

HUDSON, NH BOARD OF SELECTMEN
Minutes of the August 13, 2013 Meeting

1. CALL TO ORDER - by Chairman Maddox the meeting of August 13, 2013 at 7:06 p.m. in the Selectmen's Meeting Room at Town Hall as we've had some entertainment this evening for our birthday boy Selectman Coutu.

2. PLEDGE OF ALLEGIANCE - led by Selectman Coutu.

3. ATTENDANCE

Board of Selectmen: Rick Maddox, Nancy Brucker, Roger Coutu, Ted Luszey, Ben Nadeau

Staff/Others: Stephen Malizia, Town Administrator; Donna Graham, Executive Assistant; Patrick Colburn, Town Engineer; Jason Lavoie, Police Chief

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.

- Shawn Jasper - Hudson Speedway Noise

Shawn Jasper Good evening. Happy birthday Selectman Coutu. I wish I didn't feel the need to be here this evening. I really think that it's time that the Board of Selectmen did what is authorized and to some degree required in regards to the Hudson Speedway under the ordinance. The speedway really hasn't caused any issues so I'm not blaming the Board for probably not doing those things that I think should be done periodically because it hasn't been an issue. Lately the noise from the speedway has been quite loud. I know some of you who live some distance away have been able to hear it lately. Unfortunately those of us who live in the neighborhood even closing the windows and turning on the air conditioning doesn't alleviate the noise. I don't have a huge problem with it until 10 o'clock, which is when I like to turn in and try to get some sleep so I can get a start on Monday morning. That's been impossible to do lately.

Under the Ordinance, Mr. Jasper said mufflers are required on the cars and those mufflers are to be approved by the Board of Selectmen. I doubt that there have been any mufflers approved by the Board of Selectmen in probably 30 years. I tend to think probably what has happened over the years is that because nobody is paying attention, there probably aren't any mufflers on the cars anymore. That became really apparent to me a couple of weeks ago when most of the races were extremely loud and then there was one right after 10. You could just hear one car and I'm sure they weren't having a race with just one car which told me well maybe some cars do have mufflers but there's certainly one out there that doesn't. I think it's time to look into that and I think muffler technology like everything else has probably changed quite a bit over the last 30 years.

The Board of Selectmen is also authorized to conduct noise level tests or readings as deemed appropriate and necessary by the Board. Mr. Jasper would ask that at this point that the Board find it appropriate and necessary. What's interesting is that there aren't any decibel levels set in the ordinance and yet under our noise ordinance, they're exempt from the noise ordinance. I don't know where you go from there. In looking at that exemption and finding that everybody else has decibel levels for daytime levels and night time levels for the whole rest of the town but those of us who live near the speedway in a sense are second class citizens. We're guaranteed equal protection under the law and certainly our ordinances are law. I guess when you live near the speedway, that equal protection doesn't seem to apply to us. I'm not trying to shut down the speedway or cause huge problems for them but I think I do have the right and all the people in the neighborhoods have the right to get to sleep at a reasonable hour. For me and I think for a lot of people on a work night, that's 10 o'clock. For a number of years, the speedway wasn't racing past 10. I never heard them past 10. As a matter of fact for a number of years, they only seemed to be racing every other week or so and it wasn't an issue. Originally the 10:45 was to allow them 15 minutes in case there was an accident or problem on the track and now they take that 10:45 and push it right to the limit every single race. I'd ask you to consider moving the ordinance to 10. People have said over the years well it's too hot. They can't start at 4. They have to wait until 5. Well we've got Loudon and they start in the afternoon but that was the reason we go to 10. If they want to start at 4:15 or 4 o'clock and go to 9:45, I don't have a problem with the earlier start time. Five hours and forty-five minutes actually is an awful lot to ask of all of us every Sunday to give up of our Sunday afternoons.

The other issue Shawn Jasper has is the parking. We have no parking ordinances on Old Derry Road, Cutler Road, and Robinson Road during the speedway hours. Now no parking to me it isn't a matter of well you can't park on the pavement. Of course you can't ever park on the pavement. That's the travel lane. I did speak to the Chief of Police a couple of weeks ago about that but nothing seems to have changed and it seems that the police are saying well as long as they're not on the pavement, we're not going to enforce the ordinance. Now there probably does need to be some more signage put up because some of that signage has disappeared over the years. Coming home the other night - Sunday night, my wife actually thought I was going to run into a group of people. If she hadn't said something, it is possible that that would have happened because there was a car coming at me and because of all the cars that were parked on the edge of the road; they were walking in the road. I was blinded by a car coming up the other way and there were people walking in the road coming the other way. There's not good lighting there and that's part of the reason that the Town has said no parking on those roads. It's a nighttime operation and it's not safe. I would ask you to direct the police to fully enforce the no parking ordinances. It's not the Town's fault that they don't have enough parking. There used to be parking areas around there. There were several parcels of property that were sold. I don't know whether they pursued purchasing any of that for parking but obviously they were not

successful. That shouldn't make it our problem. It shouldn't be a problem where somebody like me runs into a group of pedestrians because people are parking illegally on the roads. It's not a safe situation and it needs to be dealt with. I thank you very much for your time and hope that the Rec. Director didn't think I took too much time and kept giving me a ribbing back there.

Chairman Maddox asked the Board if they had any questions. Thank you Sir.

Selectman Coutu asked if we had a special duty officer assigned to the race track. Chairman Maddox said he believed there were two of them. Selectman Coutu said aren't they supposed to enforce the 10 o'clock curfew on races. Selectman Nadeau said 10:45. Selectman Coutu asked if they were going beyond 10:45. Shawn Jasper said no. The issue is that when they're as loud as they are now - if it was quiet if they were following the noise ordinance, it probably wouldn't be an issue. I think now it's a combination of things and I think they're racing longer than they have traditionally have. I don't think there are mufflers to the degree that they used to have. So now it's just impossible to get to sleep. As I said even with the windows down and the air conditioning on, it's still I almost called your Chairman and just held up my phone in my bedroom with my windows closed and said what do you think of this at this hour. It's ridiculous. I can only imagine what it's like for the people who live right next to the speedway.

Selectman Brucker asked of Mr. Jasper was suggesting that they start an hour earlier. Mr. Jasper said yes. They start at 5 now. I'm suggesting that if they really need to race five hours and forty-five minutes, that the Board ought to move the ordinance so that they're done by 10. I think 10 is a very reasonable time to be done with the races. Again even when they're done, half the people who leave there then think they're still on the speedway and you should hear the racing up and down the roads. So we're really dealing with it until after 11. Thank you very much.

Chairman Maddox indicated that they would bring this up under "other business" at the end of the evening. Does anyone else wish to speak? Seeing none.

5. NOMINATIONS AND APPOINTMENTS - NONE

6. CONSENT ITEMS

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

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

A. Assessing Items

- 1) 2013 Charitable Exemption, Map 109, Lot 10; w/recommendation to approve

Motion to approve a charitable exemption for the 2013 tax year for Southern New Hampshire Medical Center property located at 300 Derry Road, Tax Map 109, Lot 10, as recommended by the Assistant Assessor.

Motion to approve the "Payment in Lieu of Taxes" (PILOT) agreement as negotiated by the Assistant Assessor and Attorney Jay Hodes for the Southern New Hampshire Medical Center at 300 Derry Road, Tax Map 109, Lot 10.

- 2) 2012 Tax Abatement, Map 165, Lot 147, w/recommendation to deny
- 3) 2012 Tax Abatement, Map 176, Lot 41, w/recommendation to deny
- 4) 2012 Tax Abatement, Map 182, Lot 69, w/recommendation to deny
- 5) 2012 Tax Abatement, Map 191, Lot 132, w/recommendation to deny
- 6) 2012 Tax Abatement, Map 209, Lot 2, w/recommendation to deny
- 7) 2012 Tax Abatement, Map 209, Lot 3, w/recommendation to deny
- 8) 2012 Tax Abatement, Map 216, Lot 8, w/recommendation to deny
- 9) 2012 Tax Abatement, Map 216, Lot 9, w/recommendation to deny
- 10) 2012 Tax Abatement, Map 222, Lot 18, w/recommendation to deny
- 11) 2012 Tax Abatement, Map 228, Lot 3, w/recommendation to deny
- 12) 2012 Tax Abatement, Map 246, Lot 67, w/recommendation to deny

B. Water/Sewer Items - NONE

C. Licenses & Permits

- 1) Raffle Permit - St. Kathryn
- 2) Raffle Permit - Jeanie Barkley Memorial Fund
- 3) Request to Solicit Funds - The Front Door
- 4) Request to Solicit Funds - Boy Scout Troop 7

D. Acceptance of Minutes

- 1) Minutes of the July 9, 2013 Meeting
- 2) Minutes of the July 23, 2013 Meeting

E. Calendar

8/14 7:00 Planning Board - Buxton CD Meeting Room
8/15 7:00 Benson Landscape Cte - BOS Meeting Room
8/15 7:00 Budget Cte - Buxton CD Meeting Room
8/20 7:00 Cable Utility Cte - BOS Meeting Room
8/21 5:00 Municipal Utility Cte - BOS Meeting Room
8/21 7:00 Senior Affairs Cte - Buxton CD Meeting Room
8/26 7:00 Recycling & Energy Ctes - BOS Meeting Room
8/27 7:00 Board of Selectmen - BOS Meeting Room
8/28 7:00 Planning Brd - Buxton CD Meeting Room
8/29 2:30 Trustees of Trust Funds - Buxton CD Meeting Room

Chairman Maddox indicated that at this time we'll take up the one that we just got on our table this evening - the Tag Day Sale for the Redemption Christian Academy.

Motion by Selectman Coutu, seconded by Selectman Nadeau, to approve the Tag Day Sale for the Redemption Christian Academy, carried 5-0.

Selectman Nadeau indicated that this is becoming a problem again with these coming in late and getting them like this. I think that when they come into the office and whether they don't get them in on time, especially these Tag Day ones. We require a lot of research to be done on them. I think that we should inform them when they start coming in late again like this. A Raffle Permit is a little different. Sometimes people didn't know they needed a Raffle Permit. These people that are doing the soliciting - we had it one time three or four of these on our desk a couple of weeks back. I just think that we need to tell these people when they come in that they need to do it a little bit sooner or they'll have to change their dates.

Chairman Maddox indicated that was Selectman Nadeau's opinion. Does the Board wish to...Selectman Coutu said he didn't know where he's going with it? They're going to come in late and we're going to say hey you have to get them in early. They're already in late. I think the appropriate action to take would be to put a stop to it and say I'm sorry we can't accept this until the next Selectmen's meeting. We have rules. What was the rule on this before agenda of the week that they want it on the...

Steve Malizia indicated that we traditionally close the agenda the previous Thursday. We tell people that all the time. Chairman Maddox said this is not their first time. Selectman Nadeau said that's what prompted this. Selectman Coutu indicated that's where Selectman Nadeau is getting to. We have this rule and we haven't been applying it. We start feeling sorry for these organizations. Well if they want to solicit in our Town, they should abide by the rules. I would agree with Selectman Nadeau. I think that we have a rule in place. We don't have to vote on it. If there's a consensus of the Board to tell the administrative staff that when these requests come in and they're beyond the 11:30 Thursday deadline prior to the meeting that they're going to be put off until the following meeting, and any solicitations if they're bringing them in for that weekend, they won't be able to do it. It's their fault. We have rules in place but we're not even abiding by them. Let's start doing it.

Chairman Maddox asked if as an action item, the Board wants the Administrator to draft a letter for...Mr. Malizia indicated if you said the administrative staff, it will probably end up on the agenda. Chairman Maddox thought we ought to send these people a letter saying this is the...Selectman Coutu said we get different ones all the time. How many letters are we going to send down Mr. Chairman? I agree with you. It would be nice to send them all a letter but time and time again we've told them the rules. Some of the people have been told the rules and are still applying late because they figure they got away with it before and they'll do it again. That's my opinion.

Selectman Luszey thought what might be more appropriate is it seems that the two largest places are Sam's and Wal-Mart and Market Basket. What we may want to do is notify those three establishments that if people contact them to do these types of fundraising it won't be approved unless they've got the approval from us on the appropriate time frame. If they want to set dates, make sure that those folks know they need to be here at the appropriate time.

Selectman Coutu said he had no problem with sending a letter to Sam's and it would be Sam's, Wal-Mart, and Market Basket. Those are the three big ones. I wouldn't have a problem with sending them a letter. They may get the application last minute. They may get it three weeks before. I don't know. I just think we need to start imposing that rule.

Chairman Maddox re-iterated that we're directing staff to not accept them after the time frame. Selectman Coutu said they can accept them but they're for the next meeting because they just missed the meeting if they're beyond...it would be the next regular meeting of the Board after the meeting that they missed. Chairman Maddox asked if it was the consensus of the

Board. Selectman Luszey said those establishments should know what the rules are too. If they're setting dates prior to when those folks can get here, it's like why are you setting their expectations wrongly.

Selectman Brucker wanted to say that the group has to know not to show up. Either the establishment has to tell them or we have to let them know that they're not going to make it.

Chairman Maddox asked who's going to go check. If we didn't approve this, whose going to go down and check to see if they were soliciting on the weekends that they've got down? Again, I think this is one of those where...Selectman Luszey indicated our Code Enforcement Officer. Selectman Coutu said it wasn't a code enforcement.

Steve Malizia assumed that when they get the copy from us after you sign it and they bring it down to Sam's, Sam's says do you have the copy. If Sam's doesn't get the copy, I'm assuming Sam's would enforce it. Selectman Coutu indicated he'd ask Steve if he gets a copy. Mr. Malizia said they're required to bring it with them I'm assuming. Selectman Coutu said he'd inquire. Steve will tell me.

7. OLD BUSINESS

A. Skate Park

Chairman Maddox recognized Road Agent Kevin Burns and Recreation Director Dave Yates.

Good evening. As you know, Dave Yates said the Highway Department maintains all of our parks. Last Monday morning I was woken up before my alarm from Mr. Burns who called me and wasn't too happy with the results of the park that weekend. It's been an ongoing issue but I guess that weekend a flag was stolen off the flag pole, more benches were broken, probably trash, and that's why we're here tonight to see where we're going to go with the skate park. What's the future of the skate park? Kevin can talk more about the cleanliness and the vandalism since his guys clean up after them but that's why we're here tonight.

Kevin Burns asked to take a brief minute and give you the history of the skate park. We built it 12 years ago. I'm not anti-skate park. I'm the guy who built it. When we built it, it was beautiful. It had soda machines, picnic tables, benches, lighting, bubbler, and a lot of amenities we have not put in any of the other parks. They're gone. Every single thing out there has been smashed. The last two remaining benches didn't make it through that weekend that Dave talked about when we asked that we should temporarily close it until we come up with a solution. The skate park is 1.1 acres. Of that 1.1 acres, probably half of it is the metal storage building that we use and the parking lot. A couple of things that would be very hard to damage. It's our smallest facility but it causes me the most headaches. It's used by the least amount of people. Greeley Park on a summers night could have 60, 70, 80 people in it. The skate park has 5 or 6 but I have to send a crew to the skate park every single day. There's not a whole lot left to break any more but what it is there, they flip over the ramps, the ramps that will fit out the gate to carry them outside onto the parking lot. They do donuts around the grass. The dumpster I think they think it's a decoration cuz nothing ever goes in it. It goes everywhere else. The port-a-potties get flipped over. Even those, we used to have nice fences around the port-a-potties. We had a separate area for the little kids and then the big kids. When Dave and I went over to measure the inside of the court, one of the neighbors from across the street came over. He was thank God you're closing this place because it's nothing but unsavory characters - I'm not quoting him. He says they pull right up with their cars. They play loud music. He said its all kids that drive there. He suspects they're not even from Hudson. He says all they do is trash the place. They hand around and just make a mess. So Dave and I decided to ask to temporarily close it, come to you to see if you wanted to continue down this path of a skate park, which is after 12 years I think it's time to repurpose the park. Dave has some suggestions on what we can do so we don't waste our investment in the court and fencing. A lot of other towns have gone this way. Skate parks just seem to be a magnet for vandalism. I guess I'm not going to beat a dead horse but.

Dave Yates said also their feeling is that Nashua is going to be closing this skate park and moving it to I guess Broad Street. Our feeling is that we're going to be getting more characters coming this way because they're not going to go all the way to Broad Street. They're going to be coming over the bridge to Hudson to use this skate park. Like Kevin said earlier, the days of young families, I don't see young families over there. Occasionally but it's older - people are driving their cars there. They drive, they pull up in and it's not the young families that we built it for.

Kevin Burns stated he gave Dave an analogy today. If we had a civic organization that used the Community Center every summer for example for even a weekend every summer and they trashed it, knocked holes in the walls, and wrecked the bathrooms, and left the trash all over the place, would we give it to them again the following summer, and the following summer, and the following summer? It's not our decision what we use the park for but I think if we repurpose it, it would probably serve more kids than it is serving right now. Right now it's serving a very small amount of kids and they're not appreciating it.

Selectman Brucker asked if anyone used it as a skate park. Is there anyone there ever using it in that way? Dave Yates said yes. Selectman Brucker asked how many would you say. Mr. Yates said they do use it and that's what they're coming for but it's a hangout too. The people that come are using it as a skate park. When they drive up, they're not just sitting in the parking lot. They have their skateboards and they are using it. Selectman Brucker said it's not wrecked to the point where it can't be used anymore. Mr. Yates said no. We'll need some revamping if we continue after visiting it with Kevin. A lot of their

transition ramps from the major ramp to the tar a lot of them are worn out. We'll going to have to put some money into it. It's been 12 years and we haven't put anything into it. We do have to do some revamping if we're going to keep it. They are using it as a skate park. As Kevin said, they move things around. They're adults. They put the ramps whatever way they want them. We initially had them all bolted in. They've managed to move them all out. They're not light ramps. They're steel. So they are using it but they are trashing it at the same time also.

Selectman Luszey said his issue with the conversation we're having is that I personally know a couple of skate boarders that did use the park and they didn't trash it. Yes there is a smaller number of kids that participate in this type of sport. What bothers me the most of the conversation is that my guess is what the vandalism is caused not by the kids that use it. It is by people that are coming from out of town that are much older. It is the few, the even fewer, that is going to or attempting to ruin it for the few. These kids that skate board don't have a whole lot of places they can go to participate in their sport. It's not like baseball. We have a number of fields - kids that want to play baseball and go play baseball. We have tennis courts for the kids that want to go play tennis in the courts and go play. We've got basketball courts and it goes on and on. For the major sports, we just started lacrosse. Yes there is a group of people - it may be smaller that have an interest in this type of sport and because there are a few out there that are vandalizing things, we're about to punish them. Benson Park was vandalized. Are we going to close Benson Park? The Old Lady in the Shoe door was kicked in this week. Are we going to close that because someone went in and vandalized it? Nashua had a baseball field vandalized because someone took their four-wheel drive and went around and did donuts in the outfield. It's a few. The real question is what are we doing to find out who the perpetrators are that is doing this? How and what are we doing to police these areas to catch these types of people to stop this from happening?

Dave Yates indicated that did start with security cameras. We used to have security cameras. They broke the cameras. Selectman Luszey asked if we used the security camera to catch the perpetrator that broke the camera because it sure had to take pictures prior to being broken. Mr. Yates said no we didn't. I don't know how often - you'd have to talk to the Police Chief how often they patrol. I know they go by. I don't know how often they go by. Selectman Nadeau said they park there quite often. Like you said Selectman Luszey, Mr. Yates stated this has been a 12 year project. We didn't just build this last year. This has been ongoing for a long time. Believe me I was all for it and I thought it was a great project back then. I've been threatened that I'm going to get hit by a skateboard because I go to try and enforce the rules. I don't even go by there anymore because it's such a pain in the neck.

Kevin Burns indicated that we've come here before for this. It's been closed numerous times for punitive action for the people that use it. Actually I believe the last time we were here on it we were told if it continued the park would be closed. So here we are informing you that the behavior is continuing.

Selectman Coutu said he did say that. I hear you Selectman Luszey. I hear you loud and clear. This has become a little more personal for me than what it was a week ago or 3 or 4 years ago when we had the discussion about closing the park. You and Selectman Maddox and I were intently involved in that discussion at the time and we said we'd give it one more chance. We had a group of people step forward. They started policing it. We had police reinforcing. My grandson Conrad is - I like to say this he was born on 9/9 of 99. So he's 13 and he's going to be 14 this year. He started petitioning me via Facebook this weekend when he found out that we were going to close the skateboard park. I had no idea that - none what's so ever. He's into four-wheelers and motorcycles. I had no idea he's also into skateboards. I guess he comes over here on Tuesdays with a few friends. His mother brings him over and drops him off at the park. They love the park. They've never found it in a messy condition. Last night the family took my out to dinner and guess who's sitting next to me - Conrad. Guess what he's doing? He's pleading for the skateboard park. I asked him to come here tonight to speak. I said show your courage. You want the park, bring your kids in and explain to us why you want to use the park. Now they're all from Nashua. I asked him - they cross over the bridge. I asked him why don't you use the skateboard park in Nashua. There's one right near Ben and Dad's place. I've been there a few times now since I found out exactly where it is and I know they're going to close it and put the one on Broad Street. He says he likes that park a lot better because it's quieter, secluded, the kids go in. He said we go in around 10 in the morning. It's quiet. We get to use it, have fun, we have competitions, then we get in the van for lunch and we take off. It's just once on Tuesday. That doesn't solve the problem. I am sympathetic to what you're up against. I said last week and I guess I have to stand by what I said was that 3 years ago or 4 years ago, however long ago we had this discussion, we said look we'll give them one more shot. If they can pull this off and keep the park reasonably clean, put the rubbish where it belongs, we would continue to operate the park. We've continued to operate the park and apparently unbeknownst to us until now, it's been an ongoing problem. You've obviously your guys are going in the morning and they're seeing what's there, they clean it up, nothing gets said, and now it's gotten to the point where it's at the boiling point. You're exhausting the manpower.

The one question Selectman Coutu has though is in refitting the park for other uses, aren't we really opening ourselves up to sitting here 2 years from now and saying they tore down the tennis court nets, they bent the poles, the ripped off the basketball hoop. Aren't we going to be back here doing the same thing? It's just a place for kids to congregate at night. I can't believe that all this damage is being done during the day with all of the traffic, homes right near there, police officers obviously cruising back and forth. I don't think it's going to abate the problem. It's just going to invite the same kids who are doing it to go after something different.

Kevin Burns said he tended to agree with you a little bit but there's something about skate parks that other communities find the problems also and they're closing them. Litchfield has closed theirs. Windham has closed theirs. Dracut has closed theirs but yet they continue to have basketball courts and things like that in the same park. Right down the street on Central Street

we have basketball courts a Greeley Park. Nets aren't ripped down. Those hoops down there have been around longer than I have been here. I don't know. I don't know why skateboard parks seem to catch heck.

Before you continue on for that, Chairman Maddox said there was somebody that sent us a letter or an e-mail. Selectman Luszey said yes Stacy Sousa. Chairman Maddox asked if she was here tonight. No. Okay. They were talking about somebody...Selectman Coutu said what we had 3 years ago.

Selectman Coutu said he couldn't help but laugh. I received a birthday card today from somebody that we all know on this Board very, very well. It was a specifically designed birthday card. It had a mule talking to me and singing a song. One of the phrases in the song is "Let's not be like Litchfield, let's not be like Pelham, let's not be like Windham, let's not be like Merrimack." I'm thinking you're saying well they close all theirs do we want to be like them. That was the card I received today. I'm thinking did you conspire with this guy to send me the card. The guy and his wife sent me the card and it was well done. It was about the Town of Hudson and it was directed at me about things that we do here on the Board. It was very positive. Right now I'm really torn. A week ago I said let's close it. I'm still leaning in that direction. I'd like to think that if we refit it to other uses, maybe the damage would be less severe. If it continues, then we just rip everything up, fix the hot top. It's just an idle area.

Kevin Burns stated we had talked about basketball, volleyball, or tennis. Everything would fit inside there. If you want...Selectman Coutu said that would be the easiest thing is just hot top it and shut it down, get the fencing out of there, and hot top it and leave it the way it is and abandon the idea. You're right if any of the agencies that we - there are some. There was one in particular if you remember and I won't mention the name. You two and I were involved initially there was one that came every Christmas - they came the first Christmas and they wanted to use the Community Center for 3 days and we were concerned. We've never said no because they keep it so clean. I agree he made a tremendous argument that if people were going to use a facility that we made available to them on an ongoing basis and each time they used it we had a problem with it, at what point are we going to say that's it we've had enough. I'm at that point. I really am at that point. I think enough is enough. I know we're punishing some of the kids but let's see where it goes.

Selectman Luszey said he had another comment. I hear you loud and clear but going down and using your logic, we should start closing all of the roads in Hudson because people from other cities that go through and violate the speed limits and we shouldn't put up with it no more. That's my point. Selectman Coutu indicated that he hears him. Selectman Luszey didn't think it is the kids of this town that's doing this. It is people from outside our area. What we need to really figure out is how to start that from occurring. Now you said you had cameras up there. Why aren't the cameras there? Kevin Burns said the kids smash them off the wall with rocks, and bricks, and ...Selectman Luszey said not to go there. Really because all that says is we really don't want this park so we're not going to police it, and we're not going to enforce it, and we're not going to catch the perpetrators and hold them accountable.

Dave Yates said to Selectman Luszey are you saying that we should only let Hudson residents use it is that what your thoughts are? Selectman Luszey stated that's not what I said. I said let's find out...it's there for the Hudson residents but because someone from outside the area is vandalizing it, we are going to punish the Hudson residents. Dave Yates stated we did receive a couple of grants from Hillsborough County so we could not strictly put it to Hudson residents. Hillsborough County gave us 2 different grants to build a skate park. Chairman Maddox said if we can't enforce not breaking things, we're certainly not going to enforce residency. We have to be real. How much damage in dollars has been done in the last year? Kevin Burns indicated most of it is labor because everything in the last year is pretty much already gone except for the two benches that maybe \$200 a piece. Only because they're the only things left. Of course the flag was stolen, so you can add another \$150 there. The lights off the flag poles have been kicked off again, and again, and again. We just don't put them back up any more. Mr. Yates indicated the ramps have been graffitied several times. Chairman Maddox said so a couple of thousand dollars. Mr. Burns said plus manpower daily picking it up.

Selectman Luszey said the real question is what have we done to figure out who's doing it? Chairman Maddox indicated that was a good question. Just a statement - Selectman Coutu said we're assuming its people out of town. There's no proof and we don't know who did it. So we don't know whether it's kids in town or kids out of town. It would be like saying all the damage at Benson Park is being done by people out of town. We don't know that. I hear where he's coming from and I could kind of support it. I'd like to look at the costs which is let's get more patrols. Let's find a way to put up more than one camera and see what happens. I'm not leaning in that direction either. Right now I'm at the point of putting hot top, filling in the holes that we're going to create by removing the fencing and just leave it the way it is. Kevin Burns said when we put up the surveillance cameras - I'm not fixing blame but what was approved to be spent on the surveillance cameras was minimal. It was a camera with a grainy VCR inside the building is what was approved for funding for the surveillance system. So you bought a surveillance system - I think I spoke to you the other day. You and I could be standing in the park and I could break something and you wouldn't be able to tell whether it was you or me. It was poor quality, inexpensive surveillance system.

Chairman Maddox said that's why I was really asking how much money we put into this park. I am right in the middle of this. I see both sides of this. I see that it is by nature an attraction to break things. I hate to say it that way but I mean its young people that they're at that age. Why should we pay that much to do it? On the other hand if we had not done things to counter act that, I did talk to Captain Avery from the Police Department and he told me that he's stop by there just stopping by on Friday night and there was 5 people there skateboarding, pleasant, wonderful and all those. Again do we spend money on a camera system that will give us much better results, put back some of the amenities, eat some costs, and see where it takes us

or do we close it and say just take everything out it for now and just leave the fence up until next year and we'll come back with a plan next year. I think that...Selectman Luszey said to Chairman Maddox given today's cost of high quality cameras, they could do a lot. Hudson Cable just bought a great little helicopter that took pictures of the senior center.

Selectman Brucker said she was in favor of giving it one more chance, setting a time limit on it, repairing the ramps if they're broken because I think they need to be fixed, and painting all the graffiti. It's just really basic stuff and then trying these better cameras and see what we come up with in terms of if people are still vandalizing it. Is there any way to put the cameras that they can't get to them? That they can't smash them?

Leo Bernard has some input. HCTV does like you said have cameras and stuff. This is something that maybe HCTV can help out with cameras and stuff - quality and try to help out. That's why HCTV was to help the Town out. So maybe something HCTV can help with cameras or something. I talked with Jimmy and Jimmy was saying he doesn't want to see the skate park close because he has kids that go there too. He mentioned it to me and I just thought I'd mention it to you guys.

Selectman Nadeau indicated that Selectman Luszey said that the cameras are inexpensive now. I might be interested if the price was right to get top quality cameras with some protection around them and leave the park open as it sits and catch the people that are moving the ramps around, and doing the damage that's being done. I asked last week if anybody wanted to come and discuss the park us come during public input. We got one letter. I got some phone calls. One of them was a very interesting idea to repurpose the park into a cat park. I would be interested in finding out how much some new cameras would be and give them a shot at keeping the park open. The letter that we had had some interesting ideas in it. I was hoping that the person who sent the letter would be here tonight to talk during public input. I think we should get some prices on fixing up what we have. We do have a substantial investment in this park 12 years ago. I don't suggest replacing anything in the park other than the flag and maybe the cameras and see where it goes. If the cameras are that good and it shows all the trash on the ground everyday and we look at it and say it ain't getting any better, then we close it up. From the research that I did, cat parks are very inexpensive and low maintenance.

Kevin Burns asked who would monitor these cameras. Selectman Luszey stated the Police Department. Selectman Nadeau said it depends on how you have the cameras set up. I've heard that there's a couple different versions. One of them you could have it sent to your computer and in the morning if the place is trashed, then you look through the camera and say it happened here at this time but if there's not problems, you don't have to look at the camera and you don't have to worry about it but we did say if there was any more problems, we would close the park. If there's this many people that want to keep the park open, I'd really like to hear from them.

Chairman Maddox stated to the Board that we have a couple of options here: close the park, keep the park open as it is, and try to find a price in the middle to see what options we have for security. I think that the police liaison should touch base with the Police Department to see how many directed patrols, how many - again, I don't want to close it but I also don't want to put Mr. Burns' staff through every day 45 minutes of picking up somebody else's trash.

Selectman Luszey had a closing comment. When we had vandalism at Benson Park, our Police Department went out and figured out who did it and prosecuted. Yet we don't see that here. There is a definite bias around the different parks and what we want to do.

Selectman Coutu said he resented that and I'll tell you why. When you're saying that the police are enforcing or are finding and prosecuting people at Benson Park and they're not doing it - in essence you're saying they're not doing it at this park and there's a biased. I don't think our Police Department is biased about whether damage is done at Benson Park or done at any park. If they can find the perpetrators, they get them. What's been fortunate for us with regard to Benson Park, and the Chief is welcome to come in and respond to this or contradict anything I want to say, is that on the basis of what I'm hearing, they have informants that have given them information about the vandalism at Benson Park. I don't think it's a question of their being blinding by the fact that there's problems over at the skate park. What I'm hearing and what I have been hearing is nothing's been said to us. This is all new to us right now. That has nothing to do with what the police is doing. The people who I think Mr. Burns' staff felt it was easier for them to just pick it up, and clean it up, and not say anything and now to them it's become a problem. Where I'm torn is I am torn about not providing a recreational tool. The only one of that nature in town to those people who like to use it and I mean 4 years ago when we had this problem, it was resolved very quickly with the threat, the neighbors, the parents got together and they maintained a park. Now we have a letter saying from one person that maybe we should form a skate park committee. Then the next thing you know we're going to have to have a tennis committee, and a volleyball committee. We're not going to have a committee. If parents want their kids to be able to use the park and they indeed have kids that use the park, they should go there and monitor the kids. If the kids aren't cleaning up telling them to clean up afterwards - I'm torn between a department head that I respect greatly who has never let us astray who's telling us it's a financial burden, time consuming for his men, he's got things for them to do not to be out there sweeping glass every day. I suspect that regardless, this is where I'm torn, that this damage is being done in the late hours of the evening and the early hours of the morning. That's when it's being done and it's not skateboarders that are doing that. Is it possible that a skateboarder is made at some kid and on the way by he throws over a barrel? Yeah it's possible but the amount of damage he's talking about - taking the ramps out, and putting them outside the gate, and climbing up and tearing down an American flag, and damaging cameras, those things I'll bet you 10 to 1 odds that it's being done after sundown and between sundown and sun up. Maybe we need to have more patrols at night. I know during the day the stop, they talk to the kids, and they say how polite the kids are. Dave said 3 years ago or 4 years ago he had the problem going in the park and the kids were

threatening him. They told him to get lost; they were giving him the bird. They weren't going to put on helmets. I can understand. We didn't hire him to be a babysitter nor did we hire these two department heads to be babysitters at a skateboard park. If it's not happening during the day and these kids are using it, maybe if we're going to go in the direction of keeping it open, maybe we should install a couple of good cameras, figure out where to put a second one, and ask the Police Department if they can cooperate with us in monitoring it. It's just another monitor in their place, in their facility. I don't know. I still don't know which way to go. I hate taking it away from the kids and at the same time I don't want to see him overloaded. If we can reach a compromise and say let's give it one more shot all the stuff is there, paint it up, fix it up, throw it in there, and give it one more shot and see what happens, then I will never be swayed again not to do that. I don't know.

Kevin Burns asked to briefly defend myself about bias against the skateboard park. Dave and I championed this. We went out and got the grant. We did the work. We built it. I'm not biased against it. It was our idea to build it.

Selectman Nadeau said he'd like to keep the park closed until we get the camera. If that's the route we're going to go until we get the pricing in and see what we're going to do and see what we're going to do and see if there is as much outcry to keep the park as we've heard.

Motion by Selectman Nadeau to keep the park closed until we get pricing and decide what we're going to do with the park.

Selectman Nadeau said he hadn't heard anything from like I said the public other than a couple of people that have approached me on it. If there's a big outcry to keep this park, then I expect to hear from some of these people and give us some ideas how to take care of these problems.

Motion by Selectman Nadeau, seconded by Selectman Brucker, to keep the park closed until we get pricing on the equipment and upgrades that we need to do to the park.

Selectman Luszey said he would not vote in favor of that because the way it's worded right now the park will be closed forever. There is no time frame as to when any type of information is due back here for a decision to be made as to the future of that park.

Chairman Maddox said you would amend your motion Selectman Nadeau to say the next meeting.

Motion by Selectman Nadeau, seconded by Selectman Brucker, to keep the park closed until we get pricing on the equipment and upgrades that we need to do to the park and further amend to come back to the next meeting.

Chairman Maddox thought it was a lot of angst if cable TV is willing to work with us to get some pricing...Selectman Coutu said you could get a great system at Sam's Club for \$700 or \$800. Any of the box stores they have those systems that are...Selectman Nadeau thought maybe the cable company can get them cheaper with better equipment and cages.

Chairman Maddox reiterated that the motion is to do the research on what it will cost to camera up this area...Selectman Luszey asked who was going to do that. Chairman Maddox said he was getting there Sir - to ask the police liaison to talk with the Chief to see what they can do as far as patrols and what issues...if you could get us a list of what has at that site. As far as who is going to do this...Selectman Nadeau said he would say the Recreation Director. Chairman Maddox thought it should go to the Town Administrator. He can delegate as so desired.

Vote: Motion carried 5-0.

Selectman Luszey told Kevin Burns that it was nothing personal.

B. Alleyway Findings - Next Step

Chairman Maddox recognized Selectman Luszey.

Selectman Luszey indicated that he's been having a great time with this. As you know, a couple of meetings back I requested all of the deeds for all of the lots that abut the alleyway. Through that information finding session, I also discovered that the alleyway actually extended further on both ends. I don't have the lots in front of me. If you were to take a look at the current lot layout plans up there, you would see that the alleyways somehow got absorbed into a couple of end lots which suggest that when the Town did its renumbering of the lots back in 1984, there was some miscommunications about where lot lines were, and where alleyways were, and stuff like that. To make a real long story very short, we now I believe need to have a real estate attorney take a look at all of these deeds, how we got to where the alleyway became deeded because I don't believe it should have been deeded as a lot and taken for taxes. So my request is that we ask the town attorney to basically bring in a real estate attorney and tell us what is right and what is wrong with all of these deeds, alleyways, and whatever and give us options on where we can go forward to straighten this out.

Chairman Maddox said he knew people in the audience are waiting for our words of wisdom here and I think, again, we've got this whole packet and it doesn't make it any clearer after all this research that you've done.

Selectman Coutu said he had a curiosity. I guess if you want to stop me from doing it you can do so you're the Chairman. There are a lot of people here who are immediate abutters, or are going to be affected by whatever we do. I'd like to know by a show of hands how many people who are abutting the alleyways or are going to be impacted by this would like to leave it just as it is? So it's almost unanimous. Are you abutted by the alleyways because I think I've seen you at meetings? Unidentified Male Speaker said this was his first meeting. Selectman Coutu said he appreciated the work and I know that Selectman Luszey would like to bring this to a conclusion. What I see happening is that what it's going to entail is a very expensive ordeal to try to straighten this out. If a land lawyer/real estate attorney comes in and he needs more time and more time, the bill is going to be adding up at \$75, \$125 an hour for whatever to do all this work and then if they decide well the only way you're going to resolve this is we're going to have to subdivide all the land at our expense or at their expense and we're going to have a nightmare. It was clear to me based on the amount of e-mails that I was receiving that the majority of the citizens, and that's the only reason why I asked, I have not had a personal conversation with any of them so that that's clear but based on the e-mails and the tone of the e-mails, everybody was saying to me why don't we leave it just the way it is. I thought that everybody would jump at the idea of subdividing the land and giving them each their adjacent parcel. It's a little, based on what I've read and the communications from Selectman Luszey, it's a little more complicated than that. The lines may have been defined in the 1920s or 1930s who knows. No one seems to be complaining except we had one maybe two at best complaints and now it's down to this. I think the majority of the people would like to leave it just the way it is. We need to enforce access and egress and we may have to tell one or two people that have a shed on the alleyway if it's blocking the alleyway, you're going to have to move it into what is known as the existing property line just to make sure the alleys are accessible on both ends. That's the purpose of an alleyway. It's an emergency access area for people to get in and get out. If they're using it to bring their cars to the back of the property because they don't have parking in the front, I can understand where we're coming from. It's a matter of do we want to commit a lot more time and a lot more money to resolve this problem. We don't know what the cost is going to be or what the outcome would be. If we go through all of this and there's a plan to subdivide and these people don't want to do that and they don't want the added expense of having to re deed their property for land that we probably are going to have to sell them because we can't just give land away, we'd have to go up to auction and God forbid somebody comes in and says I'll give you \$7,000 for both alleyways and their bids combined don't come up to \$7,000, now we've got a new alleyway owner. This can go down several ways and I'm very concerned about what direction we take here tonight if we're going, in fact, make a decision here tonight. I don't know where we want to go or why we want to take any action.

Chairman Maddox indicated that unfortunately at this point Selectman Coutu it is our property. Good or bad, somebody's mistake, whatever, its Town property. Selectman Coutu said to let's enforce the egress and access...Selectman Luszey said it was more than that. There's an alleyway that extends across the street that doesn't exist anymore that should exist across two lots that somehow that property got absorbed into those lots and it's going to impact them.

Just for the purpose of clarification for me Mr. Chairman, we're talking one of them being at the Legion. Selectman Luszey said the Legion and the other one on the other end. Selectman Coutu said he knew which pieces he was talking about and wanted to be clear.

Chairman Maddox said, again, we're trying to balance not spending a lot of money not impacting these people but its still town property. We can't give it away. We'd have to give it back to someone and we don't know who the one it is at this point because it was unknown 35 years ago. I don't know where we're going to go but I don't think we can just say keep doing what you were doing cuz it's not fair to the people that want to park at Benson's all night on town property.

Point of clarification. Selectman Coutu asked if they were parking in the alleyways or are they using the alleyway to pull into their property to park. I didn't think they were blocking the alleyways at night. Chairman Maddox said, "Oh you're going to open this can of worms aren't you." I don't know where to go with this. Does the Board want to hear from the audience cuz they're dying to tell us something.

Again Mr. Chairman if I might, Selectman Coutu didn't think it was necessary but the Board insists on letting everybody come up - I just think they're waiting for us to come to some resolution. They're going to give us the same arguments they gave us before and I dare say now that I opened that can of worms. Most of them are going to say I agree with you Selectman Coutu. Let's leave it just the way it is. It's our land. We have the right to let them use it.

Selectman Luszey said he didn't think it's ours to be had. That's one of the problems is we took it for taxes when we most likely should not have because it was a paper road. Just like Wall Street. It's a public access way. The town owns it but it's not a designated lot. It's a paper street. In 1984 when they redid all of the lot numbering, they decided to do a Quit Claim Deed to make it a lot which is really not covered under any of the ordinances and we need to have that fixed.

Selectman Coutu stated not necessarily. If all these years have gone by and it's never been challenged, the term "grandfather" in this case applies to us. If we're grandfathered, we can do what we want with the land. Its two idle parcels of property. They're listed as parcels. They are two idle parcels of property. They're not accepted roads. I mean if you want to open up a can of worms, if you really want to open up a can of worms, I'll take you around town to a lot of the properties we have that people are using part of their backyard is onto our property. Are we going to start throwing everybody off property that we're not using that's just sitting there until we decide to sell it? It's going on. These people have no problem with the way it exists - he majority anyway - have no problem with the way it exists and until it's challenged, why are we going to mess with it? Selectman Luszey indicated because it was challenged. Selectman Coutu said it wasn't challenged. Selectman Luszey said it certainly was. Selectman Coutu said Selectman Luszey it wasn't challenged. I submit that we reacted to a citizen complaint

because we had received the same complaint at least a couple of times and it had to do with access to the alleyway. It was just a Winnebago or a vehicle of that sort was parked and blocking it. It became a neighbor to neighbor type of dispute and we reacted to it. Now we've reacted in a way of opening up a Pandora's Box.

Selectman Luszey said that in essence was the challenge. When you have a citizen that filed a complaint and we had our Police Department respond three times and the Zoning Enforcement Officer write a letter to enforce a code, that means this has been challenged and we need to address it.

Selectman Coutu said he didn't get it. I just don't get it Ted. I don't see how there was a challenge. The challenge was for us to correct the problem. Law enforcement and Code Enforcement are the people who enforce our By-Laws, our town ordinances, and that's what the challenge was. The challenge was met. They went over and told them to move it. The problem was that one of the properties involved was by management by abstentia. The property owner doesn't even live in our town. We're dealing with tenants and you can't just go tell the tenant what to do because you've got to tell the landlord to tell the tenant what to do. You know you own property. You would resent it if Nashua or wherever your property is would go in and start telling your tenants what they can and can't do. You'd say hey wait a minute I own the property. You tell me what my tenants can and can't do and I'll decide. That's basically what the problem was. I just think we're going down a very expensive, confusing, probably never be able to solve, waste of money.

Selectman Luszey said his response to it is we enforced one so why aren't we enforcing them all? That's the challenge. Selectman Coutu stated he didn't know what he means by "all". Chairman Maddox said he's going to take the same ride that you want to take and show us all the places that people are doing something. Good or bad, these people brought it to our attention. It is town owned property. If you're going to allow people to use town property for private use, then how do you stop anybody else from doing it I guess is the question.

Ah ha Mr. Chairman - ah ha. Selectman Coutu said this was his ah ha moment. We're not letting them exclusive use those alleyways. Chairman Maddox asked if he could put his shed there. Selectman Coutu said it is supposed to be - I said, we may have a problem by having to ask one or two people who have a shed either move the shed over and just get it on your property and keep that 20 foot barrier so that it's an access way. I want to go down that alleyway. I should be able to traverse down that alleyway. Its town owned property. Why am I going to go down there? Why is somebody over on Robinson Road going to go down there? Why is somebody who lives adjacent to me in the south end of town want to go up and use their alleyways unless they're there to cause trouble or they're really lost. If they are, then we need to call the police and we have another problem. I just think that we're going down a path that we're going to regret financially and time wise. I think we need to resolve this. We need to give these people an opportunity to go home and have peace of mind. We're just going to let things be and we'll go and have the Code Enforcement Officer and go to talk to one of the two people that have - I don't know if there's one or two that have a shed or whatever they have on the alleyway, to make sure there's a 20 foot wide path, bring it over to that 20 foot line. It's not difficult to determine a 20 foot line to give access way so that people have free access in and out of those two alleyways period and just drop this whole thing.

Selectman Luszey noted that would be fixing that but what about the end two lots. Those alleyways still exist. So are you going to be okay with telling the owner on the end that you're going to have to start letting people through your backyard? Selectman Coutu asked if that was the one with the multiple apartments - that end. Selectman Luszey said it's on the Gillis side and you have the Legion problem. Selectman Nadeau asked what the Legion problem was. Selectman Coutu stated they're on part of the lane - the parking lot is on part of our property. We've researched this. Selectman Luszey indicated that was his point. Somehow the two ends - those alleyways got absorbed into a couple of lots. They no longer exist but in the deeds, they still exist. Selectman Nadeau asked if you can travel over the parking lot, correct. Selectman Luszey said if you look at the map, it doesn't show the alleyway.

Selectman Nadeau thought what we need to do is probably just put no parking on the ends in that 20 foot section of road so that the alleyway can remain open and I think that will solve...Chairman Maddox asked why don't we just pass the alleyways ordinance that the whole thing started with? At the request of Selectman Luszey and his willing to volunteer to research this, and I certainly appreciate the amount of time and effort he's put into this. He's been well respected by the community. That's a fact. We agreed to put off the vote until this study was done. I'm not taking this lightly. I'm taking where we're going seriously that we maybe going down a path that taxpayers don't want us to go down in terms of cost, expense, and God knows what. To these people, they're going to sit and wait until all this comes and at the fear that we may have to re deed our property. We may have to pay for this land. We may have to this. We may have to that. People say well we don't want it. What are we going to do with these little parcels here and there? Just leave it alone before it becomes a real nightmare. I'm at that point.

Selectman Brucker said I'm at the point where I think that the important thing is that everyone has access to that alleyway. Now whether or not they're driving on a parking lot, it needs to be open. I know I guess there's a couple of sheds. As Selectman Coutu said, those will have to be moved. I don't know can people pay us rent for using something that's not moveable? Selectman Coutu said its town owned land. We start charging rent we better put up toll booths on all the roadways in the town. We can give them access to it. We give the public access to it. Not just them, the public may have access to it. I don't see anybody else going in there using their alleyways.

Selectman Brucker said her question is what would be our maintenance responsibility - none? Selectman Coutu said it's a paper street. It's not an accepted road. We do not have to maintain it. We didn't have to maintain Wall Street. That was a paper street until we decided to accept it. Selectman Brucker said she'd go with the Town keeping ownership of it and not trying to do anything else with it.

Selectman Nadeau thought the easiest way we could get away with doing this is just put in front of the alleyway the 20 foot section no off street parking. What I'm saying is not parking in the alleyway. Now if you're the homeowner and you had to get a load of loam or load or unload your pickup truck, you can drive down there and you can't park it there. You can load, unload, do what you need to do but you can't leave it there overnight or anything like that. I think it would be a very simple thing just to put no parking in the alleyways with a big sign out at the end of them, and no parking within this 20 feet wide section on or off street parking, and be done with it.

Chairman Maddox indicated that's pretty basically what the ordinance was. The other option we have is they can go to the Town Meeting to the ballot and request that we surrender the land to them or let them use it for the next 30 years like we have the dog park and soccer field, the football field. Again, there are other options. I don't disagree with Selectman Coutu that I don't want to spend tens of thousands of dollars doing deed research.

Selectman Luszey said he respectfully disagrees. This is a public right of way. It's not like a parcel of land that we own. There's verbiage in all the deeds that talk about its use. I don't think...Chairman Maddox indicated to pick up waste. Selectman Luszey said no. As a matter of fact, someone said that this was for a trolley. If it was under any of the railroads, there's over 150 statutes starting in 1973 that define how those types of easements get turned back to the federal government because the federal government is the one that granted all of those. I could not find any reference to those. These alleyways or right of ways were set up by Gillis when he created this subdivision I guess. So in 1984 when we took and created that deed if there was no owner of record, it was the Gillis Estate. I cannot find any record of us the Town doing a proper title search that said who owns this alleyway. My guess is the Town took ownership of it as a paper road which we shouldn't have made it a lot. It should be much like Wall Street is today - a paper road and there are ordinances and statutes that cover how paper roads are accessed, and used, and all that. That's why I think we should revert it back. Undo those deeds and also figure out what happened to the alleyways. I can't read the lot. It looks like 168 - I'm not sure - 95 maybe.

Chairman Maddox indicated that they have a couple of opposing views here.

Selectman Coutu said he was in favor of going home early like everybody else but at this point if you feel that - maybe we should get some input. These people came here. Time limit 2 to 3 minutes each person. I'll time them. That they be polite and appreciate the fact that we're going to limit their time. Chairman Maddox thought they're going to say we want what we got. I don't think we need to spend a lot of time going around and round. If you have something other than we should just leave it as it is cuz that's the way we'd like it..

Jenn Robichaud - I live on Haverhill Street. My parents are direct abutters to the alleyway. I lived over there probably 25 years and then 5 years on the other side of the alleyway. I'm very familiar with its use. You've done a lot of research so you know now how it was acquired. In my brief minutes, I'd like to know how it is no one is really upset about the fact that the Town took it, didn't notify any of us, didn't get involved in the law suit in '87, '88, and '89, told my parents your problem, yet they own the property.

Chairman Maddox said he would answer her question. When we take property, we do not have to notify the abutters by statute. So that's just a non issue. I know the answer to that one. Mrs. Robichaud said she understood but I think would people would think that it wasn't a good move at the time. Now there's question whether you truly own it at all. The Town told the abutters there's a fence going up, that's your problem. I don't know why the Town didn't assist at that time if they were owners of the right of way why they allowed abutters to pay \$3,000 into the court to open up an alleyway which they owned since '83. That's rather odd. The one thing I was hoping that someone had research - I had sent over some information about adverse possession to your offices. I'm not an attorney but I wonder if your attorneys gave any input on that which if I can kind of dumb it down. If you and an abutter are living comfortably next to each other for a time of 20 years and during that 20 years say a fence goes up and he puts it on your land but you don't know it, and it goes on for 20 years, you're all friends, you don't know it's on own your land, he thinks it's on his land, and then you find out it's not. Tough. Chairman Maddox stated you are absolutely right but it does not apply to governmental bodies.

Selectman Luszey indicated that Attorney Hodes did send us a letter. There's either 3 or 4 different ways that that affects us but there is nothing in this situation that would apply to any case laws or statutes on adverse possession. The closest one was the last one that dealt with the way the tax bill was paid and basically the town owed a particular person only the prior year's taxes back.

Jenn Robichaud said she would hope if it does apply in any way it would be exhausted we could walk away from this because you've got people who have used their property for 20 years. Nobody in the town knew they owned the alleyways, cared about the alleyways, fences went up, people parked for 30 - 35 years. Somebody new comes in and here we are. I totally agree with your point. You're talking about thousands and thousands of dollars that come out of our budgets and our checkbooks.

Daniel Gonsalves - 49 Central Street. I'm right on the corner of Central and Gillis Streets. My wife and I lived there with our family this October will make 18 years. Because of the size and shape of our property and with all the new setbacks from when it was originally constructed in 1937, we have no off street parking formal. So we had been instructed to use half of that area to park our cars. I heard about we can enforce this 20 foot wide end. Nobody park there. We still wouldn't have an option unless something was done to mitigate with a variance or something the setback and allow us to have to cut a driveway in that area. I think we would need to get Town Planning and Engineering involved because we are relative close to the corner. Just proper site lines and setback from a corner coming in and out and cutting a driveway any different, so this could get really big and expensive. I know personally for us in order to come up with a solution. There's lots of things that are happening in this alleyway between the two ends other than sheds whether they're leaching fields, there's fenced in portions in both areas. There's just lots of stuff happening. I can understand about what happens to the deeding of some of the areas. In particular, I'm kind of interested in my property and space in the road. However, it's going to be interesting to see what happens to everything. There's a few different things happening that I don't think a resolution is going to fit. One resolution isn't going to fit everybody. In particular for our property, what happens with attaching some type of documentation saying what this property is allowed and not allowed to do again because of the ability not to at this time cut a driveway. Pretty much all the other properties have access to a driveway at the front of their property whereas we don't. Some of them have it on the side as well because they have a double lot or that type of circumstance. I just wanted to bring that up again just because some of the solutions and resolutions I heard didn't seem like they really fit for us in particular.

Relative to that lot across the street from ours, Mr. Gonsalves said there's a gully there. If you allow people to drive that way, they're going to go right into the gully. Chairman Maddox asked if you had the access using this alleyway to get to the back of your property, then you could put a driveway in the back of your property. Mr. Gonsalves said the way it's situated, a portion of it could come through the back but there would need to be some adjustments with easements and then also we'd just need to understand on the back side of it. Chairman Maddox stated he knows a number of people have garages to the back of their houses that abut to this alleyway. Mr. Gonsalves said they do but I think in our situation, we live on the corner and on the corner with Central Street, which is a very busy street. I don't know if Town Planning and Engineering is going to have a different thought as to what can happen there versus to say the other alley. Chairman Maddox said this would be in the back. I'm saying you'd use the alleyway. I know there's at least one that has a garage that's in the back of their house. Why wouldn't you have the same - you'd have your driveway at the back of the house. Daniel said they potentially could but we would need to have Town Engineering in and I think Planning help define.

Selectman Coutu told Daniel that I think you sent me an e-mail a long time ago. Your property if you were to put a driveway in the back to accommodate 2 cars? Mr. Gonsalves said two cars but we may have 3 in the future. Selectman Coutu asked if he had enough room to be within 15 feet of the corner and start the driveway there. I don't know where your house is, how far off the corner it is, how big it is, but wherever. Can you come in here 15 feet off the corner, start your driveway and build and you enough land to build enough for two cars, which would be 18 feet? Mr. Gonsalves said there's a possibility there. Selectman Coutu noted if you could do that, I don't think you'd need a variance or bring in anybody as long as you have the 15 feet. I think there's a 15 foot setback on the side. Mr. Gonsalves said they'd still need to have Engineering and Town Planning help us I think lay it out just so we can make sure...Selectman Coutu said to have your contractor lay it out. You don't need to tie up our department to do that. You're complicating something that - I didn't have anybody lay out my driveway. I just called the contractor and said I want a driveway right there and he built it. Daniel said he has a document from Engineering to fill out and show them where the property...Selectman Coutu said they want to make sure that you have the 15 feet, the proper setback. Daniel said they also talked about having angle of sight from either end of it going to a corner and a distance also. There was some other things that I didn't understand. Town Planning had mentioned that they would help us. They may need to help us and figure out.

Mark Nadeau - Good evening. Mark Nadeau, 39 Central Street. I'm also agreeing with the previous abutter. I'm on the corner of Central and Fulton, the multi-tenement. A couple of things. Alleyway A and alleyway B have totally different issues. Alleyway A hasn't been used for over 40 years. You couldn't drive a car in there if you wanted to with trees and so forth. There's separate issues I understand. The issues in alleyway B and I respect those. My biggest issue and hardship is parking. I have a four unit apartment house typically require about 8 cars of parking. For 40 years the Town has allowed me to use that property, maintain it, and use that. I'm going to have a real hardship and be turning to the Town because there's no off street parking, the lot is 75 by 100, where am I going to cut a second driveway. I just put in a new sewer line that the Town would not let me alter the location of that - the footprint. I'm not going to park cars on a brand new sewer line. How are you going to adjust the hardships that you're causing for the people? We met here a few times, you told us you were going to work with us, and now it seems like you're trying to wrap it up. I understand the financial cost of this is very costly. I think the majority of us here and coming to these meetings the only agreement we want to continue using it the way we've been using it. It's the most reasonable, fiscal, cheapest way to get out of it. We've had a couple abutters that seem to be struggling. I haven't heard anything about anybody approaching to try to resolve that. I guess my big concern is I guess I've to look out for myself as far as the hardship it's going to cause. Where am I going to park 4 more cars on the corner of Central and Fulton? You know what you're saying you're going to enforce an ordinance, I think through most of the meetings we've had the conversation has been we don't really know if its 15 feet or 20 feet. We don't know what we have. To Selectman Luszey's point, Mr. Nadeau said we've got to do a little homework and spend a little money and find out what we have here or its going to be an ongoing thing.

Selectman Coutu said that this was not an attempt to just wrap it up. It's an attempt to try to satisfy the majority of the people and I understand that there are going to be individual problems. I understand that. I certainly wouldn't have bought a four apartment house unless I knew I had proper parking for my tenants and there was deeded parking. That's an investment that

certainly hasn't gone sour. It's been accommodated by the use of the driveways. I understand the individual problems that they have and they're going to have to work out and we as a town will certainly work with them. There are no guarantees in life but I'm saying if we left it alone and we put a sign up "do not block access or egress", you can interpret that however you wish. That's the coming in and the going out. It doesn't say anything about in between. These people have been accommodated all these years and now we're turning a mole hill into a mountain. It's not going to just cost us a few cents to get this done. I'm telling you when we're done with this, we're talking thousands upon thousands of dollars and perhaps a severe financial hardship to each and every one of you perhaps. If the land is deeded to you, we can't give it to you. We have to apportion it on the basis of value and you would have to pay the Town for that land, and you're going to have to record your own deeds. Some people might find it easier than others to be able to do that but I'm trying to find a way that has the least amount of impact on both of those neighborhoods. If alleyway B is not a problem because it's just overgrown and no one cares, then so it is. We're dealing with alleyway A and if we're going to leave alley B the way it is, why don't we just leave alley A the way it is. I'm right back where I was. I'm full circle again. Just leave things alone. Unless this Board is willing to commit to the manpower, the legalese, and the labor costs, and still perhaps not even get a resolution, then let's go in that direction. Let's spend the taxpayers money for that alley.

Chairman Maddox thought that we should probably research what it is going to cost. I think that we could ask the Town Administrator to get a price to see what it will take to do the deed research that we obviously couldn't do but they must have a better way of doing this. Selectman Luszey I know that the interns were over at the Hillsborough County Registry of Deeds for a number of days...Selectman Luszey indicated we got back so far but...I've got all the deeds here. The real issue now is looking at the verbiage in them. They vary a little bit and determining how first, how we ended up taking a public access way for back taxes. That's the first thing we need to answer. The second thing we need to answer is how we eliminated alleyways in two other lots. If they could have been eliminated, then there's probably a mechanism to eliminate these alleyways. I don't think they did. What really is going on is these lots that are now shown on a plan have public right of ways going through them that someone could go through the guys backyard and they may not be too happy about that. They could start traversing that back yard if they now know that there is a right of way, a public access way across their backyard. The Legion is parking in a no parking zone.

Again, Chairman Maddox said the legion was a town building that was some part of the government. Selectman Luszey said no. It was part of an estate that got willed over to the Legion. Selectman Nadeau thought that the Town did own it at some point. Chairman Maddox thought what you just told us Selectman Luszey is there's no sense in spending money to research - it's really a function of someone, the infamous Mr. One, made a mistake whether by taking these lots, not taking the other lots, pick your choice. How do we get rid of them? I'm still not with you Selectman Coutu to just say keep going where they are. I think we need to find a resolution that we don't own it any more so how do we get rid of it?

Selectman Coutu said if we don't leave it the way it is, this is what's going to happen. One of several things are going to happen. One is the added expense. The most important thing, the angst that a lot of these people are having is not being able to have a place to put their car. If these lots are all subdivided, that alleyway is all subdivided. Those people on the interior portions of the alleyway that's most affected are not going to have access to any parking spaces. They're just going to have a parcel of land period. How they're going to get in to make parking spaces inside their land without hitting an abutter because now they're going to be directly abutting each other, they're going to have no access to bring cars into that alleyway whatsoever to park behind their homes. We're going to deed them out to each of them individually. This is where this is going to end up.

Selectman Luszey stated we undo the title on the deed on it. It is still a public access way. Chairman Maddox agreed. That stays. Selectman Luszey said it doesn't belong to the town per say the way it is - it's titled to the Town. It's deeded to the Town and we need to undo that to bring it back to...it becomes a paper road which is very different. There are a ton of ordinances that now regulate how and what happens with paper roads and our responsibility to it. The point is you do that, yeah you may be able to walk from it and say just leave it the way it is. On paper roads, you still are not allowed to park. You're allowed to transverse it. That's the whole purpose that these alleyways were put in place based on my reading them all is so that people can get access to the back of these lots.

Chairman Maddox told Selectman Coutu that he was going to have to agree with Selectman Luszey. Even if we gave them, and we can't, but if someone gave them the land, all the abutters have a right to traverse that 24 foot wide strip. We can't extinguish that. Selectman Coutu said he would beg to differ. Once you give them the land Mr. Chairman, it's no longer a right of way. It's their land. They can dictate what they want with it. They can put a shed on it. They can put a garage on it. They can put a pool on it. It's their land. Chairman Maddox said there are easements that unfortunately say that that's not...Selectman Coutu said to put a fence around it.

Selectman Brucker asked how is this the way that it is different from being a paper street. Selectman Luszey indicated that right now we do not have any ordinance that dictate what can and can't happen on a lot. On a paper street, there are ordinances that we have that talk about overnight parking, no overnight parking, and things like that on streets which they fall under. It also does away with the inaccuracy of the drawing. The drawing shows it as a bounded lot and it's not a bounded lot. It is a right of way. Very different when you are looking at a map of a subdivision. Selectman Brucker said we shouldn't keep calling it a lot. Selectman Luszey said it is right now because the Town made it a lot in 1987 when they filed a Quit Claim Deed because they had owner of unknown.

Motion by Selectman Coutu, seconded by Selectman Luszey, to request the Town Administrator to solicit information in regards to costs and correct deficiencies in land known as Map 182, Lots 23 and 29.

Selectman Coutu said where he would become very upset is that - we're going to research and if it's a very costly proposition, then we have to address that. We have to address whether or not we need to. If it's not a costly proposition and the solution in any way adversely affects a majority of the owners of the property, I'd be willing to back right out of it and go right back to my original position is let it be what it is. I just don't want these people adversely affected financially or otherwise unless there's a reasonable solution to the problem that's cost effective if there is a cost that's to be applied, a cost effective to use and would be cost effective to the property owners, then we'll deal with that. I think we need to find out if it can be done financially reasonably, then let's proceed in that and then we'll see what the results are at that point. I'm going way out of...

Selectman Luszey said he was okay with everything Selectman Luszey said up to the point where if it's costly, then we're going to leave it as is. Selectman Coutu indicated that was his opinion. Selectman Luszey said if it comes to that decision point, I would like to have a legal opinion now as to what we can give these folks in writing as to what can be. The gentleman that owns the multi-tenant with no parking, it will greatly impact the value of that property if going forward he doesn't have the right when he goes to sell it to have parking for his tenants. Without something in writing from the Town that says that they can have that, then there's a problem and we need to resolve that. Selectman Coutu agreed.

Chairman Maddox indicated he was sitting here saying I don't know how we're going to resolve it. If we gave it to them as a right of way, it still has to be open. You can't park on the right of way. I don't know how we can...Selectman Luszey said that's what I'm asking. The attorneys need to help us here with how we get out of this. Chairman Maddox didn't see if you could add anything more than what we've got.

Vote: Motion carried 5-0.

Selectman Luszey asked if there was a timeframe as to when we expect something. Steve Malizia indicated he was going to go through Attorney Hodes to see what his recommendation is. Attorney Hodes at our legal firm is the real estate expert to see if he can either handle it or if someone he knows can handle it. I would expect that within the next couple of weeks he'll be able to get us an answer. If we can do it August 27th, then that will be fine. If not, it will be the first on in September. I'm not trying to put it off, I just don't know what their schedule is.

Chairman Maddox told the members in the audience that we'll keep you in the loop.

C. No smoking - Benson Park and all Town Parks

Chairman Maddox recognized Selectman Coutu.

If you remember, Selectman Coutu stated we had a member of the community who came before us last summer and she had some concerns specifically about Benson Park. She was going down near the playground with her children and there were people smoking and discarding cigarettes along the alleyway. I've witnessed it on a couple of occasions. Not recently cuz I don't spend that much time in the park but back a year ago, I had witnessed it. She had sent me an e-mail prior to my going into this last surgery asking if we had given any consideration to discussing it. I told her my plight and she said well I'll see if I can find another avenue. I expect to quickly cover it and reinforce it and she did. I told her there was no need for her come. We've heard the debate and heard her express her concerns about it. At the time the reason why it says all parks is that someone on the Board had expressed that if we're going to do it at Benson Park, we're going to have to do it all over town. I'm certainly not against that. I would respect that a lot of kids go to a lot of these fields. They go to a lot of their parent's ballgames. It's not a good example to have people in these parks smoking cigarettes and just discarding their butt finished or unfinished on the ground in front of these children. It's not a good example. I'm asking the Board to on behalf of her and many other people who feel strongly about it to consider having a smoking ban in all of our town parks.

Motion by Selectman Coutu, seconded by Selectman Luszey, to bring a no smoking ban in all town parks to a public hearing.

Selectman Nadeau indicated that this is going to be one of those ordinances that's going to be really, really, really hard to enforce. As big as these parks are, I don't think we have time to send our police officer down there to write tickets for smoking in the park. As much as I think it's a good idea, I don't think it's enforceable. I think it's a great idea. I just don't think it's something we can do and you can't ban somebody from smoking in town parks.

Selectman Luszey indicated it is enforceable. The Hudson Cable TV folks have acquired this nice little helicopter that has a camera on it. They did a great aerial footage of the senior center being built. You can see people's faces quite clearly. You can see the license plate numbers on cars. We could have aerial fly bys every now and then to see if people are smoking and we could enforce it.

Selectman Nadeau said he will not be voting in favor of this motion to put this forward to a public hearing because I think it is going to be a waste of the Police Department's time in enforcing this. As much as I think - like I said, it would be a great ordinance to have but I think we still live in the State of New Hampshire where its Live Free or Die.

Chairman Maddox said he didn't see it being enforceable. I know we have flying helicopters and whatever. We can't enforce the dog lease law. Why are we going to go after this one? I'm just having a tough time. It's a nice idea but I just don't see how I'm going to take a police officer and have them handing out citations for smoking, which is a town regulation. I just don't see where it's going to take us.

Selectman Luszey indicated that all school zones are non smoking/non drinking areas. I forget how many feet past it that is. Is it enforceable to your standards? Probably not. It is the message that we are sending to the public that we want these parks to be smoke free. They will self enforce over time.

Chairman Maddox said he heard that about the dog park.

Selectman Brucker asked - it doesn't have to be an ordinance - can we just put up signs "Please do not smoke". Selectman Nadeau said nope. Chairman Maddox said you can. Selectman Coutu said if the argument that you presented is correct and this is not enforceable, and we can't enforce the dog leash law, let's entertain a motion then after this motion that we do away with the dog officer and the dog pound that we have and we'll save the taxpayers a lot of money. If we're not enforcing those laws, then let's not have any more and the ones that aren't being enforced that you say aren't being enforced, let's cut the cord and let's save some taxpayer money.

Sorry but Selectman Brucker said she does have a couple of Beagles and they're always being brought back to their house - not always but on occasion. They've been picked up by the Animal Control Officer. I don't think that's unenforceable. Chairman Maddox indicated what I said was we passed a law in Benson's about a 6 foot leash and I bet you 2/3rds of the leashes that are in that park are longer than 6 feet. Are we going to have somebody - again, it's a great idea but the implementation and Captain Tousignant is sitting in the back of the room and I know he'd like to come up and tell us his input on this.

Captain Bob Tousignant said enforcing smoking in the parks in Hudson - I think the Chief has gone to you in the past saying we need more officers in the department for several years. We've been at status quo for several years. I think a comment was made about smoking on school property. I believe that's a State law. That's not a town ordinance. So that's enforceable by a State law. We could patrol the parks and we could crowd the Nashua District Court with smoking violations at Benson Park. I don't think that courts would be too pleased with that action. Chairman Maddox thanked him for his input.

Vote: Motion failed 2-3. Selectmen Maddox, Nadeau and Brucker opposed.

8. NEW BUSINESS

A. Naming of Community Development

Motion by Selectman Coutu, seconded by Selectman Nadeau, to adopt that Community Development is comprised of the newly established "Land Use Division", which includes the Town Planner, Code Enforcement/Zoning Administrator, and two (2) Administrative Aides reporting to the Town Engineer as Supervisor, and Inspectional Services Division, which includes two (2) Fire Inspectors, one (1) part-time Electrical Inspector, one (1) Inspector, and one (1) Permit Technician reporting to the Fire Chief.

Selectman Luszey asked to help him understand how electrical permits, plumbing permits, furnace permits is a land use. Its part of Inspectional Services but it's under Land Use. Steve Malizia indicated they were separate. Chairman Maddox thought maybe he read it wrong.

This is exactly what Selectman Luszey just said. If I may. It is to include the following: Town Planner, Code Enforcement, Administrator, two Aides, Supervisor, and Inspectional Service Division. Selectman Coutu said it should be two different sentences. I understand where the confusion is. It should be two separate sentences. One distinct from the other. Selectman Luszey indicated that "and" is inclusive.

Motion by Selectman Coutu, seconded by Selectman Nadeau, to adopt that Community Development is comprised of the newly established "Land Use Division", which includes the Town Planner, Code Enforcement/Zoning Administrator, and two (2) Administrative Aides reporting to the Town Engineer as Supervisor. Inspectional Services Division includes two (2) Fire Inspectors, one (1) part-time Electrical Inspector, one (1) Inspector, and one (1) Permit Technician reporting to the Fire Chief.

Selectman Luszey said without the "and", there's two boxes on an org chart. With the "and", there's only one.

Vote: Motion carried 5-0.

B. FY14 Environmental Engineering Services Contract - Burns Hill and West Road Landfills

Chairman Maddox recognized Town Administrator Steve Malizia.

Steve Malizia indicated that he was pitch hitting for the Town Engineer. Basically every year we are required to monitor the landfills at Burns Hill Road and West Road. They're a requirement of the closure. We use GZA Environmental to do that work for us. It's budgeted in I believe 5556 for the sum of \$30,000. This is a \$7,900 contract to perform maintenance activities and prepare the appropriate reports to the reporting agencies. This has been I believe a routine at least going back into the '90s for West Road and to the '00s for Burns Hill Road.

Motion by Selectman Nadeau, seconded by Selectman Brucker, to approve the contract between GZA GeoEnvironmental, Inc. and the Town of Hudson to perform groundwater management permit sampling and reporting for the two closed landfills on Burns Hill Road and West Road for fiscal year 2014.

Selectman Coutu asked for a friendly amendment in an amount not to exceed \$7,900. Mr. Malizia indicated that was appropriate.

Motion by Selectman Nadeau, seconded by Selectman Brucker, to approve the contract between GZA GeoEnvironmental, Inc. and the Town of Hudson to perform groundwater management permit sampling and reporting for the two closed landfills on Burns Hill Road and West Road for fiscal year 2014 in an amount not to exceed \$7,900, carried 5-0.

C. Request to Use the Community Center and Waive the fee - Zachary M. Tompkins Memorial Fund

Chairman Maddox recognized Selectman Roger Coutu.

Selectman Coutu indicated that they did this last year and we had no problem. They had a crew that consisted with the setup and they also did the tear down. This is one of the many fundraisers now that the ball field it appears that there's a light at the end of the tunnel and we're getting there. Once we get this asbestos problem resolved, then the family and the committee obviously are going to be looking forward to beginning the process of building the field and we know that it's going to take at least 2 years to get it into condition for use. In the meantime because of their past consideration in how they've handled themselves at the Community Center, I would move as follows.

Motion by Selectman Coutu, seconded by Selectman Nadeau, to allow the Zachary M. Tompkins Memorial Fund to use the Community Center on September 7, 2013 from 9 a.m. to 9 p.m. and to waive the rental fee, carried 5-0.

D. Request for release of Impact Fees

Chairman Maddox recognized Town Administrator Steve Malizia.

Steve Malizia read the decision that the Planning Board reached which was to recommend a release of \$34,286.79 plus interest in Account 2050-186, Impact Fees - Stop & Shop Future Road Improvements, for I'm assuming road improvements proposed to Lowell Road, Route 3A. The Planning Board has recommended this through a Memo by John Cashell.

Selectman Luszey asked why aren't we giving this back given they're closing. Selectman Coutu said no, my question was where's the money going. Chairman Maddox believed that you have been made aware that there are ongoing discussions between Haffners, Market Basket, and the nursing home and that 2 acre parcel between Haffners and the nursing home. Their goal is to close a number of those driveways and force them to a central lighted intersection.

Selectman Luszey said, again, why are we using Stop and Shop impact fees and not Haffners, and Market Basket and...Chairman Maddox said when Stop and Shop was built, they gave \$50,000 for the use for the Town to use for the design engineering, construction of any improvements to the roadway - Lowell Road, from Wasson Road to Hardy Lane which this falls under.

Selectman Coutu stated just because they're going out of business, the money has already been given to us and it's for our use. We are not obligated to give them any money back. That's our money. That's a commitment they made. We received it; we accepted it. It was all in good faith. We expected them and they expected to be there for a long time. They closed early. Mr. Chairman I'm not averse to doing it. I would be however if this supposed closing of access ways in and out of these properties is going to result in a turnaround - roundabout. Chairman Maddox said it isn't in the cards. Selectman Coutu said it isn't in the cards but I've heard it said many times about that area that that would be the ideal location to put it. I'd hate to think that this is what's going to happen and all of a sudden we've lost control because we allocated the money to do this and next thing you know we've got a turnaround there. It's been discussed for that particular area. I'm nervous about it. It's not going to work over there.

As your representative to the Planning Board, Chairman Maddox said he would be jumping up and down on your behalf. I've never heard it mention there but stranger things have happened. You've been on a number of these and that is just not something - I hear that even the one that was going to go on the other side of the bridge into Nashua is in trouble now. What this was meant to do is they are looking to shut off some of those driveways where we have accident points. This will give one centralized lighted intersection. It's another light but it hopefully will make that whole stretch because Market Basket's driveway will close, at least one of Haffners. There's a number of things and again, we have not seen a final plan. So what we're agreeing here to is to contribute toward the construction. I did say at the last meeting that a number of you were upset

about just paying for studies. So this would only be used for actual construction. So those people are putting up their money to do the design. We'll come to the Planning Board and all of that. When it comes to widening, light and whatever it may be, this \$35,000 would be applied towards that. It would not be used for the study.

Selectman Coutu asked if we had a say before. If we do a study can we see the plan before we say okay spend the money? Are we saying yeah go ahead and spend the money. We don't know what the plan is? Selectman Luszey said he was with Selectman Coutu. I'd rather wait to see the plan. Chairman Maddox thought this was more to keep them moving in a positive motion that there was \$35,000 that would be used towards the improvements but if the Board feels that they want to see that there's no roundabout, why don't you just make part of the motion that there will be no money contributed towards a roundabout if that's the concern.

Selectman Coutu indicated that's not my only concern right now. You've raised others and that's how these closures - where are these closures going to be and how are they going to impact the existing businesses that already there. Chairman Maddox said they're the ones that are bringing it forward. Selectman Coutu said because you're going to close the areas that most impact traffic accidents that would be the entrance of Demoulas. We're going to close the entrance to Demoulas? Chairman Maddox said yes. Selectman Coutu asked if they were only going to have an entrance on Wason Road. Selectman Brucker indicated they were moving it. Selectman Coutu asked if anyone knows anything about a new entrance to Market Basket. Selectman Luszey indicated he's heard of rumors. Selectman Coutu said he didn't want to spend money for something I don't know what it's for.

Steve Malizia said if you don't commit it within a certain time, it just goes back to whoever paid it. I don't know if it was Manny or Stop and Shop. The bottom line is all you're doing is committing the money towards a project. It doesn't mean you're spending it necessarily but you're committing it. If you don't commit it, good better or indifferent, it will go back and you won't have it.

Selectman Luszey said his other question is how long do we have until this money has to go back. Chairman Maddox believed next year. Selectman Luszey said we should see plans before next year. Chairman Maddox said if that's the Board's will, then we can hold this off and say when we see plans we like, then we may contribute if that's what the Board wants to do. I doubt that \$35,000 is going to make or break the project. Again, we're trying to foster that economic development engine and this was one way to do that. If we can the paving at Flagstone, I guess we can count this. What's the will of the Board? If there's 3 I want to wait, then there's no sense of me reading this.

Selectman Coutu said he wanted to know what I'm spending the money on and I'd like to have a date when we have to give up this money. You said next year I think. Next year I think is not...Mr. Malizia believed they had a 10 year thing. We'd have to look at the original date but its coming up. Selectman Luszey indicated that we lost the ball field money. Mr. Malizia said we negotiated a settlement and gave them money back. Chairman Maddox said we took half of the money and they didn't have to build a field. We still have some time.

Steve Malizia said when this agreement came in and we gave the money back to Stop and Shop. Selectman Coutu said it was because the State wouldn't let him have access. The State would let him have access to the land but it wasn't...Chairman Maddox said it wasn't indefinite. Selectman Coutu said the State could take that land. Had they not and built a ball park, it would still be there and still be used today. The State has done nothing as usual. That's a dead issue. That's a moot point. Personally I'm not going to vote to approve the expenditure until I know what the expenditure is for. I don't know what it is for.

Selectman Brucker indicated she's seen some proposed ideas and I'm fine with it.

Chairman Maddox said as am I sitting on the Planning Board. I think that all we're doing is trying to grease those wheels to keep things moving on that roadway. I guess it really comes to you Selectman Nadeau. Do you want to wait? Selectman Nadeau said no. I've heard and seen some of the proposed plans. Selectman Coutu guessed that you and I are not in the loop. We're not included in anything. Selectman Nadeau said they've talked about them during the Planning Board meeting. Selectman Coutu said he agreed with what Selectman Brucker said. I've seen some plans. That doesn't say what "the" plan is. You couldn't have seen any more than she had. I watch Planning Board meetings too. I heard roundabout. People were telling me it was going to be a roundabout. I didn't hear that at the meetings but I was told. That was an e-mail I received from the guy that was proposing it. Chairman Maddox said there is no way you could put one in there. Selectman Nadeau thought this was a good way to grease the wheel and get things moving.

Selectman Luszey said when you say "grease the wheel", whose wheel are we greasing with what. Chairman Maddox said that. I'm saying - economic development. We hear people saying what aren't we doing. Here's a chance to do something. We're contributing towards making this project move forward. Selectman Luszey stated if they come forward with a set of plans that says this is what we want to build and we like it, we'll grease the wheel. You're putting the cart before the horse here. Selectman Coutu said he didn't understand what this is for. Chairman Maddox said you two are absolutely correct. Selectman Coutu said the vote is going to be 3 to 2, we're just going to spend the money nilly willy without knowing what it's for, let's do it.

Motion by Selectman Brucker, seconded by Selectman Nadeau, to approve the expenditure of \$34,286.79 plus interest from Account #2050-186 - Impact Fees - Stop & Shop Future Road Improvements, in accordance with the terms and conditions of

the establishment, specifically condition of approval #14 in the Stop & Shop Development Agreement-of-Record, Hillsborough County Registry of Deeds, Book 7045, page 2468.

Selectman Nadeau indicated the only concern I have is that there's no roundabout put in this and Selectman Maddox says he'll jump up and down for us. Chairman Maddox indicated we can amend the motion to say that we will not expend monies towards a roundabout on Lowell Road for this improvement. Is that...Selectman Nadeau said yes. Chairman Maddox said that's not going to happen.

Motion by Selectman Brucker, seconded by Selectman Nadeau, to approve the expenditure of \$34,286.79 plus interest from Account #2050-186 - Impact Fees - Stop & Shop Future Road Improvements, in accordance with the terms and conditions of the establishment, specifically condition of approval #14 in the Stop & Shop Development Agreement-of-Record, Hillsborough County Registry of Deeds, Book 7045, page 2468. We will not expend monies for a roundabout on Lowell Road, failed 2-3. Selectmen Nadeau, Coutu, and Luszey opposed.

Selectman Coutu said he would be voting against the motion because I'm not going to grease the wheel of a car that I don't know what make it is and who owns it. Chairman Maddox said it was a good analogy.

Selectman Brucker said she was concerned about I want to make sure we don't lose the money. Is there some kind of date? Selectman Coutu said yes that's an action item. Get the date when this money runs out that we'd have to return it. We'll take action before then if necessary. Thank you Selectman Brucker.

9. OTHER BUSINESS/REMARKS BY THE SELECTMEN

Selectman Brucker - I'm looking forward to Old Home Days. They have the whole amusement area all set up. It's very interesting looking. That opens on Thursday. I'm looking forward to the Planning meeting tomorrow night. I think that's it. It's been pretty quiet this summer.

Selectman Nadeau - A couple of things. Today was according to the Hudson/Litchfield News was supposed to be the welcoming home of the Hudson soldier, which was not true. He's coming home tomorrow. So tomorrow at 1 o'clock for all those in the viewing audience, they will be at Patricia Drive. I was up there today and unfortunately they were telling everybody that it was tomorrow. Then we have Old Home Days that starts Thursday, Friday, Saturday, and Sunday. The Hills House will be open for tours and there is if you looked at the Hudson/Litchfield News, you saw the schedule of events. I've been looking at on the Hudson Chamber's website. There's a lot of new events. A lot of new stuff going on at Old Home Days. Fireworks are on Saturday night of course. Don't forget that. So you can go to the Hudson Chamber website and get the schedule of events if you don't already have it or have seen it. If not, it's on Facebook. They have their own Hudson Old Home Days page. That's all I have this evening.

Selectman Coutu - I didn't have anything prepared this evening Mr. Chairman. However, I do have one thing to say as a result of our conversation this evening. It relates to the Planning Board. Mr. Chairman for a while we've been not necessarily chastised but there have been people who have been critical that we don't do enough as a governing body to entice new industry and new business to our community. Over the years we had a reputation for being not business friendly and not reacting to the needs of business and industrial growth in our community. Quit to the contrary. We like every other community in this nation have been boxed in as a result of a deflating economy and not a favorable economy. What was happening at our industrial parks, some of the closing of some of the industry that we had, and the inability to attract new industry is not our fault. It's industries that from my own experience having worked with one in particular who wanted to move into Sagamore. That was the one if you remember we were talking about they were going to move or expand from Billerica to here and I was working with them on sewer and water expansion and backed out only because of economic times. They were forced to cut back to lay off employees. They're certainly not going to build a building when they're laying people off. It didn't make sense. However more and more people are becoming aware of products being manufactured in this country, the quality of the product that's being manufactured in this country as opposed to overseas, the oversight on the product that's being manufactured in this country that's not available overseas. So a lot of industries are able to expand freely and contribute to economic growth in many communities and Hudson is going to be one of those communities.

Of late we've had a lot of good news in town. Specifically, I'm not going to get into the specifics, there may be some still hanging in the air but there are a lot of good things that are going to happen in the next few months and a lot of good news is going to be generated as a result. Where I'm going with this Mr. Chairman is twofold. One I think our Town Planner Mr. Cashell deserves our plaudits for working well with these potential developers and for potential businesses that are coming into our town. If for one don't always agree on Mr. Cashell's approach but he's getting the job done. He's our Town Planner. That's what we pay him to do. Number two, the Planning Board. The Planning Board has changed significantly over the past few years. We have people on that Planning Board that have absolutely - I was involved in their original appointments. All three of us who are on the Board some of those members were involved in their appointments. I wondered - many times you wonder is this really going to work, can this guy do the job. The Planning Board is a unique experience as you well know Mr. Chairman. You've been there since I think long before Mr. Jasper was born, so that would be before 1492 and you do look a lot older than him anyway. The point is that the Planning Board has turned our reputation around because they act decisively. The only time it takes time is if there's a unique problem that concerns abutting parties. The Planning Board has been very careful to make sure that abutters concerns are addressed. Plans have been moving along a lot faster than they had in the

past. People know that we want to work with them and they're generally cooperative in making the adjustments that are necessary to get their plans done. We know that there are some developers in this community who people think that they're being shown favor to. The fact is they come in with their plans with all their I's dotted and T's crossed because they know what is expected of them. If all of their engineers would learn that, things would go a lot smoother. Plaudits to the Planning Board Mr. Chairman and plaudits to John Cashell the Town Planner for moving things along and bringing a greater light to our town with all of this new industry and new development that's going to take place in the town. Let's remember this. It adds to our tax base and could easily put us in a position where we might be able to afford a few things more without elevating the property tax for our community.

With that Mr. Chairman, I thank you all for whatever took place tonight. I didn't know...my daughter is going to about it in the morning. I'd call her tonight but she has 3 young children to get off to school in the morning. I thank you for that and I thank everybody for their birthday wishes. Thank you Sir.

Selectman Luszey – Just two items. I made it a point to take a tour of the new Land Use, Community Development, Inspectional Services area. Deputy Chief Buxton and this group really deserves a lot of kudos. That place look excellent. Unbelievable. I hope that the basement of the fire station comes out half as good as that when we redo that for IT. I think it's great.

Senior Center update. They are putting footings and rebar in today. So we should have concrete in the ground by the end of the week. So we're making progress. I didn't bring the e-mail so I cannot remember the person's name but we have our first donation of some equipment for outfitting the senior center - a copier and some office equipment. Steve Malizia indicated Vivian McGuire. Selectman Luszey thanked Mr. Malizia and thank you to Vivian. I'm working with Mr. Knowles to make arrangements to have it picked up and find storage. Hopefully we'll probably put it down here for now. Other than that, I'll be going to the Library Trustees meeting and Budget I think is this week.

Selectman Maddox - A couple of things. I guess this would be the time I would ask the police liaison to...Selectman Coutu apologized Mr. Chairman. It was something that I wanted to do at the beginning of the meeting. As we all know, we had a police officer in our service and he worked for us for 22 years and he retired. In the process, he received his law degree and went on to do other things. He unfortunately passed away this weekend. I've known the family as I'm sure Captain Bob Tousignant has from the Pawtucketville section of Lowell and some of them frequented the store. I knew his uncle well. It was my intention as a result of the friendship that we made, we had an agreement that at some point when I was well I would call him and we would go out to lunch and have a couple beers up in Manchester. That never came to pass and Mr. Chairman circumstances as they are and God works in strange ways, MPO proud former Hudson police officer Doug Dubuque has passed. He will be sadly missed I'm sure by his friends and family. I would ask Mr. Chairman that we all rise and pay tribute to his service and for the good things that he did in his life here while he was on earth. Thank you.

A moment of silent.

Chairman Maddox indicated that he had forgotten about that also in the beginning. I was going to speak to you and unfortunately there was jocularly. For those that didn't see it because we didn't broadcast it out, a singer came in and serenaded the 70 year old senior member of the Board Selectman Coutu. Congratulations for making it this long. You're looking much better. You got some color. I'm glad to see that you're up and about.

A couple of things. Chairman Maddox said he also wants to say upstairs was remarkable. We all couldn't see how it was going to go and Deputy Buxton dragged that thing kicking and screaming to the completion line. I think that a number of people up there are new. The Inspector did a great job of coordinating it all. All the staff bought into it. Those are nice spaces now. We couldn't see it at times but it has come out very nicely. I agree that hopefully the other job will come out as nicely.

- o Improvements to Wall Street - John Jamer - acknowledge that we received a check for \$13,000 to have the Road Agent

Chairman Maddox indicated that we did receive the check for Wall Street from Mr. Jamer. I have talked to the Road Agent. It's probably going to be done some time next week. That is moving forward.

Lastly the track. I did read the Town Ordinances. We do have the ability - a couple of things that I didn't remember from the last time that I read it. We have the ability to do on site inspections as Selectmen as well as we have the right to have a test done at the owner's expense. I did check into - we have a meter. Unfortunately it has come out of calibration. It is \$400 to pay to have it recalibrated. I think at the very least we probably need to have it calibrated so that any noise complaint could be addressed by whether - and I know the Police Department had some training on it then there probably needs to be some refresher on that. Does the Board feel that it is a worthwhile endeavor to spend the \$400 to get the meter recalibrated? Okay, I see two, three. Selectman Coutu indicated that was not an assent at all. You were asking the question and I was asking to speak. You were right and I was wrong. I did not raise my hand to spend the \$400 to recalibrate to use for a race track. Chairman Maddox asked Selectman Coutu for his thoughts.

Selectman Coutu was going to ask the most reasonable request that Shawn Jasper made, and that would apply to all of us - it's unreasonable to think that we're allowing a race track to operate on a Sunday night, the eve of a work day, until almost 11

o'clock. That should not have been allowed. That should be cut back to 10 o'clock. I don't know if we need a public hearing or if that's in our purview, then let's do it so that next year we don't go beyond 10 o'clock at night. If there's a race track I'm living in a neighborhood, I've got to live with it. I'm not going to live with it after 10 o'clock at night and disturb the whole neighborhood with loud noise. I would like that. In terms of spending \$400 for a unit - how long has it been out of commission? It's been out of commission for two years. So now we're going to resurrect it for maybe \$400 maybe more. I don't know where the \$400 price tag came from to recalibrate it. Those things are easily challenged in court. It's not like a radar unit which is recalibrated and put through a testing laboratory. Calibrating for noise is a little different than calibrating a unit that's used for radar. That would easily be challenged in court. I think that would be a waste of money. I think we just need to cut back on the hours of operation, or make them move it back so that they're not making noise after 10 o'clock at night. I think when I listened to what Mr. Jasper said, he was complaining about the noise. He was complaining about he's got to get up early on Monday morning as most of us do who work, and he had to listen to this until 10:45 at night. Even if it was just one loud muffler running around the racetrack then or beyond, it's still not conducive to a good living environment to have these people running races on a Sunday night til 10:45 or 11 o'clock. If they're allowed to operate, the police officers can't do anything except be there for crowd control. As far as parking, I didn't realize that we had parking all the way down to almost his house. Is that what they're saying? They're parking all the way down the road to his house? That's a long walk. Chairman Maddox thought he said that they were parked on the side of the road and he was driving home to his house. Selectman Coutu asked where was he driving home. He's driving obviously off of 102 to his house. Selectman Nadeau indicated by the speedway most likely. He came off of 102 on to Old Derry, pass the speedway, to his house. His house is half way between either end of Old Derry. Steve Malizia indicated it wouldn't make any sense for people to walk three miles to get to the race track.

Selectman Nadeau said the change for the time for the track will be changing next week. So they will be going to their...Steve Malizia said no. I have the permit in front of me that you approved. It's all based on the ordinance. The permit started in May and ends in October. There are two more weekends - next weekend and the weekend after in August that they're permitted to 10:45. September 1st, they're at 5:45. Selectman Nadeau indicated that it's going to change in two weeks. Steve Malizia indicated after this weekend and the following weekend, then their race can only go to 5:45 because school is back in session. After this weekend and next, you'd have to change this ordinance because it's articulated I believe in the ordinance to the permit. By the time you get to your next meeting to change the ordinance, they're done with that time. Selectman Coutu indicated they could set it for next year. Selectman Nadeau said that's one of the things we would do over the winter. Mr. Malizia indicated they'd have to change the ordinance and yes for next year you'd have to do that. Selectman Coutu said he understood. He's lived with it all summer. I'm sure he can live with it two more weeks. Selectman Nadeau indicated that's one of the things we need to put on to do this winter is have a meeting to change the hours. Mr. Malizia indicated if you want to consider the ordinance changed, you would change that with a hearing. Chairman Maddox said that would be an action item with the concurrence of the Board to look at that over the winter to get input and to change the ordinance.

Relative to the noise complaint about the amount of decibels that exceeds what is State allowable, Selectman Coutu said he would suggest that we have our Code Enforcement Officer go and see the owner. We all know who he is. He writes to me every now and then about going to the racetrack and ask him to please be aware that there may be a possibility that some of the mufflers exceed the noise and the Town is not going to spend money to have a meter but maybe he should - it would be to his benefit to make sure he monitors the decibels - I mean we have a multiple of cars racing around a racetrack that far exceed the noise level that's allowed. One individual car, I don't know.

Selectman Luszey said the other issue maybe the Ordinance doesn't tell what type of muffler and level is allowable. Chairman Maddox stated it says approved by the Selectmen like we're not experts at alleyways. How are we ever going to be experts at mufflers?

Chairman Maddox asked to come back to the \$400. We have a meter that now is useless. At the very least, we have other noise complaints. We've had noise complaints over the years from construction on the weekends and any number of things. Again, I think we're a town of - Captain Tousignant said that we've had this sound meter for over 10 years and I would say we probably use it less than 6 times and to it's been 2 years it has gone uncertified. Selectman Coutu said to give it to the auction house and get rid of it. Selectman Nadeau indicated until we need it again. You guys are all laughing. I think we should spend the \$400 and...Chairman Maddox agreed. It's a cost - we run a business that needs - you have this whole 16 pages of noise ordinance, we're just going to eliminate that ordinance then. That would make the most sense.

Selectman Brucker said we do have a firing range in town and I understand someone is using their land for a BMX bike kind of trails. There must be other noise problems around town. Selectman Luszey said mowing your lawn before 7 a.m. on a Sunday morning. Selectman Nadeau indicated that we have an ordinance on that too. Selectman Coutu said that has nothing to do with the noise ordinance. That's running a motor before 7 a.m. It has nothing to do with needing a meter. It's a lawnmower but the Captain just told us they've used it - we bought this thing - I don't know if we paid for it or it was donated and we've used it 6 times in 10 years. Let's not spend \$400 to use it once in the next - you're the savior of the taxpayers. I read that in Thumbs Up Thumbs Down. You're saving the taxpayer's money. Don't waste \$400. Selectman Nadeau didn't think this was wasting \$400. I just think we have to direct the Police Chief to send out the noise meter and have it calibrated.

Motion by Selectman Nadeau to have the Police Chief send out the noise meter and have it calibrated.

Chairman Maddox said it dies. I'd second it but it's going nowhere. Shove it into auction. We probably want to see the plans first and then we'll decide.

10. NONPUBLIC SESSION

Motion by Selectman Coutu, seconded by Selectman Luszey, 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; (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; and (e) Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed against the public body or any subdivision thereof, or against any member thereof because of his or her membership in such public body, until the claim or litigation has been fully adjudicated or otherwise settled. Any application filed for tax abatement, pursuant to law, with any body or board shall not constitute a threatened or filed litigation against any public body for the purposes of this subparagraph, carried 5-0 by roll call.

Chairman Maddox indicated that Nonpublic Session is being entered at 9:45 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. Open session was entered at 10:38 p.m.

Motion by Selectman Coutu, seconded by Selectman Luszey, to authorize Chief Lavoie to hire Michelle Barrow and Cynthia Vienneau, Jessica Rose Dejackome and John Bernard Sowerbutts as part-time School Crossing Guards effective August 20, 2013 with starting salaries of \$13.50 per hour, carried 5-0.

Motion by Selectman Coutu, seconded by Selectman Brucker, to hire Andrea Lavery, Elizabeth Abbott, and Jan Horvath as Regular Special Shift Employees effective August 14, 2013 with starting salaries of \$11.00 per hour, carried 5-0.

Motion by Selectman Coutu, seconded by Selectman Brucker, to hire Lori Bowen as the Senior Services Coordinator effective September 3, 2013 with a starting salary of \$15.00 per hour not to exceed 29 ½ hours per week, 4-0-1. Selectman Luszey abstained.

Motion by Selectman Brucker, seconded by Selectman Coutu, to terminate Michael Lamoreux effective August 13, 2013, carried 5-0.

Motion by Selectman Coutu, seconded by Selectman Luszey, to hire Leo Bernard as a part-time maintenance person at the Recreation Department effective August 14, 2013 with a starting salary of \$13.50 per hour, carried 5-0.

Motion by Selectman Luszey, seconded by Selectman Brucker, to hire Lori Bowen as the 2013 Soccer Coordinator for the fee of \$1,275 and Sherri Lavoie as the Assistant Soccer Coordinator for the fee of \$775 effective August 14, 2013, carried 4-1. Selectman Maddox opposed.

At 10:45 p.m. a discussion was held relative to combined dispatch.

Motion by Selectman Luszey, seconded by Selectman Coutu, that the Town Administrator, Police Chief, Fire Chief, and IT Director work together to have a plan with a month to create a combined dispatch, carried 5-0.

Specific topics that were discussed relative to combined dispatch were: the digitizer, a fourth work station, how many full time/part time people would be needed; and a organizational plan - chain of command and how governed.

Selectman Luszey also discussed a quarter check of \$83,000 that was just brought in from Comcast.

11. ADJOURNMENT

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

Recorded by HGTV and transcribed by Donna Graham, Recorder.

HUDSON BOARD OF SELECTMEN

Richard J. Maddox, Chairman

Ted Luszey, Selectman

Nancy Brucker, Selectman

Benjamin Nadeau, Selectman

Roger E. Coutu, Selectman