be done to go out and do it. Our consultant right now understands that. Selectman Luszey asked wasn't that 1 through 4. Mr. Dhima said it was the design to figure out what the well needed to and the permitting was for the State to figure out what the process was to get where the new wells needs to be tested. What they're doing right now is they're actually coming up with a pipe size and a (inaudible) to connect the new well to where the existing housing unit is. Disconnect the old one, connect the new one, and do all the updates that need to be done. Selectman Luszey said that's the design piece of this work. Mr. Dhima said design and construction over sight of this work, right. The original task covered the design and the location of the new well. This is different. This is actually connecting the well to the housing unit to do an oversight of what the electrical needs are, what the pipe needs are, what the excess is versus the original tasks were what do we need to drill in and show to the State that the water is there and how deep we need to go and all that.

Selectman Luszey commented you just made the argument why we should have gone out to bid for this particular work because it is a standalone piece of work. They've done the pre-work. We know what the scope is. We want to connect the two wells.

Elvis Dhima's recommendation is the Town Engineer to the Board would be to stick with the same engineering firm that has done most of the work for this. It understands our infrastructure that provides support to the town for any needs that comes to water and save time and money - time especially to move.

Chairman Maddox asked is this the same engineering company that wanted to charge us \$11,000 to go out and look at their old plans to see if the water had changed. You gave us a price I thought of \$11,000 to go out and look at the - that they had a plan 2000-2004 somewhere in there and they were going to go back out and look at those sites to see if anything has changed. Mr. Dhima said \$10,000 to do an update of our Master Plan of our asset that was done in 2002. That was part of the workshop that was presented to this Board last time. Chairman Maddox thought it was time to bring them in and ask them some questions. Again we need to get this done. If we delay this, we could be buying water at a lot higher price from across the river. Again I think that the town is very comfortable with this firm but maybe the Board isn't as comfortable.

Selectman Luszey asked to ask one other question. What's our policy on going out for competitive bidding given a project cost? Steve Malizia said if it's anticipated to be in our Code, it's anticipating to be over \$25,000, that should traditionally be a publicly advertised bid unless the Board waives that. That's what the policy says.

Selectman Luszey asked has this Board waived this policy for this work. Mr. Malizia didn't know if there's a vote that actually says that but the scope of work that this Board approved, I think some number of years ago - 2 or 3 years that we've budgeting for the last 3 years implies to me that we understood the direction we were going. I can show you vote. I can only tell you what we've been budgeting predicated on what the scope of work was that we approved at the beginning of this project. As we kick this project off in probably 2011 or 2012 getting the design and getting the permitting and it had 6 tasks associated with it when we budgeted those tasks in the budget predicated on this document. Can I tell you that I can recall a specific vote, no I can't tell you that. I can tell you that the last 2 phases that the Board approved, they approved it by waiving and awarding those two phases to this contractor.

Chairman Maddox said maybe it should say the same thing in this one then that we're waiving that requirement. At least we're telling people that we know we're waiving it. You may not like it but we're at least saying that we are understanding. Again when you have a single source when you're that deep into the pool, it's tough to get right out. I think that unfortunately here's a question that we need to look at as long term where we're going to go.

*Motion by Selectman McGrath, seconded by Selectman Nichols, to waive the requirements for competitive bidding and to award the contract for engineering and construction services for the replacement of the Weinstein Well to Weston & Sampson, Inc., in the not to exceed amount of \$275,000. The funds for this contract are coming from the Water Utility budget, Account 5593-252 Professional Services.*

Chairman Maddox thought this is a discussion we need to have as a Board how we're going to deal with these long-term contracts. I understand engineering has a lot. We have the same issue with radio equipment in the public safety sector. Again we need to at least do our due diligence.

Vote: Motion carried 5-0.

C. Brox Industries - Night Trucking Permits

Chairman Maddox recognized Town Administrator Steve Malizia.

Steve Malizia noted that Brox Industries who obviously operates a large plant in the town has come to the Board looking for night trucking permits. Night trucking permits are basically to transport materials from the plant on Barretts Hill Road, down Greeley Street, to 111. That's traditionally the route. This Board per Town Code has the authority to grant these permits. Several years ago when I think Mr. Hall was Vice-President of the company, he came in with a process or a procedure change whereby because of the vagaries of weather when they want to do a paving job sometimes weather forces a cancellation. You get a storm like we had earlier today, it puts the kibosh on their plans. A few years ago this Board had approved a policy where they could come in for a 30 day permit, specific 30 days with specific number of nights during that 30 days to haul materials using their fleet. We have a request in front of us now from Brox that they're basically looking to still get a 30 day permit but have it be more flexible. In other words not necessarily if I understand it correctly identified for say this period from July 1<sup>st</sup> to July 31<sup>st</sup> and I don't believe they're also looking for specificity on the evenings. In other words, how many nights they want to do that. That's the introduction and because they've asked for that request, I've asked them to come here because there maybe some reasons they can give you why. From a business model perspective, it makes sense for them to ask for that and the Board can deliberate the impact to the residence of that area.

Chairman Maddox indicated it says eight 30 day night trucking permits. Steve Malizia said it asks for eight permits on their application.

Chairman Maddox asked the Brox gentlemen to introduce themselves.

Good evening Mr. Chairman. Erik Stevenson, Division Manager for Brox Industries. With me is Dana Thompson our Plant Manager in Hudson. It was a great introduction. As some of you may know or may not know, we've been before the select Board for probably 25 years, time and time again, various representatives in the past. The most recent time that we were here was in 2010 as Steve just mentioned when George Hall came before you with Dana. I guess where we're at and he hit on a key word, we're looking for a little flexibility if at all possible. If you're amenable to talking about the term of the night trucking permit and if all things were perfect, we'd be able to go by the trucking ordinance and we'd have a year permit and we could use it for year. Again we recognize that that's a policy that's been established in the past when we've come before you. The 30 days was created as a timeframe and we've done our best to identify specific nights on when we're going to use them.

Mr. Stevenson indicated we're not here tonight for that. We're just trying to see if you're amendable to a conversation about having a little more flexibility as to when we can actually use that permit to import material in be it milling of a roadway where we have to bring the materials back to the facility. Again I don't want to take up much of your time. In the past we've explained - night paving out of Hudson isn't very common. It does occur but a lot of our night large projects if you will come out of our Dracut facility. Really it's the flexibility where we may have the occasion to want to bring in some material at night time. With all expectations to notify the Town Administrator, the Chief of Police, Mr. Burns, the residents along Greeley Street, I have no problem doing that. We spoke with Kevin this morning briefly about this. He's in favor if we could get some expansion to the timeframe. We'd love to see it for our season if things were perfect. If we could have that to cover our season, say 180 days from the date of issuance. Trust me I'm going out on a limb here but just trying to - again our industry isn't perfect. We don't know when every job is going to be presented to the facilities for scheduling. We're pretty good at it but we're not perfect but things do arise and again we're just sitting here for conversation sake to see if there's any chance of broaching that topic if we could expand on the 30 days.

Chairman Maddox said I can tell you that I live off of Greeley Street. Again you've been a reasonable neighbor. I think you're asking the people on Greeley Street to exempt. For six months you can at any time rumble through. That road is posted as no truck traffic from 8 p.m. to 6 a.m. or something of that nature. Steve Malizia noted 7 to 6. Chairman Maddox stated now you're saying you want to be able to at any time drive up Greeley Street. Again I'm having a tough time giving you cart blanche. Again I think the 30 days was there to say you had to work at it. They knew when it was going to be. It wasn't roaming all over 6 months on the map. I understand you have a business to run but you're also running it right by people's homes at 3 a.m. I know a couple of people that live on Greeley Street and you've been reasonable. This to me just looking at it seems a little - from a dedicated timeframe to a wide open set up.

Selectman McGrath thought it was 8 months because they're looking for eight 30 day permits. Steve Malizia stated they had 8 trucks. They were looking to do a permit for each truck that's required. So they have 8 trucks.

Erik Stevenson said the initial application that we presented was just for 30 days, 8 permits for 8 trucks. They could do within that 30 day timeframe not being specific on what night in July or again, we're going in essence for a 30 day period.

Selectman McGrath asked you want it to be determined by you when you can move the trucks and not be held to any permitting issue. Mr. Stevenson said no we'd be held to permitting issues. We'd still notify the town in advance; 24 hours notice to the Police Chief, Kevin Burns. We'd still notify the neighbors on the street that we're going to be doing trucking tomorrow for example tomorrow evening.

Selectman McGrath said I haven't been involved with this. I don't really know but it seems to me at least a number of years ago the residents on Greeley Street were really concerned about the trucking activity from Brox paving and had complaints. That's going back several years or more ago. I don't know if there's anything more recent. Perhaps one of you could tell me. When I read this, initially I thought to myself boy it's like opening up a can of worms. If you live on that street and you're dealing with that on a daily basis or a regular basis through the nights and you can't sleep or you have a new baby and they can't sleep, I think this is kind of excessive myself. Perhaps somebody could enlighten me.

Dana Thompson said as you can see, we haven't actually come back in and get a permit since 2010. We just want the flexibility of having a longer window. It doesn't mean that we're even going to use it during the summer. It just depends if the right job comes up. Sometimes it's a little difficult when we do find another job to be able to get on the Selectmen's list even for a consent item in a timely manner for that project being done. So then you may have to shift it to somewhere else and not even bid it or do the job. That's some of the reason for the longer flexibility is depending on which time of the month you may find out, you may not get on the Selectmen's agenda for the consent item for 2 weeks or whatever possibly.

Selectman Coutu was just going to say that over a period of years since you've been doing business in town the trucks have improved considerably. They're a lot more stable today than they were in the good old days and they rattled and they made a lot of noise. Braking mechanisms have changed considerably. A lot of times the braking mechanism is going to depend on the driver as well. I have friends as well as constituents who live on Greeley Street that have spoken to me about Brox Industry trucking. For the most part, I've been sitting here trying to think of somebody who's complained to me. I cannot recall anyone - people have said to me I don't even know the trucks go by. I think that a lot of it in part has to do with greater stability in the trucking. The trucks are a lot better than they used to be 10, 15, 20 years ago. Not that you changing equipment every 5 years but I'm sure you have a rotation of vehicles just like we do with our town vehicles. For me personally for that and a lot of other reasons, Brox Industries has been very good to our town in terms of what we've been paying for hot top. They haven't increased anything. They've been a good neighbor and I think that we should reciprocate in some fashion.

Selectman Luszey said historically and looking at this, are you looking at increasing the number of night runs or is it about the same? Erik Stevenson said Dana does a good job touching on the nerve as to really - getting back to that flexibility thing, the bidding, and certainly when you're going to have the job, postponements. We're not sitting here before the Board telling you we're going to get into night trucking business and start importing, exporting 5 days a week through the summer. That's not why we're here. How I can say that to really appease you and put you at rest. There's probably not much that I can say. Truly it's just the flexibility of having to what Dana just said and explain when jobs get postponed, or you're bidding on a project, we'd be in Mr. Malizia's office quite a bit. I can try to say hey can we renew that 30 day permit because we have a job coming up or we need the flexibility to be able to truck in for a night or two tops in most cases.

Selectman Luszey rephrased the question. When you have come before the Board in the past, have you ever been denied the permits? Mr. Stevenson said no. In those cases, we've had specific jobs that we knew ahead of time. To that point, we knew we had a job.

Chairman Maddox said we could tell our customers that this was for only a certain amount of time. If you know that the truck is going to go by for the next 3 nights, you suck it up and do whatever. I think 180 day window here, I think that's the problem I'm having here. Maybe we need to find a method that would allow the Town Administrator to sign off and he will be the recipient of the complaints. He will be the number on the letter you're going to send out that says if you're having issues, contact Mr. Malizia. I'm trying to find a way that satisfies your wants but I also have to deal with the people that you know again everybody thought you had a permit for a project and it was 10 nights, 10 trips, or whatever it was. You've now gone the complete out of the way and since we just like to have cart blanche from my perspective, I think those people have to deal with the trucks going by during the day. I think that there was a sign put up there for a reason to protect their privacy and their sleeping at night. I think we just need to find that balance point. Again I haven't heard a great uproar but you haven't done it for 5 years. Mr. Stevenson said we're not going to do a lot more in the next 5.

Again this is just the Chair throwing out giving the Town Administrator, we will delegate that authority to him and he will track what you're giving us and he will be the contact person so that if there's multiple complaints, you will hopefully fix that driver or that truck and, again, people can see that we're not just giving you the right to drive up and down Greeley Street. Board members?

Selectman Coutu asked what are you saying. Are you saying forego this motion? Chairman Maddox said yes. I'm not ready to give them 8 unfettered dates from here to there.

Erik Stevenson said right now it's 8 permits. That's a whole another semantic of what my understanding has been as with Dana's in the past, we've come in for permits. Well the permit is really for an individual driver to have on his door. If the police didn't know about our night trucking and they pulled them over, what are you doing, he'd be able to hand his permit to show them. That's the understanding of a permit.

Chairman Maddox asked you have nothing coming up next week. Erik Stevenson said no. We just randomly picked 8 trucks. Trust me. Chairman Maddox said why doesn't the Town Administrator and you sit down. I think that this doesn't need to be discussed here and worked out. Steve Malizia said we did. What would you like to accomplish though. We have sat down. Chairman Maddox would like to have some accountability. If you're saying that they did 50 runs last year and there was zero complaints, all is good but if you're getting 6 or 7 complaints because now it's going more constant. You know again I don't want to put - there's a sign on there for a reason and that's what I'm having a tough time. If somebody passed an Ordinance that says there's no trucking on that road and now we're ready to say aaagh go ahead.

Dana Thompson asked are you saying you're going to recognize our permit fee and application for 30 days and then it can go another 30 days as long as we talk to Steve, call him up and say hey we haven't used it this month we want to carry on. Would it be the 180 days and when we get ready to do something, then we contact Mr. Malizia? Chairman Maddox said, again, whichever makes sense. Again I don't know. I'm just saying that somebody spent the time to pass an Ordinance. You're trying to basically say it doesn't exist.

Erik Stevenson thought Dana just touched on a good scenario. If we were to do that the 30 day permit with 8 permits, guess what we don't use it in July which would probably be the case. Pick up the phone, Mr. Malizia we're not trucking in July can we extend that now another 30 days. Again back to the flexibility. Chairman Maddox said at \$25 we're really not making a lot of money here so that's not the intent. It is to give those people the peace of mind that they know when they're going to be trucked. Mr. Stevenson said that notification we're definitely more amendable to.

Selectman McGrath had one question or a suggestion perhaps. If there were a number of complaints if they got the permit and they were trucking and there were a number of complaints from residents, then we could withdraw that permit? Steve Malizia commented that was a good question. You granted a permit. I'm not sure you can withdraw that same permit. Chairman Maddox said at the end of the 30 days you could say it's not being extended.

Erik Stevenson asked if I could put your mind at ease again recognizing your capacity. It's not the Brox families intent to wind our neighbors up. I think to your point if there was complaints received by the Chairman, by the Administrator, hey what's going on, I think again knowing what's going to happen in another month or two, that whole section from 111 to Barretts Hill Road is being completely repaved. It's going to be completely redone. The days of banging the joints and things like that, the condition of that road was going to be 100 percent improved. So the smoothness of the roadway and the banging per say that was talked about back in the day hopefully some of that is going to be mitigated.

Chairman Maddox questioned the end of Greeley Street where it's a roller coaster ride.

Mr. Stevenson thought that's something that we'd...Chairman Maddox asked do you latch down the tailgates and those kinds of things. Erik Stevenson noted that's the manhole covers that aren't secured or they hit a manhole cover maybe that might rattle.

Selectman McGrath was concerned that if the permits are issued and there's a number of complaints that are received, there's got to be some mechanism that either the future permits are not granted or something happens so that we can address the complaints of the citizens that we're supposed to be acting on their behalf. That would be my concern.

Selectman Coutu noted the race track permit. We review any complaints and then we discuss whether or not we want to renew the permit the next year or try to mitigate the permits.

Chairman Maddox said I would give them a 30 day permit. If they don't use it, they can extend it but the day they have a problem then they're going to have a problem. So they have an incentive not to have a problem. Again what was happening for the last 10 years has been very minimum. Again if you're given this open door, I'm sorry but don't send it to Dracut it's closer to go to Hudson just go to Hudson. We could see a lot more traffic at night. That's all we're trying to stop. We're trying to make it a little difficult so that you'll not have it going every night. If you need to, we want to be accommodating. Again I think we try to find that balance point.

Erik Stevenson said we appreciate the flexibility. I think if we go down that path that would be much appreciated.

Steve Malizia noted you touched up it. In 2008 which they had a permit and then 2010 they had a permit, our office received no complaints. Chairman Maddox said they also knew it was going to be for a very limited time. Now we're saying it's going to be for...Mr. Malizia understood it was only that 30 day period but nonetheless, we still received no complaints for those 30 days.

Again just so that Erik Stevenson said with respect to notifying everybody, every time we have a truck we're going to notify. It could be 3 days in a row but every day there's going to be a notice made to the public and administration that that's the day. We're going to continue that but again I understand where you're coming from.

Chairman Maddox said when you get those phone calls, they're not happy sometimes.

Selectman McGrath asked could the notification also include a scrolling banner on HCTV. Chairman Maddox said it's really the people that are affected. Again if you live on...Selectman McGrath said if they watch HCTV and they see that...Chairman Maddox said they're calling them directly, right?

Erik Stevenson thought Mr. Malizia can maybe speak to that because we have talked about potentially using the internet that the Town has. Steve Malizia indicated if we had notice, we could certainly do something. I say notice I mean as long as it's during business hours and they give us some sort of notification. We can put it on our media. It doesn't mean that anybody is going to see it but we can certainly do it. We certainly would do it. Mr. Stevenson said notice to the rest of the neighbors on Greeley Street, we'd like to consider signage where there would be signs posted at the beginning and end with that neighborhood drive by.

Selectman McGrath though she read in here that you also put a notice on the homes. Mr. Stevenson said we've historically done that.

Chairman Maddox said let's give it a try. I see both sides. I'm concerned.

Dana Thompson had one comment about the notices at the residents - the hand passed ones. They don't always like us with my guys come up in vests covered with asphalt and that kind of stuff to deliver them out and walk up because you really can't put them in the mailbox. A lot of them are a long ways off the street. They're walking up and some people really don't care for your trespassing on their property even though you have something in your hand. My guys are not dressed up in suit coats and ties. It's a little cumbersome to do that. That's why we were looking towards the signs. Erik Stevenson noted the signs. The sign boards are there to see that the day before at least the day before. Driving up they'd see night trucking scheduled for July 2<sup>nd</sup>. They'd visually see that and they'd know tomorrow because that would be the day prior that that's when they plan the truck. That would be something that we'd put in place every time that we were doing a truck. To Dana's point, I've heard some of the stories from some of the people having to make those deliveries. Again if it's the Board's preference to keep that up or if there's any way you consider the notice to the neighbors to be signs on the traveled Greeley Street that would be appreciated.

Selectman Coutu thought personally the signs are going to be more effective. I can appreciate what Dana said relative to homeowners might be shying away from seeing people walking in dressed they way they're dressed. It's their working clothes. We're not going to send the executives to go out and start delivering these things although maybe you should. I think the signs would be just as effective. In terms of notification to HCTV, it's a public access where public access television. Public access means that even our businesses in our town have access to it. I'm sure that if you contacted Mr. Malizia and give him a heads up next Thursday we're definitely going to have to haul something out of our plant in Hudson and we're going to go down Greeley. I'm sure he can call Jim McIntosh and it could be up the same day. We don't need 24 hour/48 hour notification. As long as someone is in the HCTV office, I'm sure Mr. Malizia can get it up. I understand that the people that I've spoken to anyway said they hardly hear them anymore. Sometimes I guess if you're up in the middle of the night going to the bathroom, you might hear a truck go by. It's difficult not to hear them but a lot of people today with central air and air conditioners on in the summer time, I don't hear anything outside my house.

Selectman Luszey thought the test would be okay. I don't think there's any downside to this. HCTV you have to be a subscriber to it. So not everyone on there is a subscriber. Telephone now most people are using their cell phone as their primary so even telephone is - so I think the signage is probably the most beneficial approach to the notification because I do agree. People see, and homeowners see, and somebody walking up their drive and it could be a tricky business.

Chairman Maddox reiterated we're taking this to Mr. Malizia. Brox is going to sit down and come up but basically they're going to have a 30 day permit. We're going to issue that tonight and he's going to track it. Is that where we're headed here?

Selectman Coutu would like to see the trucks have permits in their trucks.

Selectman Luszey heard one other thing. If they don't use it, it rolls forward.

Chairman Maddox said if they call it would roll forward.

Erik Stevenson said hopefully say tonight we don't use it...Selectman Luszey noted it would roll forward. Mr. Stevenson appreciated that if it could be structured that way.

Steve Malizia said if they do use it does something roll forward or do you want to come back in for another 30 day permit. Chairman Maddox thought that was a compromise. If you didn't use it, you get to continue with it. If you used it last month, then you've got to pull another one just so that there is a record of how many times you're using it. Again I'm trying to say we're gutting the people that got a sign saying there's no traffic on this road at night and we're gutting that here. I think we have to put as many safeguards in as we can reasonably. People don't mind it but I think if they heard it 10 nights in a row, they're going to be minding it.

Dana Thompson asked if we used it the 30<sup>th</sup> of the month...Chairman Maddox said you're getting into way too many semantics here. I think you need to sit down with Mr. Malizia. He's a very reasonable guy. I think he can come up with something. I don't want to get into every possibility there could be here tonight. Your Jake brake makes noise and sets somebody off. Your biggest problem is your backup alarms. Mr. Stevenson noted that's at the plant. Chairman Maddox said yes but they have to back up to dump the stuff right. Mr. Thompson said but you're not on Greeley Street backing up. Chairman Maddox said you can hear that a mile away.

Selectman Luszey said that's a whole different conversation. Chairman Maddox said if you're not trucking, you don't hear the alarms. Selectman Coutu said I hear Wal-Mart every night. I don't complain. Chairman Maddox said we're trying to find that happy spot. Let's see if you can work it out with Mr. Malizia. He'll come back with a plan. Basically you're going to get a permit. If you don't use it, you can roll it over. If you use it, too bad you've used it and see where it takes us.

Not to nitpick, Erik Stevenson asked one more question. If we came back after we used it, can we put that on the consent agenda like Mr. Malizia indicated? Selectman Coutu stated I would say if there's no complaints yes. Chairman Maddox was trying to balance, again, those people that worked through some board to get that road not having night trucking to balance their - and maybe most of those people have moved away and nobody cares. If they're sitting there watching tonight, they might be in next meeting. I don't see a problem with that.

Chairman Maddox asked for a motion.

*Motion to grant Brox Industries, Inc., eight (8), thirty (30) day night trucking permits.*

Chairman Maddox said based on this motion, you're not going to get my vote. Every truck has its own permit? Selectman Coutu said yes. For whatever reason, the police go and see them. If they get pulled over, they might be pulled over because you see somebody run through the neighborhood. You don't know what you're going to get stopped for. By the way, what are you doing out this late at night? Chairman Maddox questioned this big truck with all this asphalt in the back of it. I'm breaking into houses. Selectman Coutu said not him. If he saw somebody running through a neighborhood. They each need to have their own permits.

Erik Stevenson asked what you were thinking. Selectman Coutu said you don't want to know.

Chairman Maddox thought the 8 permits is - I thought we just have one permit for them that would cover as many trucks as they want. Mr. Stevenson said that would be acceptable.

Chairman Maddox asked where does the Board wish to go. Selectman Coutu said the 8 is fine just the way it is.

Dana Thompson believed the number of trucks is only because you get paid \$25 per permit. So that's why it has to stay. Steve Malizia noted they already gave us a check for that. I haven't cashed it yet.

Chairman Maddox thought we probably talked about it more than it's actually going to happen. I got to tell you, you scared the Chair when you wanted to come in with almost an infinite number of nights running trucks on Greeley Street.

Erik Stevenson understood the history.

Chairman Maddox thought there must be some history because I think that is one of the few roads that has no night trucking. Steve Malizia said no actually that's not true. All roads have no night trucking because the 102, 111, and 3A. The only reason they come in for it is because they're the only people that truck off of that. There's no trucking on my street. There's no trucking on your street.

Selectman Luszey asked where's the sign that says that. Selectman Coutu noted it's an Ordinance - if you read your ordinance. Selectman Luszey asked how is that enforceable if there's no sign that says "no trucking between the hours of..." Steve Malizia read, "No commercial truck shall be permitted except on Route 111, Route 102, Route 3A,

and West Road.” That’s the only place you can drive a truck between 7 and 6. Selectman Luszey said, again, is it enforceable if we don’t put the signs up on every road. Selectman Coutu said it’s enforceable. It’s an ordinance. It went to public hearing. It was passed. It’s enforceable. Police aren’t going to - I don’t know any trucks that go up and down my street at night.

Chairman Maddox has seen some trucks going up Wason Road because their GPS says that’s the shortest way to get from 3A to 111. Selectman Luszey said Pinard is out before this time. Selectman Coutu said no they’re not supposed to be. Pinard is not supposed to be out before 7 a.m. Chairman Maddox commented you learn something new every meeting. I didn’t know you couldn’t drive trucks on but somebody went to a great amount of trouble to get it on Greeley.

Selectman Coutu heard Selectman McGrath at many Planning Board meetings say I or the Planning Board, I don’t want any trucks out before 7 o’clock. Selectman McGrath said there’s a difference between trash trucks picking up the bins and shaking them that would literally wake the dead at 3 o’clock in the morning which believe me I’ve witnessed many times.

Motion by Selectman McGrath, seconded by Selectman Coutu, to grant Brox Industries, Inc., eight (8) trucks, thirty (30) day night trucking permits. If the permit isn’t utilized in a 30 day period, provided that there haven’t been any complaints received by residents, those permits can be rolled over to the next 30 days.

Chairman Maddox asked if there was no use, how could there be complaints? Selectman McGrath said you never know.

Motion by Selectman McGrath, seconded by Selectman Coutu, to grant Brox Industries, Inc., eight (8) trucks, thirty (30) day night trucking permits. If the permit isn’t utilized in a 30 day period provided that there haven’t been any complaints received by residents, those permits can be rolled over to the next 30 days. This can be placed on the Board of Selectmen’s agenda under “Consent Items” unless complaints are received.

Chairman Maddox said let’s see how it flies. Again we’re trying to find a happy compromise between your needs and them so let’s see where it takes us.

Vote: Motion carried 5-0.

D. Recommendation to Readopt Fund Balance Policy

Chairman Maddox recognized Finance Director Kathy Carpentier.

Good evening. Kathy Carpentier stated one of our annual tasks is coming before you to readopt the Fund Balance Policy. In order to be in compliance with the GASB 54 Fund Balance Reporting and Government Fund type definitions, we developed this policy in 2011 and I’m asking to readopt with no changes.

Chairman Maddox asked for the 30 second version just for the people at home that weren’t just falling asleep enough with GASB what it is we’re once again agreeing to.

Kathy Carpentier indicated this is to determine what types of fund balances you have. You can have restricted fund balance. You can have undesignated fund balance. You can have assigned fund balance, committed fund balance. You’re kind of just taking your monies and say that you needed to set aside cause you knew you had some big abatements, you’d put it in a signed fund balance. Things that you really don’t have a purpose for would be in your unassigned fund balance. We’re trying to look between 5 to 10 percent. We’re currently at \$4.6 million which is about 7 percent. So we’ve been maintaining a pretty good fund balance. This was kind of just a policy to do what we’re doing and to segregate the monies that had a purpose for them.

Motion by Selectman McGrath, seconded by Selectman Nichols, to readopt the Fund Balance Policy as recommended by the Finance Director, carried 5-0.

E. Recommendation to Readopt Investment Policy

Chairman Maddox recognized Finance Director Kathy Carpentier.

Again Kathy Carpentier said this is an annual thing. I come before you to ask you to readopt the Investment Policy. In the RSAs it is one of your tasks, meaning the Board of Selectmen’s tasks to review and approve the Investment Policy. I have run it by the Treasurer because she is the person monitoring the funds. I’m here to ask, again, for you to readopt the Investment Policy with no changes.

Motion by Selectman Nichols, seconded by Selectman McGrath, to readopt the Investment Policy as proposed by the Finance Director.

Selectman Luszey asked was it in the last election did we approve the funds for wealth management and is that covered in here because I didn't see that. Kathy Carpentier said that starts as of July 1<sup>st</sup> and that's for the Trustees of the Trust Fund. So the monies that the Trustees of the Trust Fund have, which they have their own investment policy, is not this Investment Policy. Selectman Luszey said it's not covered in this policy. Ms. Carpentier said it's under different elected officials I guess is the answer.

Steve Malizia indicated they're doing money management with a professional broker and they have money invested in stock and other instruments that we're not invested in. They've got their own policies that they have to adopt.

To answer your question, Kathy Carpentier said yes the taxpayers approved that and it's effective as of 7/1.

Vote: Motion carried 5-0.

F. Cable Utility Committee Surplus Funds

Chairman Maddox recognized Town Administrator Steve Malizia.

Steve Malizia indicated I'll have the Finance Director speak more specifically but at the end of every fiscal year traditionally we've been taking Cable Utility monies that have come from the ratepayers and in years past we've put it into the capital reserve fund that was established for the purpose of constructing their facility. Their facility has been constructed and is being occupied so they will have money that will really not go to that purpose. The question is or the discuss that we'd like to have is we'd like to take some of those monies that's in their budget and direct into the capital reserve fund for building maintenance. As you are well aware this past year or the year before, we approved a building maintenance capital reserve fund. I think we funded it with \$1. So it probably would be a good idea to start putting some money in and it's within this Board's purview I believe to transfer money from your budget into a fund such as that.

Selectman Luszey understood that but I also believe the voters approved a revolving fund. Mr. Malizia said it will be effective July 1, 2016. Selectman Luszey thought they're going to get I think a 20/80 split. Eighty percent of the money they'll be getting into the revolving fund, correct? Why wouldn't they be using budgeting themselves within that revolving fund the purpose of maintenance of the building? Steve Malizia said they very may well do something on their own. They're just looking at the end of this year specifically and saying we've got money left at the end of this year. We don't have a revolving fund. We won't have a revolving fund until July 1, 2016 so we'd like to just offer to put the money into the building maintenance fund for not just their use, I believe it would be for all facilities use. Not specific for this facility, it's for town facilities. That's what the purpose of the fund was. So they're just saying we'd like to offer that as an option to you. If you don't want to do that, it will revert to surplus in the general fund.

Selectman Luszey thought maybe I'm reading that wrong.

Selectman Coutu asked the Finance Director is there anything more we need to know, or your recommendation, or...Kathy Carpentier believed that you should take the excess funds out of the cable and start funding this. The Cable Committee did budget \$13,394 for FY16 which is going to start which is the year before they go to fund balance. So they'll be putting a little over \$13,000 into the major repairs to town buildings capital reserve fund and that will be the first deposit going in there unless you do something now. So you have two choices. You let the \$20,000 to \$25,000 leftover from cable fall to the bottom line or you could put it to the capital reserve fund for future repairs to any of the town buildings.

Selectman Luszey noted that this year we're under a default budget, correct? Kathy Carpentier said yes the one we're in today. Selectman Luszey said you're asking to take \$18,000 and move it to this new fund that was not funded by the taxpayers. Ms. Carpentier said it was established on March of 2014 and \$1 was put into it. It was established but really not funded other than the \$1.

Selectman Luszey's bigger question is we've had conversations here where we spent money to move a train station. There was one other item and I can't remember it. Where is that money coming from? Wouldn't we be using this money?

Selectman Coutu said that's the reason why I said I wouldn't support it because no one could explain to me where the money is coming from.

Selectman Luszey commented here's an opportunity to partially fund that.

Chairman Maddox said maybe the Town Administrator can tell us where it's coming from.

Steve Malizia believed there was a transfer that the Finance Director prepared and it was up in the Board's office and it listed the various accounts where the money was coming from if I'm not mistaken.



After your meeting, Kathy Carpentier wasn't sure what the date was where the Town Engineer was here, I believed it was our charge to go find some places so there was extra money in the Moderator, Sustainability, insurance, telephone account, some senior center building - not the field trips. We came up with \$39,000 and transferred it to the train station relocation. This was signed off by three of the Selectmen in the room. The \$39,000 has been accounted for and set aside earmarked for that project.

Kathy Carpentier said I also just want to take an opportunity when the cable has their own revolving fund, then all revenues and expenses whether they're positive or negative and will begin that revolving fund and we'll get our 20 percent. However this year because our franchise fees exceeded the budget, we also get unanticipated revenue of \$47,000. The general fund has received \$47,000 in franchise fees from cable. I just thought that needed some recognition that the general fund did some get money from cable.

Selectman Luszey asked why wouldn't we increase this by another \$40,000 if have this unanticipated revenue from the cable of another \$40,000. Ms. Carpentier said you need an appropriation in order to transfer money. Right now the cable only has \$28,000 remaining in their budget on the appropriation side. The revenue side, we're favorable by \$47,000. Right this second, cable has 28. I believe the Chair of the Cable Committee said they'd have an excess of \$20,000 - \$25,000. So your motion could say up to \$25,000 or split because you had some going to excess.

Chairman Maddox was having a little angst with the building fund. We're taking this from the ratepayers from their cable bills. It shouldn't be to fix potholes or buildings. I think it should go into that technology fund personally. I think that at least you can kind of say if it's in the monies for technology at least it's kind of in the same thing. If you have cable and a roof repair, it doesn't seem to go.

Selectman Coutu noted on the revenue side she just said we have \$47,000 in extra revenue than what we anticipated. That is going to go into the general fund to help offset the tax rate for everybody whether they're ratepayers or not. What difference does it make? We're contradicting ourselves. There's \$48,000 right there.

Chairman Maddox thought we should lower the franchise fee. I'm having a tough time saying you give us money for watching cable if it's being used for our technology for our cable needs but to fix roofs, I'm having a tough time making that leap that your franchise fee is being used to do that. I'm saying I guess I could support going into a technology fund. I guess we have one of those at least as opposed to building repairs. I'm just personally having a tough time saying to people you're paying 4 percent on your cable bill that we take in. I understand. They paid in more than we anticipated. So that right there is automatically going in to fixed potholes. I don't see that we should be doing this one as well which is not any type of cable or technology related.

Kathy Carpentier said the committee thought it was because they have a brand new building and sooner or later it's going to need repairs and a roof or something. It's their contribution to that capital reserve fund. I've said my piece.

Motion by Selectman Coutu, seconded by Selectman McGrath, to allocate up to \$25,000 into the Major Repairs to Town Building Reserve Fund, carried 4-1. Selectman Maddox in opposition.

#### G. Employees' Earned Time Fund

Chairman Maddox recognized Finance Director Kathy Carpentier.

Kathy Carpentier noted this is another annual task. I come before you to ask or to just educate to you that \$322,000 has come out of the departments. Most of that \$224,000 came out the first half of the year when people did buyouts. There are 86 payouts; 11 are for people who have left employment. These funds are being covered by the department heads. The major 3 departments carrying the biggest burden. I think in a default year the department heads have done their due diligence and really tried to cover the expenses. It's your prerogative to dip into the capital reserve fund that was set up for this purpose if necessary. It's at 31 percent. At some point we'd like to get it to be at 50 percent or 100 percent but we've been trending in the right direction to have the capital reserve funded for the liability but 31 percent is a good percentage.

Kathy Carpentier said I took a look at our standings as of today. The month is not over. We have one more payroll to hit. Financially I do not think we need to take money from this fund. I'm educating you. I was going to ask but as of today I believe that we have excess funds to the tune of hopefully around \$100,000 at the end of the year.

Selectman Coutu was looking at your document. When I read the document and based on what I saw the last page, you were going to recommend \$50,000 right? Ms. Carpentier said no 50 is what is going to be going in there in FY15. Selectman Coutu said it's going to go in there to bring it up to a 35 percent funding level which is the highest we've ever been since I've been on the Board anyway. Ms. Carpentier said that was correct. We used to be down in the teens.

Selectman Coutu asked so you think the budget is going to cover it. Ms. Carpentier believed so. Selectman Coutu was fine.

Chairman Maddox indicated we do not need to make a motion. Selectman Coutu said if it's covered by the budget, we don't need a motion. Kathy Carpentier didn't know that until things came together at the last minute, so I wanted to be on your agenda. I do, again, think it's important to point out that especially the police and fire they're covering a lot of funds there. They've been tightening their purse strings trying to cover that money. We do have some openings that help cover that but that's the way the year wound up.

#### H. Fiscal Year 2015 Encumbrances

Chairman Maddox recognized Finance Director Kathy Carpentier.

Kathy Carpentier stated my last item this evening is to ask you to encumber funds. This is liabilities that have been entered into by the department heads and committees. A request went out to them to add to the encumbrance list. I have any backup that you want to see here. I also took the liberty at the end for the two items that you approved tonight - the Weinstein Well and the train station. I put them in this number so those are included. I was going to remove them if you didn't approve. So the \$1.4 million that I'm asking you to encumber has those two items in it.

Selectman Coutu didn't recollect but have we in the past had anybody come in at the very last minute that they had forgotten something. I don't remember it happening since I've been here. So we've pretty much nailed it down. This is what we need to encumber going into the new fiscal year.

Kathy Carpentier noted we do not have the authority to move it up unless you have another special public hearing before the end of the month.

Selectman Coutu said that it would have to be. I don't recollect that happening in the 8 years I've been here.

Ms. Carpentier said we do move it down as things get paid off so this might not be the encumbrance. It's the worst case scenario.

Steve Malizia said this is the most it would be. A lot of times it's less.

Ms. Carpentier said it also includes the Pelham Road Bridge/Dam because hopefully that will be finished this year. We've been carrying that as a warrant article for many years. It also has the donations on here which will carry over year over year. All the funds have been listed here for you to look at and the motion to encumber.

*Motion by Selectman McGrath, seconded by Selectman Nichols, to encumber the not to exceed amount of \$1,483,956.37 for Fiscal Year 2015 as recommended by the Finance Director.*

Chairman Maddox indicated there's nothing here that really stands out. Just things they haven't gotten to - police cars that we haven't gotten equipment into, cable, and whatever. Basically what we've done every year is encumber this money so that we can finish up projects.

*Vote: Motion carried 5-0.*

Kathy Carpentier thanked the Board for their time.

#### I. Sagamore Industrial Park Impact Fees

Chairman Maddox recognized Town Administrator Steve Malizia.

Steve Malizia stated you have a request in front of you. There is a recommendation from the Planning Board. As you all recall I believe it was the Comcast building down on Executive Drive funded approximately \$54,000 into the improvements in that park which is designated for paving. If you recall during this last year's budget cycle, the budget was reduced by that \$50,000 anticipating expenditure through this mechanism. So you have a favorable recommendation from the Planning Board to spend the \$54,637.87 and Mr. Burns is asking for that money to be released so that he can accomplish the paving in that park.

*Motion by Selectman Nichols, seconded by Selectman McGrath, to authorize the expenditure of \$54,637.87 from Impact Fee Account 2050-847 for road improvements within the Sagamore Industrial Park as requested by the Road Agent and recommended by the Planning Board.*

Selectman Luszey noted most of these are off site. It's like sidewalk improvements but yet we're using it for redoing a road. Why wouldn't we be doing sidewalks with this stuff? Steve Malizia wasn't sure there was a call to do sidewalks in the Industrial Park. This money was specifically collected for road, paving, improvements, and Sagamore Industrial Park. When Selectman Luszey looks at the impact fees that were collected where it's coming from, its sidewalks, Burns Hill, Pelham Road, Shepherds Hill. Mr. Malizia indicated we're only using one account. I put the report in so you could see the one line. It's the one specifically which is collected specifically or that.

Vote: Motion carried 5-0.

J. Highway Department - Request to advertise for an Equipment Operator Position.

Chairman Maddox recognized Town Administrator Steve Malizia.

Steve Malizia said one our long-time Equipment Operators will be leaving our employ and has given Mr. Burns his notice. Mr. Ferrentino will be leaving the town's employment.

Selectman Coutu felt bad about that.

Mr. Malizia noted he is a long-time employee and he'll be sorely missed. He's a technical equipment operator as are all the others. Kevin has requested the ability to post which basically means we put in an internal posting and if we don't attract candidates or a suitable candidate, he'll go external. We're certainly looking for a skilled heavy equipment operator that can operate dozers, excavators. It's not just the run of the mill type of thing. We have many qualified truck drivers. There maybe somebody in there.

Chairman Maddox asked that's where the internal would come from. Mr. Malizia said yes. Provided that doesn't work out, we would obviously go outside and I guess Mr. Burns is looking for two things actually. One is the disposition if it does work out internally; he wants to advertise for an external truck driver/laborer. If somebody gets promoted internally, he'll have an opening in the truck driver end. Instead of coming back 3 weeks from now if the Board approves this, he's also looking for another approval that if an internal candidate comes forward, we'll be able to conduct a process for an external truck driver/laborer candidates. It doesn't seem unreasonable.

Motion by Selectman Coutu, seconded by Selectman Nichols, to authorize the Road Agent to post internally and advertise for an Equipment Operator Position and if an internal candidate manages to secure the promotion, to be able to advertise for the truck driver/laborer, carried 5-0.

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

Selectman Luszey - I'm good for now.

Selectman Coutu - I'm just going to say one thing. Patricia Nichols you have my heartfelt sympathy on the loss of your sister. She meant a lot to anyone who came in contact with Sherry couldn't help but love here. Doris and I near the end had a great time with her. We got to talk to her at length. She was prepared to go back to Jim and meet her maker. God love her and God love you through this whole ordeal. You've held up strong and I'm proud of you. We're all going to miss Sherry. You're in our thoughts and prayers as well as the entire family. That's all I have Mr. Chairman.

Selectman McGrath - I will echo those comments. I didn't know your sister but I'm sure knowing you that she was a wonderful person. I'm sure that you'll miss her greatly.

Selectman McGrath had one brief thing. On Friday afternoon I tried to come in to Town Hall on Fridays and I met with some of the employees individually in the Community Development Department. I spent a little bit of time getting to know them and what their duties are. It was a very worthwhile afternoon spent. That's all that I have.

Selectman Nichols - I want to say thank you very much for all your thoughts and your prayers for my girl who is one very special, special lady. Younger by me by a few years and brilliant. She was so educated, and languages, and you name it. She just had this smile. If you met her, you were her friend for life. I don't really have anything else to say right now. I will say it later. Thank you.

Selectman Maddox - I know that you're not going to be able to make the Benson's meeting so I will cover for you. Benson's is becoming quite the myriad of adventures. I understand that, again, we're asking volunteers to do a lot of different things. I think that there seems to be an awful lot of - they're not in the weeds now. I think they're down to the roots. We need to secure the barn. We need to post it. So whatever the official requirements are Mr. Malizia if we can find out and get that done. I think it's just posting a sign that says "no trespassing" or whatever is required to meet the requirements of the Police Department so that if they find someone in there damaging the facility, we have legal recourse. I guess they spent a lot of time on that issue. The port-o-potties. Can you find out from the Rec. Director what we are spending per month for what port-o-potties. I know there's been back and forth clean them more often, get more of them. Folks Mr. Nadeau was right inasmuch that there is a tremendous amount of people going into that park. I think maybe if we have Kevin put those strips down, I think it would be quite amazing the amount of cars that go in and out of that facility. I think that maybe we might want to have him put those out just past the senior center so we can get some sort of idea of what the amount of cars going in and out of there.

Selectman Maddox noted the other issue Benson related is there's no lighting at all in the parking lot. The police I guess have been finding a many persons in there after hours doing any number of things. Maybe we want to look at maybe coming off of the senior center/cable facility and maybe putting up one parking light just so that the thing is lit so if the police drive by they can see what's going on in there. Again as this park matures, as more and more people - I know there was a big huzaria about vehicles in the park. I just think we need to come up with - as its going as well as it is, it's getting more and more use. Again kudos to the people that sit on that committee but I think they need to step back sometimes and say okay what do we need to do here and get it done.

The gas line. Selectman Maddox said we had a meeting and we said we would be talking about it at our Workshop. Unfortunately we take the month of July off because the workshop comes so close to the Fourth of July. The Chair would like to put it on the agenda for the first meeting in July without objection. I mean we should probably do something sooner rather than later or do you want to wait until the August workshop? Selectman Coutu was ready to do it tonight. Chairman Maddox didn't disagree. I would say to you that the next night..Selectman Luszey seconded that motion. Chairman Maddox asked do you want to talk about it after this. I was going to say on the NRPC website, I got to go and hear another two hours about the gas line at NRPC. This was done by some people that worked with and for NRPC. The man that actual wrote it Kermit, I can't remember his last name, but he's from Mason. He had no dog in the fight. He did an absolutely great presentation. I asked for it to be sent over. I don't know if we've seen it yet but he kind of just said here's the facts. The three facts ladies and gentlemen that I came away with is number one - FERC in the last 15 years has only denied one.

Selectman Coutu was going to say they never denied but they did deny one. You're right. That's correct.

Chairman Maddox indicated they've denied only one in 15 years. There are 21 potential gas projects coming into the northeast. I'm not sure we want to jump onto the first one that comes along.

Lastly, I know more about dekatherms that I ever wanted to know. A dekatherm they kept on talking about at that capacity of that 36" pipeline was 2.2 million dekatherms per day. Here's the interesting fact. The average home uses 78 dekatherms a year. So a tremendous amount of capacity going through this pipeline. If you want to do something with that, I don't have a problem. Where would you like to go?

Selectman Coutu didn't know if any of you read the Sunday Telegraph. This is the lack of demand could trump the card in the pipeline battle. It was written by Kathryn Gregg. I read through it. I read it a second time. The most poignant thing that I took from it, there's a lot of information. At the very end she says, "Governor Hassan, Senator Shaheen and Ayotte, Representatives Kuster and Guinta, NH State Legislatures listen up. The profits you're offering are only potential and not guaranteed but the losses to the people impacted by this project are guaranteed to be profoundly real and lasting." I'll tell you what I took away from our meeting with Kinder Morgan. I said to you Mr. Chairman that evening the first gentleman who was the fast talker and then there was the more professional guy was akin to me to a used car salesman and his manager. I said to you would you buy a used car from that guy and you said no. They have a job and they were in thinking about the events of that evening and having them watch it at least once on television, there is no doubt in my mind that they were well tutored in how to make a presentation, what to say, what not to say, what to answer, not to answer, and it's the best lesson I've seen in many, many years in how not to be confrontational they way they both worked off of each other. There was plenty of opportunity to become confrontational and they didn't bit. I thought I admired their professionalism.

Selectman Coutu said however for them to stand there and state almost as a matter of factly that insurance rates and sales of homes will not be impacted is a brazen lie. Brazen lie. If you own a swimming pool in the back of your home especially if it's in ground, statistics show that that eliminates 50 percent of the buying public from wanting to buy your home. Fifty percent of the population don't want - first of all no seniors are going to buy a house with a pool they can't take care of it. Many people have a fear of buying a home with a swimming pool. Obviously if you're going to diminish your purchase power by 50 percent or the shopping population by 50 percent, it has an impact. My wife and I are going to go shopping for a home I think at the latest next spring. Again in Hudson. We want to downsize. I certainly wouldn't buy one of those homes I don't care how beautiful it is because I know there's a pipeline coming through there. I would not buy a home in close proximity to yours not because of you Rick but because of the pipeline. Mr. Chairman to say that it's not going to impact the value of their properties - if they sit there for a while and they're not selling, they're going to have to reduce their price regardless of what the market says or what the realtor has valued the property can sell for. I feel that considering that they did say that we get about 10 percent of whatever goes through these pipelines. I'm still not convinced of that. I think the number is closer to 6 percent maybe if they back feed out of Methuen back into New Hampshire or if somebody wants to go through the expense of putting a line coming off that pipe which is a very expensive process, I don't see that being done for one or two people or one or two companies. I was taken aback by their reference to BAE Systems. I thought that was a veil threat at best. You could lose BAE Systems because they're always looking to save money. Of course they are. Every single company "good corporation" in the world like BAE are always looking for ways to save money. If they can't save here, they'll save there. They adjust their bidding processes to accommodate what their financial needs are in order to not only manufacture, design, or whatever BAE is bidding on or any of these companies, everything is adjusted accordingly and of course they have to be competitive so they go out to bid but they know what they're doing. They're not stupid. Tennessee pipeline or any other gas company is not going to come in or not come in and affect how BAE is going to

do business in our State. BAE is the example they cited. They could have cited many more but I was taken aback and they insulted my intelligence.

As you know, Selectman Coutu said there is a coalition out there. I'm not necessarily saying let's join the coalition against the pipeline. I'm not saying let's throw in a lot of money to pay for the legal fees. There's a group of the communities that have come together and they've hired an attorney to represent them. I don't think that FERC is going to deny it but I think we need to take a stance.

Selectman Luszey asked are we discussing it now or are you just making a statement. Selectman Coutu said I'm going to discuss it. I thought we were discussing it. Selectman Luszey asked are we discussing it tonight.

Chairman Maddox said that's what I asked the Board what they'd like to do and...Selectman Coutu thought you said I second that motion. Selectman Luszey said it wasn't voted on. Are we doing it? Chairman Maddox stated it sounds like it and the only issue I'm having is we're kind of doing this not on an agenda not that it's going to change anything but we told people we were going to do it on the workshop. We were going to announce tonight that we're not doing it on the workshop we're going to do it at our meeting. Now we're just going to do it now but again I think the results are going to be the same.

Selectman Coutu mentioned you said the other night I wouldn't mind discussing it at the meeting because it will probably come up anyway.

Selectman Luszey asked to finish your statement and then we'll make the...Selectman Coutu said I'm done.

Chairman Maddox said that the NRPC thing showed that in the short term there is impact but over time that seems to diminish. Even the gentleman that was the real estate person that came to our meeting agreed that over time that does diminish. It's buried under the ground. It really doesn't make much difference. This was a kind of a middle of the road. There was no angst one way or the other. That's what they put in their report.

Selectman Luszey stated just to kind of play off what some of the comments that Selectman Coutu said - property insurances aren't affected but they are. The rates normally are not because I did look into this. The question that needed to be asked that none of knew to ask it is most insurance companies have in the fine print that something like a gas line if it destroys your property is not covered. So yes it's like some of the natural disasters aren't covered, acts of God, and things like that. So there is. House Bill I think it was 527 is coming down. It talks about eminent domain and how it's being talked about to protect the homeowners just for the situation that Kinder Morgan is taking a look at properties. I think we should have a formal meeting so people can come in and make a statement to us if they wish if they haven't done it already. We should take a vote on what our response is to Kinder Morgan. I know personally I'm ready to take that vote tonight but I don't think it would be proper.

Chairman Maddox asked are we going to hear the same thing over. Selectman Coutu noted it's going to be three hours just on that.

Selectman McGrath thought when we talked about having a discussion at the workshop it wasn't anticipated or at least it wasn't anticipated on my part that we would be taking more public input. We already did that and we devoted an entire meeting to doing that. I'm prepared tonight to take a position. I wasn't impressed either by the presentation that was given. As a former employee of BAE Systems, I certainly can't speak for the company but for the more than 20 years that I worked there and for the years prior to that when they first came to Hudson and built the facilities which are down near me, they have been in my estimation and my understanding they've been devoted to the Town of Hudson and remaining in the Town of Hudson. They were happy to be here. I took exception too as well with their comments about BAE assuming what I knew about the company. I'm in the position to take a vote and my vote would be to take a position that we don't want nor do we need the Kinder Morgan project in the Town of Hudson.

*Motion by Selectman McGrath, seconded by Selectman Coutu, that the Town of Hudson does not want nor do we need Kinder Morgan in the Town of Hudson.*

Chairman Maddox asked and we're going to send that off to FERC. Selectman Coutu thought that we needed to do a little more than just say that. Chairman Maddox was hoping that we were going to say that the Hudson Board of Selectmen is strongly in favor of increasing our energy supply availability and pricing to benefit getting more businesses to come into the town and to the region. As we've been told what limited we have been told, the Kinder Morgan plan is too excessive for Hudson and the region in our opinion.

Selectman McGrath was happy with that language too.

Selectman Coutu thought Mr. Malizia could draft something. There is enough literature out there. We could change hours to express our concern about energy and at the same time not with any regret we would with the information that's been provided us, we cannot in all good conscious support Kinder Morgan's plan to come into the Town of Hudson.

Selectman McGrath asked to make a comment too about the correspondence that we've received. One of the ladies from Pelham handed us different documents. One of the ones that I read that I was really impressed with and I thought that it went into a great deal of detail and reasoning for their position was the Town of Amherst. If we could utilize that document in trying to formulate a position for us that is applicable to Hudson, I think that that would be a really fine model to use.

Selectman Coutu noted we could Mr. Chairman and then have Mr. Malizia put something together, send it out to all of us and it would give us like two or three days to review and comment. I'd be happy with that.

Chairman Maddox thought we can't stick our head in the sand and say we don't want it. We need to give them 1) we do believe that we need to do something but, again, 2.2 million dekatherms a day in a 36 inch pipe seems an awful lot when the State of New Hampshire is only going to get 8 percent of that. It doesn't make a lot of sense.

Selectman Coutu didn't see them getting a commitment for a 36 inch pipe to begin with. They're only at 50 percent at 30 inch. How are they going to get enough for the 36 inch?

Selectman Luszey said there's also a number of other projects being proposed. I think we need to see what those are. This is the first one out of the shoot. It doesn't necessarily mean it's the best one for the solution for us. There was a couple of names and I think it was the Amherst document - Spectra. Chairman Maddox noted Spectra is coming up through Connecticut and it's really from a consortium of power plant owners. Their drive is to get that gas to go to their power plants. That in turn would probably take some of the pressure off of the Concord line. Selectman Luszey thought it was for all those reasons.

Chairman Maddox said right. I think based on the citizens' testimony, based on everything that we have acquired that this is not the project that...Selectman Coutu thought we needed to emphasize that words to the affect that Kinder Morgan is definitely the first out of the shoot. There are other potential proposals out there and other companies who would like to have an opportunity. I think that they should be given a chance before FERC just jumps the gun and awards it to the first guy that comes in with a plan. It may not be the best plan. The best plan for Kinder Morgan would have been to do what they were going to originally do which to stay in Massachusetts and not come through New Hampshire but they were faced with so much opposition, they decided to spend the extra \$40 million to come up, and across, and down to get to Methuen because they were not going to go across the Leominster, Fitchburg. They weren't going to make it through Gardner and all of those pristine neighborhoods. They'd rather destroy ours. Not necessarily destroy it but...Chairman Maddox said they were going to have to get that land as opposed to their thought process here. Again no one has told us that they've got permission to do that. For all those reasons, this is just a plan that's not ready for prime time.

Selectman Luszey stated if you take a look at the energy needs of New Hampshire in total, the issue we're seeing electric generation plants going off line. There was no real substance to how they're going to supply them and bring that back - those generations. They had little boxes that says there's possibilities but none of them were sign on the dotted line. It was Liberty which is basically for homeowners. To your point, it has a lot of gas there that is not going anywhere.

Chairman Maddox said when a home uses 78 Dekatherms a year, and they want 2.2 million a day to go through that pipe. Mr. Malizia pointed out to me that these numbers didn't add up to what Hudson would be getting.

Steve Malizia commented it seems like the committed that they made to Hudson would imply that they would put a pipeline in that has more value than all the pipelines that exists now in Hudson. I don't know where that number comes from but I just took our rate, divided it by the amount they committed sort to speak, and said the assessed value has to be over \$14 million. That's a lot of pipe for 2 miles.

Selectman Coutu said they may have figured it out and say \$.10 on the tax rate might really impact. If it comes out to \$.010 on the tax rate, they're saying - that's what I said no.

With all of that, Chairman Maddox said we were not impressed and that's what we're going to convey. Mr. Malizia will draft a document based on the discussion here this evening and distribute it to the Board members for any changes that we might want to look at. If we don't see anything from you for a number of days - 3 or 4 days, then we will set up a document final draft and send it out. Is that the plan? Selectman Coutu indicated yes and you'll sign it as Chairman.

Donna Graham asked do you also want to include that the Town of Hudson does not need or want Kinder Morgan's plan to come into Hudson as part of that motion as well. That was the original motion?

Selectman McGrath thought what Selectman Maddox said clearly stated what our stand was. I just threw that out there. Chairman Maddox said you can wrap that into one document and see how we feel about it afterwards.

Vote: Motion carried 5-0.

For clarity now, Selectman Luszey noted that Steve's going to write the letter. We'll get it over the next couple of days. Are we going to vote on it before we send it out so that it's an official document? Chairman Maddox thought you were going to get a chance to edit it. I guess if no one has any other than grammatical or syntax. If any Board member says we should really step back otherwise do we need to wait another two weeks to send this out?

Selectman Luszey and Selectman Coutu said no I don't think so. Selectman Luszey said as long as we understand what this is...Chairman Maddox said right. If anybody says to Steve I'm not comfortable with it as the final draft is written, then we back up and move, kick it around at our next meeting.

10. NONPUBLIC SESSION

Motion by Selectman Coutu, seconded by Selectman McGrath, to enter Nonpublic Session pursuant to RSA 91-A:3 II (a) The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, unless the employee affected (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted; (b) The hiring of any person as a public employee; and (c) Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the public body itself, unless such person requests an open meeting. This exemption shall extend to any application for assistance or tax abatement or waiver of a fee, fine, or other levy, if based on inability to pay or poverty of the applicant, carried 5-0 by roll call.

Chairman Maddox indicated Nonpublic Session is being entered at 9:25 p.m., thus ending the televised portion of the meeting. Any votes taken upon entering open session will be listed on the Board's next agenda. The public is asked to leave the room. Chairman Maddox entered open session at 10:51 p.m.

Motion by Selectman McGrath, seconded by Selectman Nichols, to recognize and award Jana McMillan and Joseph Tessier each with a \$500 merit award according to the Hudson Police, Fire, and Town Supervisors Association Contract, carried 5-0.

Motion by Selectman Coutu, seconded by Selectman McGrath, to enter Nonpublic Session pursuant to RSA 91-A:3 II (a) The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, unless the employee affected (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted, carried 5-0.

Motion by Selectman Coutu, seconded by Selectman McGrath, to seal the Nonpublic Session minutes, carried 5-0.

Discussion relative to Dave Yates as the men's league softball coordinator. Consensus of the Board of Selectmen to let the men's league self manage and to reschedule Mr. Yates time accordingly.

11. ADJOURNMENT

Motion to adjourn at 11:02 p.m. by Selectman McGrath, seconded by Selectman Coutu, carried 5-0.

Recorded by HCTV and transcribed by Donna Graham, Recorder.

HUDSON BOARD OF SELECTMEN

---

Richard J. Maddox, Chairman

---

Roger E. Coutu, Selectman

---

Pat Nichols, Selectman

---

Marilyn McGrath, Selectman

---

Ted Luszey, Selectman