

HUDSON, NH BOARD OF SELECTMEN  
Minutes of the June 25, 2013 Meeting

1. CALL TO ORDER - by Chairman Maddox the meeting of June 25, 2013 at 7:00 p.m. in the Selectmen's Meeting Room at Town Hall.

2. PLEDGE OF ALLEGIANCE - led by Bernie Manor.

3. ATTENDANCE

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

Absent: Roger Coutu

Chairman Maddox stated that Roger is recuperating nicely told by his wife just recently. Good news there.

Staff/Others: Stephen Malizia, Town Administrator; Donna Graham, Executive Assistant; Patrick Colburn, Town Engineer; Lisa Nute, IT Director; Kathy Carpentier, Finance Director

4. PUBLIC INPUT

Chairman Maddox said that this portion is for non alleyway related public input. Does anyone in the audience wish to address the Board on any issue which the Board has control of at this time? Without objection, we will allow both sides to talk at 25 Constitution rather than doing it now and trying to back pedal.

5. NOMINATIONS AND APPOINTMENTS - None

6. CONSENT ITEMS

Chairman Maddox asked if any Board member wished to remove any item for separate consideration. Seeing none.

Motion by Selectman Luszey, seconded by Selectman Brucker, to approve consent items A, B, C, D and E, as noted or appropriate, carried 4-0.

A. Assessing Items

- 1) Disabled Exemption - Map 197, Lot 58, w/recommendation to approve
- 2) Elderly Exemption - Map 128, Lot 10, w/recommendation to deny
- 3) 2012 Tax Abatement - Map 137, Lot 5, w/recommendation to approve
- 4) 2012 Tax Abatement - Map 148, Lot 40, w/recommendation to approve
- 5) 2012 Tax Abatement - Map 169, Lot 20, w/recommendation to approve
- 6) 2012 Tax Abatement - Map 209, Lot 8, w/recommendation to approve
- 7) 2012 Tax Abatement - Map 222, Lot 41-1, w/recommendation to approve
- 8) 2012 Tax Abatement - Map 100, Lot 6, w/recommendation to deny
- 9) 2012 Tax Abatement - Map 100, Lot 9, w/recommendation to deny
- 10) 2012 Tax Abatement - Map 128, Lot 10, w/recommendation to deny
- 11) 2012 Tax Abatement - Map 183, Lot 98, w/recommendation to deny
- 12) 2012 Tax Abatement - Map 221, Lot 8, w/recommendation to deny
- 13) 2012 Tax Abatement - Map 222, Lot 8, w/recommendation to deny
- 14) 2012 Tax Abatement - Map 222, Lot 10, w/recommendation to deny
- 15) 2012 Tax Abatement - Map 222, Lot 13, w/recommendation to deny
- 16) Current Use Lien - Map 207, Lot 8-1, w/recommendation to approve

B. Water/Sewer Items

- 1) Sewer Abatement - S-UTL-13-10, w/recommendation to approve
- 2) Water Abatement - W-UTL-13-06; W-UTL-13-04, w/recommendation to approve

C. Licenses & Permits

- 1) Request to Solicit Funds - Greater Nashua Boys and Girls Club
- 2) Request to Solicit Funds - Redemption Christian Academy
- 3) Outdoor Gathering Permit - Hudson Old Home Days

D. Acceptance of Minutes

- 1) Minutes of the May 14, 2013 Meeting

E. Calendar

6/26 7:00 Planning Brd - Buxton CD Meeting Room  
6/27 7:00 Zoning Brd of Adjustment - Buxton CD Meeting Room  
7/04 FOURTH OF JULY - TOWN HALL CLOSED  
7/04 6:30 Recreation Cte - BOS Meeting Room  
7/08 7:00 Conservation Cmsn - Buxton CD Meeting Room  
7/09 7:00 Board of Selectmen - BOS Meeting Room.  
7/10 7:00 Planning Board - Buxton CD Meeting Room  
7/10 7:00 Benson Landscape Cte - BOS Meeting Room  
7/11 7:30 Zoning Brd of Adjustment - Buxton CD Meeting Room  
7/16 7:00 Cable Utility Cte - BOS Meeting Room  
7/17 5:00 Municipal Utility Cte - BOS Meeting Room  
7/17 7:00 Senior Affairs Cte - Buxton CD Meeting Room  
7/18 2:30 Trustees of Trust Funds - Buxton CD Meeting Room  
7/18 7:00 Benson Park Cte - BOS Meeting Room  
7/18 7:00 Budget Cte - Buxton CD Meeting Room  
7/22 7:00 Recycling & Energy Ctes - BOS Meeting Room  
7/23 7:00 Board of Selectmen - BOS Meeting Room  
7/24 7:00 Planning Brd - Buxton CD Meeting Room  
7/25 7:30 Zoning Brd of Adjustment - Buxton CD Meeting Room

7. OLD BUSINESS

A. Votes taken after Nonpublic Session on June 4, 2013

1) *Motion to adjourn at 8:44 p.m. by Selectman Coutu, seconded by Selectman Brucker, carried 4-0.*

B. Votes taken after Nonpublic Session on June 11, 2013

1) *Motion by Selectman Luszey, seconded by Selectman Nadeau, to terminate Jack Near as a Truck Driver/Laborer from the Highway Department effective June 6, 2013, carried 5-0.*

2) *Motion by Selectman Nadeau, seconded by Selectman Luszey, to authorize the Road Agent to hire Jon Demanche of Litchfield, NH, and Michael Buxton of Hudson, NH, for the two positions of Truck Driver/Laborer each at a starting salary rate of \$17.67 per hour (Grade VIII, Step Minimum), both effective June 30, 2013, carried 5-0.*

3) *Motion by Selectman Luszey, seconded by Selectman Coutu, to take by tax deed Map 203, Lot 021, and Map 175, Lot 15, carried 5-0.*

4) *Motion by Selectman Nadeau, seconded by Selectman Coutu, to authorize the Town Administrator to hire Susan Kaempf for the position of Administrative Aide in the Board of Selectmen/Town Administrator's office effective June 16, 2013, at a starting hourly rate of \$16.04, Step 1, and then to Step 2 upon the successful completion of the probationary period in accordance with the American Federation of State, County and Municipal Employees Council 93 and Local #1901 Hudson Administrative contract as recommended by the Town Administrator, carried 5-0.*

5) *Motion by Selectman Coutu, seconded by Selectman Nadeau, to allow the Recreation Director to post for a part time Secretarial position in the Recreation Department, carried 5-0.*

6) *Motion to adjourn at 10:35 p.m. by Selectman Luszey, seconded by Selectman Coutu, carried 5-0.*

C. Public Hearing - Ordinance to Regulate Certain Alleyways

Chairman Maddox recognized Town Administrator Steve Malizia.

Steve Malizia indicated that at your meeting on May 28<sup>th</sup>, the Board discussed two alleyways that the Town owns. We took the alleyways by tax deed in 1983 and you've owned them since. It's come up to be an issue. It's been brought to the Board's attention so an ordinance was proposed and prepared for the Board's consideration as well as public comment. You have that ordinance in front of you right now.

Chairman Maddox opened the public hearing at 7:05 p.m. Anyone wishing to speak on this issue come up and state your name and address for the record.

Mark Nadeau - Good evening. My name is Mark Nadeau. My wife and I Kathy own the property over on 39 Central Street. We've owned that for almost the last 40 years. I'd like to thank a neighbor that actually brought this to my attention that this

meeting was happening because there was no certified letters sent out to the abutters. I think about 20 abutters. If it hadn't been for them, then I wouldn't be aware of this because I don't live in town. That property is an investment for me. It was nice of her to send that out so at least we got a heads up. Forty years is quite a while and I'd like to give you a little background since I've owned the property.

Mr. Nadeau noted when he bought the property about 40 years ago the alleyway was a dumping ground. There was a deep depression from the common grade of the land and anything from general trash, car batteries, discarded oil, old mattresses, dog feces were not uncommon along with it being overgrown with Poison Sumac and Poison Ivy. I believe I was the one to bring it to the Town's attention that this alleyway was not on record and raised the flag when I went to Town Hall to find out who owned this property. Again, about 40 years ago. The town official noticed that the maps were not accurate and brought it to the town officials attention. When I asked around the seniors in town, the understanding they had was it was a right of way for an old trolley car service that was used to run through there but no one could confirm or provide documentation. I'm not sure if this belief was accurate but it was the best information anyone could provide. When I spoke to town officials at that time, I was informed that the Town would acquire it as unclaimed land and that more than likely at some point in time the Town would offer it for sale to the abutters if interested splitting the width of the alleyway to each abutter and taxing them generating revenue. At that time, the town officials stated that the land had no real or added value to the Town of Hudson and was certainly more valuable to the abutters due to the small town lots in an older part of town. At that time a requested approval from the town official if I could clean up and maintain and park vehicles on that alleyway and was told that would not be a problem. For the past approximately 40 years I've been doing just that, spending time and money maintaining and trying to improve this alleyway for the town, for my abutters, one of which is the American Legion, and the good of the neighborhood, and to help keep property values up. Although I cannot speak for everyone, I am not aware of any complaints from my two abutters though it would be interesting knowing who and what type of complaints are being filed in general.

Mr. Nadeau indicated the single biggest hardship for me but not the only one is parking. For almost 40 years, I've been lead on by the Town to believe that I had their approval and in 40 years I have not heard or been made aware of any complaints regarding how I have maintained or utilized the alleyway. This comes to me as a complete surprise but understand that there may be other issues or concerns with other abutters and their circumstances. The parking issue is a result of my property being a four (4) unit apartment house. On average, there is 6 to 8 cars that need a space to park off road. What makes this worse is this property is a corner lot, postage stamp, 75 X 100. Although there's a driveway cut on the Central Street side, I don't think it is realistic to think the Town would allow a second driveway cut on the Fulton side which would e close to the dangerous intersection on the Fulton corner. Because there is limited on street parking surrounding my property, the only viable space left would be on the Fulton side towards the rear of the property adjacent to the alleyway. The problem with this spot is I recently had to have my sewer line replaced, which the new code requires a clean out install 6 inches below grade. So this is not a viable area that will work for parking either. Along with the added financial expense of relocating a sewer line or installing a new driveway. Just to note when I asked the Town if I could relocate my existing sewer line, I was told I had to follow the same footprint and location of the existing sewer line.

Mr. Nadeau is suggesting and requesting from the Board of Selectmen is to temporarily hold off on enforcing this ordinance until a special meeting be held with all the abutters notified by certified mail on the subject. This meeting with all willing abutters in attendance should be used to have a better understanding of the hardships caused by this ordinance with each abutter and mutually working to come up with an amicable solution to a difficult situation that is good for the abutters and the town. I also feel that the Town owes some information to the abutters before the ordinance can be legally and effectively in force due to some hardships the Town is creating. Some of which are: the Town needs to resolve the actual width of the alleyway - Tax Map says 20, the ordinance says 15; the Town needs to identify and physically mark off the actual alleyways so it's clear to everyone. Who is going to maintain this property? How do we resolve the parking issue now being created by the Town? Explain in detail what the alleyway can be used for, what are some of the complaints other abutters are having? If agreed upon, would it be feasible for abutters to split the alleyway and purchase it from the Town where it is feasible so the Town can generate some revenue and satisfy abutters needs? Lastly, maybe the Selectmen could provide some history on how the Town actually acquired it and what value does it have to the Town?

In conclusion, Mark Nadeau indicated that I am in favor. I've been there 40 years. I know a lot of my neighbors have been there extended periods of time and I want to continue to use it as we've been using it unless there's some major objection where we're repeating somebody to do something on their property. Thank you.

Chairman Maddox said just so I guess I try to cover a couple of questions you had is as I understand it, we took this for tax deed as whoever did own it or didn't pay the taxes and we took it for tax deed in 1983. Mr. Nadeau thought he bought the property in 1976. I think I'm actually the one who raised the flag. If I was smart, I would have just...Chairman Maddox said the alleyway is on the plans from 1892. Mr. Nadeau said he wasn't doubting, I'm just saying no one could provide an answer when I came to the town. Chairman Maddox indicated that we did do that much research. Again, it's a focus of it was unknown to anybody realistically until somebody opened Pandora's Box and now we're trying to put the genie back in the box. To allow you and your neighbors to park on town property isn't fair to other people that don't have that ability. So we need to find something that works for both sides. I agree that I don't see us enacting this tonight and expecting it to be enforced tomorrow. I think we're trying to find a way that will satisfy as many people as we can. One thing I thought of is making it an association rather than breaking it up by lots because now you have to have it all surveyed and change all your deeds. You might want to just be the Association of Alley A and the Association of Alley B, buy the property and work it out amongst yourselves as like an association. That way there we don't have any say in it. The problem that these two alleyways, and

Steve correct me when I go off the rails, is that the deed specifies that everyone has the right to travel on that parcel to get to the back of their lots. It's not like you could buy it and do anything really with it other than put the sheds that are already there, park cars, make access to. That's the challenge we're going to have. Even if we divided it up, the people at the ends are going to block off that access to the people in the middle. That's why I'm thinking if you made an association and you all worked it out amongst yourselves, that maybe the easiest way for us to go which is simply putting our head back in the sand is not an option we have at this point.

Mark Nadeau said he understood. I think it's important though that the abutters that abut that alleyway are notified. I don't think somebody on the other side of town really, although they're a resident and they're entitled to their say on it, it's really affecting the 20 some odd abutters on those alleyways. I think that's important that we give at least everyone the opportunity to come in here and see what their personal issues are.

Daniel Gonsalves - My name is Daniel Gonsalves. This is my wife Janice Gonsalves. We live at 49 Central Street which is at the other end of Mr. Nadeau's property on the corner of Central and Gillis Street. We bought the house in 1995 and shortly after we bought the house, we had had some concerns about where to park for off street parking once bad weather came and all. At that time, I had come to the town and asked where could we park. We had been notified that that property that was behind our fence line which is on the Gillis Street side, we were able to park there for off street parking. So for the past 18 years, that's where we have been parking. We have two vehicles. We park one behind each other. We use about half the width of that 20 foot alleyway at any one time for our cars.

The stipulation that the Town gave was you could use it but you don't own it. They said you couldn't put any type of permanent surface on it, any type of permanent structure on it like a garage or anything like that, and you need to keep it open and if you had anything like a car that you could take off quickly in order for somebody or something to get through. For the past 18 years, that's how we've been using it. I've been plowing the area every winter. I rake leaves every fall. I cut the lawn in that area all summer. We had also learned from a neighbor whose been in the area for many years, and I believe her husband's father owned a lot of the farm land in that area originally and then ended up dividing it up. That prior to us, the people who lived there for 25 years also used that area as off street parking. They had a lot of kids and everything else so they used a lot more of it for parking.

When I had come and asked about potentially cutting a driveway in that area, what I was told was because of the proximity of my neighbor at 47 Central and also because we're on a pretty busy corner and with the new setbacks that went from I think originally stated as 5 feet back in 1937, the timeframe when my house was built, and now 15 feet, that I wouldn't really have a good means of having enough setback in order to cut a driveway where I could. Just to continue using that area for parking. So that's what we've done up until last Tuesday when we got notification with a letter in the mail that this hearing was happening and this Ordinance was being addressed. We need to have some type of solution for our parking because right now that's our only means of parking. We don't have the ability to cut a driveway and have it wide enough and to maintain the 15 setback next to our neighbor on 47 Central. The only means we would have would be if we had to is to take up about 30 percent of our yard and cut down the only 2 shade trees that we have on the south side of our property and also in order to cut enough of a driveway, I believe we're going to need to have some type of variance on that setback in order to even try and accommodate a driveway there. I can appreciate keeping the area open. I can appreciate not putting any kind of permanent structure on it which right now it just has a recycled asphalt type surface because we had had some drainage issues in that area and it was a hazard for walking in the winter time when it would freeze. Other than that, that area that is the 75 foot length of the back of our property is open and has been open and maintained by me. I even maintain it the full width of - in other words 15 or 20 feet, that full width to my next door neighbor's property I believe 3 Gillis Street. They occasionally will cut the lawn too and all but 99 percent of the time it is myself who takes care of that.

This financially will cause some issues. It's going to be a substantial amount of money to move our fence line back, to cut the 2 trees down, to get the driveway put in, and we may need to also move our natural gas line. Right now it's kind of jogs in a weird kind of angle. We just had the property looked at by DigSafe because we were in preparation of doing some lawn work to correct some grading and drainage issues that we have partly due to street runoff and things that kind of take a right hand turn into our yard. We actually were going to start that on the 20th and on the 19th, we got this letter in the mail. Right now we have that work on hold pending the outcome of this meeting.

Chairman Maddox noted that Mr. Gonsalves sent the Board some photos. Mr. Gonsalves said he did. One thing that our neighbor whose kind of the local historian in that direct area, she had mentioned to us was that the alleyways were originally maybe cut for access for fire trucks to get down to some fields in case there was a fire down there for apparatus and then as the land got divided up, I think it was used kind of as natural boundaries to partition the lots in that area. As I was told back in the days when there was no public sewer or curbside pickup, that that alleyway - there were actually privets or outhouses on the back of the property. So trucks would come, drive down the alleyway, pick up waste, and then cart it away. As we got public sewerage, and roadside pickup, and those things the use of that alleyway went away for those purposes and was just kind of left there. Our footprint of our lawn hasn't changed since we've moved there. The fence that is there was there when we moved. Again, that's just the way that was mentioned to us to use that area for off street parking.

Chairman Maddox mentioned, again, someone opened up the box and now we're trying to get the genie back in. Carla Anger asked to disclose the person who opened up the box. Chairman Maddox stated he didn't even know who that was to be honest with you. Somebody called and complained to the town that vehicles were parking vehicles in that alleyway. It doesn't

matter who started it, now we're aware of it and we need to do something. Mr. Nadeau said it is important because maybe we can better understand why they have a complaint. I think the majority don't have a complaint. They might have a justified complaint but...Chairman Maddox told Mr. Nadeau to come to the microphone if you want to talk.

Carla Anger - 5 Gillis Street in Hudson. We've been at our location for 33 years. We like the previous speakers have maintained the property, have utilized it. We need it to access our garage which exits onto the alleyway. We're a little concerned that we won't be able to access our garage any longer. I was hoping to find out how this was initiated and how to fix it before 19 of the 20 people lose the access to that right of way property. Chairman Maddox said now that the Town is aware, we're the problem. Someone made a complaint and now we've researched it and found out that you've been putting sheds, septic systems, fences, parking on town property. That's really the issue. We need to get it from being town property to be honest with you. Prior to 1985, Carla Anger said it wasn't on the books as town property. It was a right of way and everyone has used that right of way. Chairman Maddox stated that somebody owned it that we then took it for taxes. Carla Anger said you couldn't find who that someone was in my understanding. Mr. Malizia was not aware of who owned it prior. Carla Anger thought it was the 1892 on the Gillis plan. I think Gillis owned it from the research that I've done. Again, Chairman Maddox only knows what I know. You people live it. We're being told that it is town property so we need to deal with the issue of it as town property and you cannot be - otherwise we're just going to be sending the police down, code enforcement down to try to resolve inter neighbor disputes. It would be much easier on the town and probably all of you, again, if it was sold to an association to where you managed it. You can then decide how you want to break it up, how you want to deal with that.

Carla Anger noted these are only two of many in the Town of Hudson. So you're going to do this for all of them? Chairman Maddox said as soon as we find out about them, I guess we're going to have to. We didn't know this existed two months ago or whenever it was that this started. Steve you know better than I when the complaints started coming in. Mr. Malizia indicated it was sometime last year. Carla Anger said about 8 years ago, a very similar complaint happened and one of our abutters hired an attorney and the attorney and the town had agreed that this has to stay open. Chairman Maddox said it has to stay open. We're not disagreeing with that. We understand that but you can't put structures there, you can't park there. It's only you can traverse to get to the back of your lots as I understand it.

Marleen Paquette and Michael Brouillette - 7 Gillis Street. Marleen stated she was the newest one. I moved in last year. I have a letter from Mrs. St. Jean who I bought the house from who said that they used the alleyway next to the house as a driveway since 1949 when they built the house. It was my understanding when I moved in that that was to be used as my driveway. It wasn't until May that I had police come and tell me that I could not park a vehicle there. For me, it would mean that I'm going to need to build a driveway and I'm not sure that there's enough room on my lot to have the proper setbacks. It's going to cause a financial hardship. As you know with the winter parking ban, you have to be off the street. My garage is under the house and the driveway is too steep another vehicle in the snow. Really I only have room for 1 vehicle in the garage and if it's a blizzard, I don't want to park it in there because I'll never get it out.

The other comment that I had was just to go back with there are 199 town properties on the tax page for the Town of Hudson, which I would think if the Town I understand if there's issues and I know that you all want to resolve them as well as I would like to resolve them. I think that it's going to cause other issues in other parts of the town as well. Chairman Maddox said he did not disagree with you.

Chairman Maddox closed the public hearing at 7:27 p.m. Board members, we have a draft of an Ordinance to regulate certain alleyways. Your thoughts.

Selectman Luszey said he was not ready to do it. I've copied I think all the Board members on some e-mails back and forth with a property owner there. Given the history of this and how far it goes back, I think instead of an Ordinance like this, we should come up with a solution for all of these property owners. I actually thought about how can we sell the parcels at \$1 and get them off of our books and onto theirs and begin to get some revenue for the town on them. I also think that should we enact this Ordinance at this time, they should be here requesting a tax abatement for the property value of their houses, which I would think would be affected. I think we have more homework to do.

In talking with someone that Selectman Luszey knows, the term "grandfather" came into play here. I think we need some discussion with our attorney about what it means for someone to have taking care of a piece of property for the number of years that they have with the knowledge of the owner not doing anything. There has been some financial expenditure on the property owners to maintain and upkeep that property with the town knowing that it's their property and we did nothing. I don't mean us personally but the town doing nothing to say you really shouldn't be doing that it's town property. I think we have more homework to do before we go and enact this.

Selectman Brucker agreed. I think something needs to be worked out where these people who are abutters to this are able to continue to use it whether or not they'd go into an association where they purchase it for a minimal amount or something to that affect. Clearly they have been using it in this manner for a long time and they've been responsible for it unbeknownst to us. I would be agreeable to something that would work in that direction.

Selectman Nadeau said he took the time to take a walk down there and go through the area and look at both parcels of property that we're talking about. One of the things is the sheds that are built on the property. You can tell the two landowners or the abutters on each side of this - I call it a trail - cleaned it, maintained it, and kept it clean so that they got another 10 or 12

feet in their backyard and the other person got 10 or 12 feet in their backyard. Some of them were very neat and clean. Others were junk yards. I think now that we know what the problem is and now we have to deal with it. Whether we divide it up and sell it off to each of the property owners with the agreement that it needs to stay open at the ends, we definitely have to do some more research and work into doing this. I'm not ready tonight to go forward with this but I do think it's something when we're talking about this the other night that we needed to send out registered letters to the abutters and everybody thought and said no we really don't need to. Like I said last time, I thought it was something that we should have done. Putting an ad in the Hudson/Litchfield News, that's what we're supposed to do. Does everybody read the Hudson/Litchfield News, no. People who live out of town own some of these properties, so I do think the right thing to do is do some more research on it and figure out how we can either a) divide it up; b) make it an association; or c) sell it off.

Unfortunately, Chairman Maddox said the lots don't line up perfectly with the lot lines from one house to the other. So you're going to do an awful lot of surveying. Again, I think that these people we need to get some questions answered but they need to look at if they'd be willing to set up Alley A Association and Alley B and again, we have to go to what public auction or sealed bids because this is...Steve Malizia indicated Town Code sets it. Chairman Maddox said they weren't looking to make money on this. We're trying to resolve an issue. I think one's valued at \$3,400 and the other one is \$4,000. Mr. Malizia stated one's \$3,200 and one's \$4,000. Chairman Maddox said it's not a lot of money for the land. It is a function of I think you the neighbors need to come up with how you think you could handle it. Again we don't want to pass this Ordinance but there's so many options we have here.

Mark Nadeau - 39 Central. Just a follow up on what you're saying. I think that's why it's important to maybe to get the log of who has the complaints. The majority of the people don't seem to have a complaint. They may have a valid complaint I'm not denying that but maybe we can address that and find out what it is and have a solution that we can work out.

Again, Chairman Maddox said not that they've brought it to our attention it's the Town's your problem. You're on town property. Who it was doesn't make any difference at this point. It's a function of you're on town land. Anybody could have drive by and said this is wrong and started the procedure. Now the problem is you're on town property. Telling you who started the procedure doesn't gain really...Mr. Nadeau said maybe not who started it but what their complaint is or something. Again, I think most of us in here want a resolution. We're not trying to acquire land but for the last for me it's been 40 years, 33 years we've been good neighbors and sharing the property. There haven't been any complaints. If you try and understand what this complaint is, maybe that will help us come to a solution. We're only trying to work it out. Maybe it may be forming an association or selling off. Maybe all the alleys you can't sell off. Maybe there's particular ones that you can do that with the abutters. The others you can't. I don't know. I think it's something you have to sit down with the abutters and find out what their needs are and what their objections are. I don't think it's an easy solution. Certainly I agree that I don't think the Town is ready to enforce any of this. We don't know if its 15 feet, if it's 20 feet. You're right. I agree. I spent a lot of money over there. The Town has lead me to believe that I could use that property. I'm not trying to put up a fight, I'm just saying.

Again, Chairman Maddox said neither are we. We don't want an alleyway but we also have a responsibility for everybody else. If we say you can do all this on town land, then we're saying everybody can do whatever they want on town land. So we're kind of trapped now.

Mr. Chairman to be fair to everyone here, Selectman Luszey stated the correspondence that I've had they've been told by Town employees that they're grandfathered and that they can use this property for certain things. I think we need to be part of the solution and not just saying go out and do something. Chairman Maddox asked Selectman Luszey what he would do. Selectman Luszey said he would be willing to be the focal point that work with this group of people to figure this out. Chairman Maddox thought that's what we need - somebody that's going to say - but in the end we still can't have sheds on town property. That's the whole problem. Again, we don't want to enact this Ordinance but that's what our attorney told us to do to resolve this issue. That's not where we want to go. I don't think the votes are there. I don't think we want to do that. We don't want to be in the position of sending our Code Enforcement and our Police Department there to enforce this. We need to find a way that takes care of your needs but also takes care of the issue of this is town property.

Selectman Nadeau said there would be one thing I could suggest is the people who are on each of the alleyways have a meeting with each of the people in their alleyway group and see if they can come up with some way to solve these issues. Kind of like have like a little neighborhood meeting and alley A and alley B and see where it goes with that. I think it's something you can do as a neighborhood and get together. Maybe on a Saturday morning or something get together and see what you guys can do and maybe come up with some ideas that work towards the association or work your way not towards having an association and telling the town what they'd like us to do with this property. Like we said, we have a problem and we have to fix it. Mark Nadeau thought that was a good suggestion. It's a starting point.

Chairman Maddox said there's not a vote here to enact this but we do need to deal with it. Again, I wish somebody had sent you a letter so we knew who that someone was. Again, Mark Nadeau said he wasn't looking for the person I was more interested in what type of complaint did they have. It's irrelevant right now. I think that's a good suggestion. I think if somebody could voice or direct the meetings that would be good. Chairman Maddox said for them to put their heads together. We will re-advertise this by certified letters to the owners. Why don't you meet first and Selectman Luszey will come back. Selectman Luszey indicated we need a few weeks to talk about this. Until it snows, Chairman Maddox said we really don't have a problem. Again, I think we're trapped...Selectman Luszey indicated that we can do what the prior Boards have done - nothing. The last 40 years they've done nothing. Chairman Maddox thought if you polled all the selectmen over the last 40

years probably nobody knew they were there. Selectman Nadeau did you know they were there? Selectman Nadeau said yes.

At this point, Chairman Maddox said we're going to defer this until you have some more interaction amongst yourselves and then with Selectman Luszey and we'll bring it back. It needs to be resolved but we don't need to do this tonight. Mark Nadeau understood that you're going to do some homework but does this neighborhood in alley A association is that going to be directed or called by him or is that something we have to do on our own? Selectman Nadeau thought it was something you guys should do on your own and contact...Selectman Luszey would like a focal point into the neighborhoods. They've already done that. They've worked this out amongst themselves and then something changed whether it was someone new moved into the neighborhood or to your point, someone drove by and we now have a complaint. They're all here saying we don't have a problem but there's a problem and we need to fix it. WE need to fix it.

Daniel Gonsalves - 29 Central Street. I guess it's not a question but maybe a comment is whatever the resolution ends up being for this, I think I'd like to see it somehow written such that in the future if we ever sold our property that we can have something concrete to pass on to the next owner. I don't know what that mechanism is. I don't know if it gets lawyers involved. I don't know if it gets the town involved. I don't know if it's both. I have no idea. I'm not too familiar with this kind of thing but I'm learning quickly. Chairman Maddox indicated at this point there will be some written resolution as I see it. There has to be. Whether it be this Ordinance, some sort of association, or something that you can come up with that solves the problem of not utilizing town land as private property. Something will be in writing. It will no longer be a free for all. Someone at the town hall said something to someone 38 years ago. There will be a deed change at some point I think at this point.

Margaret Larocque - 6 Chapin Street. It's only to clarify. Is it possible for the town because it's such limbo as far as where does this begin and where does it end. I have a fence along my back yard which I did not put in but it's been there 21 years. I don't even know now if it's on town property. So I don't want to be worrying about that. I know it will resolve in some way but what if it is and I don't know. I don't know. Nothing is defined there. There's no markings to say this is town property. As Chairman Maddox understood it, iron pins are out there. Mrs. Larocque said the only other idea I have is when you mentioned something about a lot of surveying. I hope I'm not going to have to pay a survey for my property to find out where your property is. That's my concern and that would be for the other neighbors too. Chairman Maddox said he agreed. That's why adding it on to the back of your lots is going to take a lot because you're going to have to change all of those deeds. That's why I'm saying if you made it an association that you all shared in common, then you don't have to go through all of that. I think that Board without objection, we will send out the interns with the GPS and we will take the deed and verify. You'll probably see some orange paint on the ground somewhere. Ms. Larocque said that would be good because I've never known. I've been here since 1962 knowing that area and it's always been used always and never marked. I'm like where is it? Where does it begin? Where does it end? I can look across my back yard and say and I on it or am I not. I think for the comfort of the neighbors, they need to know exactly where you are and not where we are. Thank you very much.

Selectman Luszey indicated he'd work with Steve on getting a letter out to all the property owners on that too. Chairman Maddox indicated that you will receive a letter this time to the owners. Thank you for coming in. We hope to you see for a resolution.

D. 25 Constitution Drive (Map 170, Lot 38) - Corner of Constitution Drive and Wall Street

Chairman Maddox stated this was coming back to us from an earlier meeting in regard to the town and Wall Street and what we're going to do with it. This is coming back and you've seen that the Highway Department can get this done this year. There was a price. I guess we've received further communications from both sides from their attorneys. We got one of them today. It's on your table dated today.

Good evening Mr. Chairman and members of the Board. My name is Brad Westgate. I'm a lawyer at Winer Bennett, 111 Concord Street, Nashua. I represent John Jamer who is the owner of 25 Constitution Drive. I apologize for not having a jacket on Mr. Chairman given today's weather. I'm sorry. I'll just try to just briefly bring us back to what was on the table from when we were last here on May 28th. I believe since that time the Board may have conferred with Town Counsel. I know you were intending to at least at that point. On June 5th, I submitted a letter to Mr. Malizia with a Memo to the Board, which I believe was distributed to all of you in advance of tonight's meeting with your packets. In that Memo, I just tried to truncate the background down a bit. I'll remind you of the highlights of what the research indicated. I'll just try to do that again briefly and then just pull this to you where we believe we stand and what we've requested from the Board for action.

As the Board recalls, Attorney Westgate stated there was a plan that was approved in late 1999 recorded with the Hillsborough County Registry of Deeds, Subdivision Plan for Unicorn Park, Constitution Drive, Wall Street Subdivision, Unicorn Industrial Park II. It depicted 12 lots. Ten of those lots were conveyed to MAPPs Development LLC. Two were retained by the Town. The town owned the subdivision at the time of this approval having received in a post foreclosure deed I believe it was from the FDIC. One of these lots is the lot owned by Mr. Jamer. A copy of that plan is tagged on at the end of the Memorandum that I submitted on June 5th. If you have that with you, you'll see it. You'll notice that that lot of Mr. Jamer has frontage both on Constitution Drive and what I've been calling the southern end of Wall Street. The primary Planner was trying to make it in my Memorandum and I've tried to make before the Board in the two meetings we were before you - May 14th and May 28th I believe they were. When a subdivision plan is approved by the Planning Board and recorded with the Registry of Deeds and it depicts roads such as Constitution Drive or Wall Street, then what it is showing are what are called "roads dedicated to public

servitude". These are roads that can be used by members of the public even if they haven't yet been accepted by the town. They're not private roads. They're not private streets. They're not driveways. They're roads dedicated to public servitude. They can stay that way indefinitely frankly or they can become accepted by the town.

In this particular case, Attorney Westgate said Constitution Drive was accepted by the Town in formal action in 2007 but this section of Wall Street although built to a particular stage at that point in the early 2000s was not every accepted on a formal basis. So it still exists as a road subject to public servitude. It can be accepted by this Board as a full Town accepted road but it's very important to note that right now as a road that the public can use. Again, it's not just a private street. Any member of the public can drive on that section of Wall Street. It's also important to know and I believe the Board may be aware but to reiterate, this section of Wall Street has town water and sewer lines already in it. They exist along the frontage of 25 Constitution Drive as they also exist on Constitution Drive itself. So there's been public improvements already in this section of Wall Street including the sewer and water lines as I mentioned.

Back in March kind of as a result really of our pending site plan approval process with the Planning Board for an industrial building for this property which that process is still pending, Attorney Burns indicated that Kevin Burns the Road Agent sent an e-mail to Mr. Maddox indicating that he, Mr. Burns, would recommend acceptance of this section of Wall Street if certain improvements were done and he estimated a cost of that at about \$26,200. That e-mail from Mr. Burns to Mr. Maddox is also appended to my Memo. What this Board has the power to do as I indicated in the conclusion of my Memo of June 5th is you have the power to authorize that work as a town project and you have the power to accept the road when that work is done to your satisfaction and to Mr. Burns' satisfaction. That's exactly what we've been suggesting that the Board do - authorize this work as a town project so that we get this section of Wall Street to a point that it can be accepted as a town road. Mr. Jamer is willing to contribute \$7,500 towards that cost and also request that the Planning Board dedicate his cap fee of \$4,800 also towards that work for a total of \$12,300 - nearly half of that cost. I don't know what Attorney Buckley may have given the Board for comments or thoughts relative to this process. I hope that they're consistent with what I've outlined to you that the Board has the authority to authorize this work, has the authority to expend funds are in order to determine how funds are to be allocated for it, and ultimately when it finds it appropriate has the authority to accept the road as a formal town accepted road.

Attorney Westgate said he knows Mr. Wolthers Attorney John Soco submitted something late this afternoon to Mr. Malizia for distribution to the Board. Frankly I would respectfully submit that that shouldn't even be considered by the Board this evening. I was given a copy of it by e-mail late this afternoon as well. I don't see how the Board can digest it and make any sensible judgement from it. We've been here three times already now. It's really time for some action to be taken on this matter. If the Board does delve into it, I would like to have the opportunity to address comments that are made by Attorney Soko. Again, I would respectfully suggest that it not be even considered at tonight's meeting given the lateness of the hour it was submitted. That's I think where we stand Mr. Chairman. Thank you again.

Good evening everyone. My name is John Wolthers. I didn't realize that the information that I provided to you needed to be provided earlier. I understood this evening was the meeting. The information you received this evening I was of the opinion that that is something that was to be delivered today as this was when the matter was being heard. I wasn't aware there was a previous meeting or that this information be looked at prior to. Basically in summary - the material that you have in front of you I think is more important that you read that than you hear from me. I don't need to go over the same information. Again, the premise of this road is servicing a single property user. This is not something that is being used as I understand it today for the general public. It only accesses one property owner. As of today, my engineer had reached out earlier today to the applicant's engineer. We have put together an outline of a proposed settlement to try to resolve this matter. I had not heard from the last time we were here if you recall, there was a suggestion made that perhaps if the town and all the parties could work together we could try to get this matter resolved. We didn't hear from anyone but my engineer reached out. Let's give them a call and see if there's something that we can do here. That call was made and in fact I spoke with Attorney Westgate earlier today. He asked if I would be open to continue tomorrow's meeting with the Planning Board to try to resolve this in the next 30 days.

Mr. Wolthers asked the Board to do is to hold off today's vote and put it on the same schedule as the Planning Board so that we can have a finalized agreement. There was a draft agreement that was prepared by Attorney Westgate prior to. We have provided him with our concerns and comments as engineers. It seems as though from this evening that there may be an opportunity to get that finally resolved and I'd like an opportunity to do so. If the Board takes this matter up tonight, obviously I hope that the Board does not take it up for a vote and continues it so that I don't have to take that vote into account in our process. Obviously this is a very sensitive issue. You've heard from me before so I'm not going to belabor it. You've asked for a copy of the appraisal and I apologize. I had the wrong one that I came here with. You do have the right one that was put together by CB Richard Ellis. That's about all I've got at the moment if there's any questions.

Chairman Maddox's question would be if we made a decision today what impact would that be because your real concern is Planning Board issues. So if we said yeah or nay, what impact would that have on your negotiations with the property owner - most of the issues that you outlined or your attorney outlined are Planning Board issues. Mr. Wolthers stated what I would ask is that what would the harm be assuming we're going to put off the Planning Board to making this decision so everybody is committed to the same deadline to do that. In other words, you make a vote today - again I don't have my attorney here so I don't know what his response would be in answer to your question. I don't want to have them putting me in a position where he says is okay all we have to file this. That's not what I want to do. I live in this town. This is not something - we reached out today and I'm glad that it was receptive. I'm asking the Board to give us an opportunity to finalize this plan. The last time I came here I asked if we could all work together. Hopefully some of you remembered that. Unfortunately it was done last



minute but it was done. Certainly whether the vote takes place today or takes place 29 days from now because we're meeting I guess with the Planning Board according to Attorney Westgate, he would like to meet in 30 days.

Chairman Maddox said the other issue though is the price that we gave you is based on doing this work in a manner which fits in with our paving schedule. My suggested motion was going to be you have 60 days to put up the money so this can get done. After that time frame, it can't get into the paving schedule. The work won't get done. It won't get an approved street until next year. Mr. Wolters didn't know about the 30 days when I spoke to Attorney Westgate. I asked him for just 2 weeks to finalize this. We already have a draft agreement so he told me it would take 30 days. I could live with the shorter time period but he's asked for 30. I'm okay with that and I'm asking the Board, this Board in particular, to give us the time to work it out so that...the other issue that I also want to make mention is assuming everything is okay, I'd like to take back all the material I've provided and hope that I could provide a letter of support for this applicant so we could all move forward as a community. That's what I would ask and thank you.

Thank you again Mr. Chairman. Attorney Westgate's basic comment was going to be what you already noted Mr. Chairman is that Mr. Wolters concerns are really site plan detail Planning Board level matters. Items to be analyzed at the Planning Board in the context of a site plan review. The road issue doesn't really go to those. We'd like to bring the road issue to a conclusion one way or the other. That is have the Board determine whether to authorize this work and how to allocate the costs or not. If it's not authorized and we have to figure out a different alternative for the disposition of this section of Wall Street whether it be deemed a Class VI road in which we take further steps in that regard. We are not going to pursue a wetland special exception to cross that significant wetland. It's illogical. Wall Street was put here for the very reason to not have to have that occur to provide this frontage to the developable portion of this lot. Again, we look at these as two separate matters. We do want to try to work with Mr. Wolters on the site plan details. Maybe we will defer tomorrow night's meeting at the Planning Board. We'll talk to him further about that but we'd like to bring the road matter to a conclusion.

Chairman Maddox asked if there were any questions from Board members. Selectman Luszey said he didn't have a question. I think I have comment. It seems like this issue was caused by us the Town given that it was probably back in the mid 80s when we returned the bond money that would have finished this road. Is that correct? Chairman Maddox stated there is some validity to that. It's later than that but yes. Regardless of the time frame, Selectman Luszey said we did not use the bond money to finish the road as we should have back whatever date it was. So we are part of the problem. I believe we should be part of the solution. I think part of that solution is splitting the cost with the current owner to get this road in, approved, and done and let the Planning Board deal with all the other issues. Chairman Maddox thought if we said he pays \$13,000 which I think the Planning Board will waive, they'll apply the cap fees towards this. He has a \$7,500 contribution and we've taken a few more dollars but just to break it even \$13,000, \$13,000. He has to have that money to us within 60 days so that it can get done this year otherwise at that point, it can't get accepted. It can't go through the process. So he has to make a decision. That's still within plenty of the timeframe. He's certainly not going to write us a check tomorrow if they have something that they can work out. I think if you come back here, we go through this again, and then you decide you want to go as a driveway, it's just going around and around. It might reach the hot dog vendor stage of having 5 meetings to decide how we get somewhere.

Motion by Selectman Luszey, seconded by Selectman Brucker, to authorize the Road Agent to do the work if the applicant provides a check of \$13,000 within sixty (60) days to complete Wall Street to an acceptable level.

Selectman Brucker had a question of Attorney Westgate. This meeting that you've agreed to with Mr. Wolters, it only has to do with the site plan is that correct? Attorney Westgate said there are a number of site plan issues - the screening, exterior appearance of the building, perhaps sent back and do a relocation changes. There's a variety of components to it. Frankly there are issues we've talked about before with Mr. Wolters and we never quite got to the final result. Yes they're design, building layout, landscaping, drainage, storm water maintenance those kinds of issues.

Chairman Maddox didn't believe that we're doing anything to harm their negotiations or Mr. Wolters. Again if they don't send us a check because they feel that they can work out an agreement for something else, then he's not going to send us a check but he knows the parameters. We'll send him a letter stating that this is what the Board voted. At the end of 60 days, that disappears and they start anew.

Vote: Motion carried 4-0.

## 8. NEW BUSINESS

### A. Sewer Allocation - Map 165, Lot 159

Chairman Maddox recognized Town Engineer Patrick Colburn.

Thank you Mr. Chairman. Patrick Colburn said this particular applicant sent a representative Jeffery Byrd is his engineering consultant. They're proposing a 6 lot subdivision. It's actually a 7 lot subdivision. Six new residential properties. There's one existing two family dwelling that is scheduled to remain on the property. So he came before the Municipal Utility Committee on June 19th and requested 3,600 gallons a day of sewer allocation. I find the application to be in compliance with the sewer ordinance and therefore recommend approval of the same.

Chairman Maddox asked if the existing house already has sewer allocation that's connected. Mr. Colburn stated that was correct.

Motion by Selectman Brucker, seconded by Selectman Nadeau, to allow the requested sewer allocation for a proposed seven lot subdivision consisting of six new four bedroom single-family residential homes and one existing single-family home. The requested flow allocation for each new lot is 600 GPD for a total allocation request of 3600 GPD, carried 4-0.

B. Change Order Request - Hudson Senior/HCTV Access Center

Chairman Maddox indicated that basically they have struck ledge and we need to take monies from contingency to deal with the lead situation.

Motion by Selectman Luszey, seconded by Selectman Brucker, to authorize Change Order #1 to Brookstone Builders, Inc. for adjustment to site plan in an amount not to exceed \$117,160 with a ten (10) percent contingency of \$11,716.00.

Selectman Luszey had a comment. This is well within the budget that we planned for. Unfortunately we do have to use the contingency money. We're still under budget and we still have a little bit left if we find any more surprises. I urge everyone to approve it.

Vote: Motion carried 4-0.

C. Proposed IT Department move to 39 Ferry Street

Chairman Maddox recognize IT Director Lisa Nute.

Thank you Mr. Chairman. I was asked to come before you tonight to discuss vacating the IT area of this building in Town Hall and relocating my entire staff at 39 Ferry, which as you know is being vacated because of your move for Inspectional Services. I guess within that move and part of this discussion was the Finance Director's proposal to re-arrange some other areas down here, including the lunch room. There was some question about the security or I guess secure files by the Trustees of the Trust Fund, which you are also vacating with the Inspectional Services move. The suggestion was that I vacate my office. That becomes the Checklist of the Supervisors and Trustees office, which will be then secured for files and we would not have to make the public restroom here inaccessible because the entryway could be opened up back as it used to be before that became an IT office.

So Ms. Nute was asked to look into that, into the cost. Before you you have my drawing of how the office would look now in the lower level of the Fire Admin. building. If you're familiar with 39 Ferry at all, you can see that I have not moved walls or structure. I have done as minimal changes as possible construction wise to keep the costs down and because that space would adequately fit our needs if we took over the whole space anyway. The only thing I would propose doing is opening up a little for some added light, a window there to the one closed office in the far right corner, and I would need to build in a countertop as we currently have something similar here where you can open up a PC or a box, light up a switch and use as a test area as well, and some closed storage. With this move, I'd be able to clean up some of the Police IT area which is currently out of control when we lost an IT closet in its entirety when they did the reconstruction of the Records Department there. So a lot of that stuff ended up in our IT office down at the Police Department and it's in my opinion a little unruly. So that it one advantage to doing something like this and including closed storage.

On the next page after the drawing is the spreadsheet. Ms. Nute would like to pass out an amended version. As of yesterday I was asked to include the little bit of construction that would be required to open up the doorway as I had said. that was closed up in this little lunch room so that the Trustees could enter there. There would be no additional door. It would simply be taken from the front of the IT office where we currently have it closed now, move it to this side. It would be \$200 or less I am told by our current maintenance person. So its minimal supplies to reframe it and just cut out the drywall that's been just boarded up. So that new figure down below includes the network telecommunications and electrical changes that would need to be made at 39 Ferry. It is not adequate for IT staff there. So the first part is our electrical quote and communications and then the second part is construction costs based on the best quote that Deputy Buxton got for the current reconstruction and renovation going on right now for Community Development. That includes the ingress which I added the \$200 to open the door. It comes to \$12,000. The recommended funding is \$6,000 from funds that were allocated but unused for the Community Development renovation. I was asked also to approach the Finance Director and see where we might be able to find the other half of that. She had suggested maybe the contingency fund and I know she met with Steve on that today.

Selectman Luszey had a comment. Thank you. This whole process started back somewhere in October when we took on the consolidation of Inspectional Services. What we're seeing right now is the unintended consequences of some of our decisions that we made to consolidate Inspectional Services and then to not only consolidate the organization and people into one but also into a facility. A centralized area. So when we did that, we're actually opening up an entire level of the Fire Administration building. If we take a look at what is being presented here and proposed, there are a couple of things that fall off. One is the improved overall working conditions for all town employees in Town Hall by providing an area that is better suited for the break

activities given the current location of where those activities take place today. What I'm talking about is the break table is literally outside the door of a bathroom. We can talk about that later.

Selectman Luszey said it also provides an environment to improve the overall IT service level for all town functions. I say all town functions because right now today with certain employees being located within certain facilities, it's difficult to prioritize work when they are located in a facility that their work is being directed solely for their selfish use. By having all of our IT personnel located in one central area, it does get to some of the things that I've been talking about where given a virtualized environment, we can support the Town's staff from anywhere. This begins to move us into that direction where we're virtualizing our operations and at some point in time 3, 5 years from now, they'll be supporting that function hopefully outside of the physical facilities of the town.

Selectman Luszey also believe we would be better using the available spaces made available to us with the move of Engineering upstairs and the inspectors from the Admin. building to upstairs in Community Development. Again, I believe that we're dealing with is an unintended, and it actually is a good unintended consequences of some decisions that were put in play back in October with the Inspectional Services consolidation and the consolidation of those individuals and the Engineering Department upstairs to the Community Development. I would urge you to support this.

Chairman Maddox guessed he said earlier, I'm having trouble from a man who wanted to virtualize and combine dispatch why you can't virtualize the IT Department. If you need to have communications with a person on the remote site, you buy them a webcam and you can communicate like you want to do. I'm having a tough time bringing the third person into this space. I think that you're the person whose pushing for it. Selectman Luszey said exactly. By the way part of that is the Police Department has made comments a number of times over the last two years since I've been a Selectman that they need more space. We're giving it to them and we're going to improve their service. So yes because we can virtually do IT support from anywhere, it makes sense to move that person out of the physical facility of the police station and give that space back to the Police Department to do what they need to do with it instead of building on more office space because that's what's been requested a number of times.

Just so I'm clear, Chairman Maddox said the plan is now to put a doorway from the existing breakroom into what is now your office? Ms. Nute indicated there used to be a door there. When it became my office, traffic would have been running right into my desk. We simply put a piece of drywall up, removed the door, and put drywall up over that hole. So it would be cut back open. The door that goes into the IT Department with the combination lock would be moved to that side. My office currently has a door that locks on the opposite side, so that would already be in place. So it could be locked from both sides.

Chairman Maddox said we're going to take the space where Vin is located as well as your office for this maneuver. That will still be able to be done? I didn't think there was a door going into...Selectman Luszey said you can do that. Ms. Nute said his space is...Chairman Maddox said that work space area. Ms. Nute said it doesn't go into Vin's area at all. That's where the breaker box is on his wall and it's just a very small closet. You could end up using that as storage or whatever. It really isn't feasible for an office. He is just in a closet basically. The problem too is your trying to work, try to have people around his back of his chair to look at the screen and look at a problem together. You can't even fit in there. I really would not recommend reusing his office as office space but maybe as storage. Chairman Maddox indicated that we're going to use that space outside of his office as part of this for the Trustees or whoever we're going to...Ms. Nute said no. That part will no longer have a door on it so it just becomes a part of Finance. You could end up...

Chairman Maddox said you're going to cram all 3 of those people into your office is that what you're saying. Ms. Nute said right now they're even in a smaller space upstairs. It is even smaller than my office. Selectman Luszey said if this Board wanted to, they could because we're relocating one keyed door. There is a keyed door between Finance and IT. The door really is a matter of which door we relocate. So you could either remake one office, the secured area, or you could make that entire 3 little rooms the secured area. We're only relocating one door. It's which door...Chairman Maddox said he was having a tough time why we just don't - you're talking about 6 elected officials going through Finance to go there twice a month.

Selectman Nadeau said they go at odd times. They go at 12 o'clock in the afternoon on a Sunday. They go at 3 o'clock in the afternoon on a Saturday. They hold night hours for registration. Chairman Maddox said they don't hold it in their offices. They do it one of these rooms right? Selectman Nadeau said no. I've come in here on registration day and they've had the door kicked open to their office held open with a stopper and a note saying go from the stairs to this office. They would sit in their office and do computer work while nobody comes in to register to vote because they all register at Town Hall. That was just a function of their doing a legal obligation of being open. By moving them down here, nothing will be open as much as it is now. So it would be more secure for us from what they have now because you have the sewer office open and you have Kathy Wilson's office open even though the stuff is in filing cabinets. There could be papers on the desk. So moving them down here into that office I think is a good idea. I think, again, it's something we didn't think of but I think it's something that can work out in the long run as far as a) more storage space down here in Finance, and b) more room at the police station. As much as I'm not overly excited about spending \$12,000 in this move, I think it's probably something that we should do but look at some of the things that we're doing in this \$12,000.

Selectman Brucker thought that from what Mrs. Nute has said that wouldn't they come in from what is now the break room? Wouldn't that be their access? They wouldn't go in through Finance. Ms. Nute said correct. Selectman Brucker said

somebody said walking through. Selectman Nadeau said right now they'd be walking through Finance if we put their offices in the other way.

Selectman Brucker asked if they saw any negatives to this Lisa. Ms. Nute said no but I don't want the Police Department or this Board to think that we still won't make an appearance at the Police Department. We have to travel sometimes. You can't do 100 percent things remotely. There will be on site things. I've got servers, etc. down at the Police Department. It's not to say that I won't dispatch one of my guys down there for a day, half a day, go down there together and work on something. The majority of our work you can do remotely and just this week I've had people making on site trips to Burns Hill fire. We've run to the Community Center to set up the Rec. Director. We do travel. We will still be going back and forth on a semi-regular basis. The advantage is one I get one of my IT Specialists out of a closet; 2) I can help clean up that Police Department office; 3) we can avoid some of the disruption that goes on between and Finance. We've got customers at the door and we can't even concentrate when we need absolute concentration and vice versa. We'll have a switch plugged in at our counter and I remember Jen having to close the door because it was too loud and then it just becomes this overheated spot and we can't breathe in there. That will help to be eliminated. Just to have my staff start in an area. There are a lot of times where I end up using my IT Specialist here on site as my right hand person because I don't readily have John available. We end up making a lot of the decisions without him and then I inform him after. By the way, oh well, John had a good idea there. It doesn't always work out that way so that would also be helpful. Sometimes if the meeting rooms are all taken, I don't even have a spot to meet 3 people. We end up having to travel down to the Police Department there instead. So things like that I think all be positive.

Selectman Brucker said she could appreciate the - I know I was in a situation where we had in a school department we had one IT person and that person was stationed at the high school. We never saw that person. It's just a natural thing that if you're in a building, you get used by that building and it's hard to get out.

Ms. Nute said we do have a ticket system where people post their issues and their calls for service to a ticket system. All three of us see it at the same time. So we do know what's going on at the Police Department; John knows what's going on at Fire. If there's a problem at Robinson Road, he knows automatically I take that ticket, or sometimes I'll assign the ticket, John you're going to have to down to Burns Hall for us we're currently tied up. If you're all together, you kind of have a better understanding of what everybody is doing and who's doing what.

Chairman Maddox asked how many hours is the police specialist working on police issues. Ms. Nute said she actually meant to have some stats here and I forgot to run them. I can actually see how many tickets come in by police personnel, fire personnel, etc., what our peak times are. Obviously calls for service do go down drastically during weekends because people are not on. There are I would say just as many if not more tickets coming from fire than there are from police sometimes and vice versa depends on what is actually going on. Chairman Maddox said if the people at the Police Department don't use the ticket system because he's there, then they're not logging those. Ms. Nute said that might help us resolve that problem too. Chairman Maddox said if he's going to drive 15 to 20 minutes from here to the police station every day back and forth, are we going to lose 2 or 3 hours a week that he's now commuting to get to do the same things he was doing. I'm just trying to...

Selectman Luszey said the only time a person is going to be driving to a facility is if there's a hardware issue. I don't want to put words in your mouth but you can correct me if I'm wrong. Eighty percent of the issues are going to be software related or more. Chairman Maddox said even in the Police Department I hear...Selectmen Luszey said even in the Police Department. Chairman Maddox said they have a lot of hardware issues because their computers are in the cruisers. Selectman Luszey said those should be dropped off in the lab to be repaired and swapped out. We have a swap out repair process for those. We have spares on the shelf. They take them. They get them done and he fixes them when they have a chance. It doesn't require a special trip to the police station to fix that. As a matter of fact if it's a cruiser one, they can come down here and we can swap it out while they're driving by.

Selectman Nadeau said he had a couple of questions. The first one the \$3,000 for the carpet. What are we carpeting, where, and why? Ms. Nute asked if he's been over there lately. Selectman Nadeau said he was in Joe's office not too long ago downstairs but I wasn't looking at the carpet. Ms. Nute said she didn't know the age of the carpet but it's in need. That actually does this entire space. The cost that was used is the best quote that Deputy Buxton got for upstairs. So that was based on square footage of this area and that entire space. The far left that's just a closet and a bathroom. So that would not be part of it.

Selectman Nadeau questioned the \$2,200 in construction costs. What are we getting for that? Ms. Nute said the far right corner office is a cut out so that the light will pass through from the one that's existing in our new meeting area. In the left area, which is currently now the fire admin. conference table, there's built in shelving all the way down the middle where the HVAC also runs above it. That would become a counter with lighting underneath there as a work surface and storage above. To the left there is storage whether that becomes or built in - that was considered construction built in. You could I suppose easily put in metal storage or something as long as it was locked.

Selectman Nadeau said \$2,000 for paint. Again, Ms. Nute said that was based on the best quote that was received upstairs for paint. I suppose if I took on the work myself, I could save a little. Selectman Luszey said equivalent to the cost that we approved for upstairs. Ms. Nute stated those were very new quotes and we had more than one quote. That's why we decided

just our new inspector went over there as well with Deputy Buxton and that's what they decided was the best way to handle the construction costs to base it on what they've already seen and got.

Chairman Maddox asked how come we didn't just leave the conference table that's there in the big space and put the two work stations in the first office. Ms. Nute said that didn't solve the problem of a counter top area. The picture might be a little deceiving but that's actually kind of tight in there. That big table would be overkill for what we would need. I would prefer to have a counter where we could spread things out and have light down on the open box or whatever. So it would fit our needs better if we made that the office space and just had a smaller conference table to meet a couple of vendors and my entire staff or an intern or two is what we would need. Chairman Maddox said he was having a tough time making all these moves. I'm still not convinced that someone is going to end back at the police station. I know that Selectman Luszey you believe it will happen but I'm not convinced that one person covering highway, the Robinson Road, and animal control and police and cruisers isn't going to be there most of the time. So we're building an office for a person who's never going to be there. I'm having a tough time making the leap of putting in windows, putting in offices, and another conference room when there's one there for a very short lived experiment.

Selectman Luszey said he took exception to a short lived experiment. If we were to move to a total virtualized environment, these people stay here unless we literally outsource the administration of the environment. We're in a virtual environment today. What we're trying to do is improve the overall effectiveness and efficiency of this department. The space where there's proposed counters, I would label that more as a lab environment where they're tearing apart the hardware, fixing it, testing it, things like that more than office space. Today that takes place in that little space just before Vin's office. It also takes place up in the Police Department building. We're paying premium dollars in the Police Department for that type of space and we shouldn't be. When the Police Chief is here saying they need more room for records, more room for detectives, and all that, we should be vacating that space and giving that premium office space back to them and moving it here.

*Motion by Selectman Luszey, seconded by Selectman Brucker, to expend \$12,000 of which \$6,000 will come from the unexpended Community Development renovations and the other \$6,000 from contingency to relocate all 3 IT personnel to the lower level of 39 Ferry Street, i.e. Fire Administration.*

Before Selectman Nadeau goes about spending contingency money on this, did we take care of the stuff that we had talked about before that we were going to use the contingency money for like the gas pump. As Steve Malizia has said before, the gas pump is budgeted in fiscal 2014. You already put money into fiscal 2014. The last thing you did with the contingency money was - I can't remember exactly - we spent \$30,000 of it for the train station. So that money has been moved which should leave a balance of approximately \$12,000 in the contingency fund.

Selectman Luszey asked Selectman Nadeau what his concern was. If the pumps are budgeted for next year...Selectman Nadeau said we keep having problems with them. We keep talking about we're going to fix them next year. Now we're going into the default budget. Mr. Malizia indicated we made a transfer. The Board had some goals that were articulated. If you recall, I believe within the month after the budget did not pass and we looked at the default, there was a review of the default. There was a discussion of transfers to accomplish the goals articulated and/or prioritized by the Selectmen. If we recall, I believe the delta for the general fund was not a very big number it wasn't surmountable. It was in the teens if I'm not mistaken. We did a review of what this Board prioritized during the budget. This was the "W's" and the "C's". All of your "W's" will do were then accounted for in this default budget by taking money and putting it into those accounts. To answer your question, this pump here is slated to be replaced in next year's budget after consideration by this Board. That's where that's coming from. Selectman Nadeau said so all the can dos are all taken care of.

Mr. Malizia said yes. Selectman Luszey said there was about 20 items on that list. Mr. Malizia said there was a good size list. What ended up happening if I could digress a little further is for example I think money went back into the Assistant Town Administrator's salary. We know we're not spending that. So that was they types of things that allocated back. The default budget reset us to things that you were never going to do. So when we took that into account, I think the shortfall was under \$20,000 out of a \$21 million budget. Therefore, all your will dos were restored. I believe all of them were. I think the only thing we might not have done is we might have put slightly less into a legal line. I think you had some legal money for property tax cases instead of 40 I think we put 30. That was one I think was a delta. Other than that, the other things you prioritized this Board reviewed and we put it back in. So to reiterate, in contingency right now there is \$12,000 left that will expire Saturday.

Selectman Brucker stated in your motion wasn't there a mention about working out the money. Selectman Luszey said that's what we're talking about right now. Selectman Brucker said she knew but I mean that's part of the motion. Mr. Malizia stated the motion just included the money now. The money has been included in the motion that you just seconded. Selectman Brucker meant is it as \$12,000 or...Selectman Luszey said it's \$12,000 and we'll have to make I believe a separate motion to take the \$6,000 out of contingency correct. Chairman Maddox indicated you just did. If this motion passes...Mr. Malizia indicated you can accomplish it in the motion just made. You're taking \$6,000 from the monies that did not need to be spent on the upstairs renovation and then the other \$6,000 or the balance is coming from contingency. I believe, and Chairman Maddox read it...Selectman Luszey thought we had to make a separate motion on that. Mr. Malizia said you can make it in this motion. Selectman Luszey stated that it was clear. It's part of this.

Chairman Maddox said he's going to have to say no. I just don't believe that this is going to be a long term thing. You're going to be back to the police station constantly to where he's going to end up staying there again and we're just building offices for a vacant employee.

Selectman Nadeau indicated that now that you're saying that are you going to close down his office and shutter it. Selectman Luszey said we're going to give it back to the Police Chief. Selectman Nadeau said so he's going to have nothing there when he goes there. I find that hard to believe. Selectman Luszey said to think about what his work is there. It's to fix a piece of equipment that's installed in racks, or underneath the console so if something is broken, that's where he's going to go to fix. If it's an application issue, he's going to be taking care of it from his office here. So if he's physically going to the police station, it's to work on a piece of equipment that's not in an office. It's located in the building somewhere where it's an active service and he has to repair it there. Normally they'll swap it out and they'll bring the broken piece back here to fix. If you come back and our IT Director says we have to put an IT office back up there, I'll have other motions to make.

Vote: Motion failed 2-2.

Chairman Maddox indicated that the motion failed. I guess we'll wait until we have a fifth.

D. Employees' Earned Time Fund

Chairman Maddox recognized Finance Director Kathy Carpentier.

Good evening. Kathy Carpentier said she comes before the Board as one of my annual things at the last meeting of the year is to inform you of how much has been taken out from accrued time and the benefits associated to it. We've had over 102 payouts in accrued time. We've had 12 employees leave employment which would have taken their accrued time with them, and 10 earned time max payouts. There's \$388,400.62 has been booked into the salary and benefit lines and then absorbed by the departments. At this point there is \$387,000 in the capital reserve fund and we are 22 percent covered. It's up to the Board if they'd like to see any of that money come back from the capital reserve fund to offset the departments. The Town Administrator and I have looked at the budget as it stands today and it seems that we will be giving back anywhere between \$80,000 to \$120,000 on the bottom line. There's definitely some departments that will be overspent, some under spent but I believe that the Town can absorb this \$388,000. It's up to the Board to decide if they want to take money from the capital reserve fund and they have to do it at the last meeting of the year.

Chairman Maddox asked if the motion would be the distribution at zero. Ms. Carpentier believed you don't need to do a motion if you choose not to do anything. It just is what it is. That's what your past practice has been. Chairman Maddox asked the Board if they wished to keep that at least at 25 percent of what we're exposed to.

Selectman Nadeau said here's one of the things that I think we should be doing. As our work force is getting older and more of them are going to be retiring in the next I'll use 10 years, I think that we should be taking some of the contingency money that we have left over and putting it into the earned time fund so that we'll lessen our exposure in case we need to use it.

Chairman Maddox said we're to reverse this motion and request the distribution to the fund of monies left over in unexpended funds. Is that something we can do? Right now it's taking it from the employee's earned time fund. Mr. Malizia said it's a trust fund that's...Chairman Maddox said if we took, and I'm just going to say \$60,000 because you said probably 120. Mr. Malizia said unaudited. At this point in time, the auditors haven't been in yet. So that's a best estimate at this point in time. Ms. Carpentier believe Selectman Nadeau was just referring to contingency though. So his motion would be...Chairman Maddox said the \$12,000. Selectman Nadeau said if you want to put more in, I don't have a problem putting more in. I was looking to put something into it that we could put into it. Chairman Maddox said it's \$4,000. We'd move it up a percentage point.

Selectman Luszey stated if you really want to do it, then we ought to have a warrant article to begin appropriating money to put in to cover that if you're serious that you think we're going to have a problem with that. Mr. Malizia indicated we do appropriate money every year. Selectman Luszey said we ought to up that if we think we're going to have...Selectman Nadeau thought we should up it and I've said that for years. I think that if we know that we have I don't know what number you guys were using or where you got your number from...Chairman Maddox said it looked like we're going to return...Ms. Carpentier indicated that we do have one more payroll and two more weeks of accounts payable with all utilities. So it is a definitely an estimate to say \$80,000 to \$120,000. There is some money in there for sure.

Conversely, Steve Malizia said if you don't do it, it flows to our surplus area and does it in a fund balance and is available for other purposes such as tax relief, i.e. you potentially use it to offset next year's tax rate. So opposed to putting in a savings account, which this is, you might want to float to the bottom line and then make a decision down the road as you do every year as how much of that surplus do you use for tax purposes. That's the other side of the coin.

Chairman Maddox said we're at 25 percent, which is actually the highest it's been in the last number of years. It's always hovered around 18 to 22 percent.

Kathy Carpentier thought it's the last few years you've been putting in \$50,000 every year and not taking any money out. That's why we've been able to increase our funded balance in it.

Knowing this now, Selectman Nadeau said he could do something with the IT because there's more money than I thought there was or was going to be. Selectman Luszey said motion to reconsider. Selectman Nadeau said let's figure this one first and then go down there. I would like to put \$20,000 into the earned time fund from the leftover money at the end of the year. Ms. Carpentier said how about up to. Selectman Nadeau said up to 20 is fine.

Motion by Selectman Nadeau, seconded by Selectman Luszey, to put up to \$20,000 into the earned time fund from the leftover money at the end of the year, carried 4-0.

Selectman Nadeau moved that we take a 10 minute recess. Chairman Maddox declared a recess. Back from recess, Chairman Maddox said we'll continue with the adoption of the capital assets and depreciation policy.

#### E. Recommendation to Adopt Capital Assets and Depreciation Policy

Chairman Maddox recognized Finance Director Kathy Carpentier.

Thank you. Kathy Carpentier said one of the audit points in our annual audit has been that we've been out of compliance because we do not track our net assets and depreciation. In the past, I've come before you to ask to go out to get a service to do this. What we're trying to do is develop a policy and start putting our assets on the books and depreciating them to get rid of the adverse opinion that we get for not being in compliance with GASB34. This is a policy. I kind of plagiarized from a couple different communities reviewed by the auditors. The Town Accountant, Lisa Labrie, is the one who word smithed it. I believe it was reviewed by the Town Administrator and I'm looking for you to adopt the capital assets and depreciation policy in front of you.

Selectman Luszey asked about the depreciation method. I noticed that is straight line. Most computers are now three years. Are you going to have different classes or is everything going to be straight lined based on and expected life. Ms. Carpentier said everything is based on one more page is the estimated life. It depends on what computers you're speaking of. My PC probably will not be an inventory on the list at least for now because that's kind of a disposal item. Selectman Luszey said you have a \$5,000 limit, most PCs won't fall - it's more like in a server line and storage and stuff like that. Kathy Carpentier stated we're going to start with is all the things that we ensure through our property liability. So all our vehicles, all our land beyond there - not that we depreciate the land, our buildings, our major equipment. That's where we're starting.

Selectman Luszey asked if you're going to actually create asset tags and put tags on stuff so that you know that piece of equipment versus swapping them around. I'm very familiar with asset. As is Kathy Carpentier, with limited resources we would like to get to that point. First we'd like to get it on the books and start depreciating it. We kind of have a loose accounting system on it and that department heads sign off on all the inventory that's insured every year. We should go around and tag it all. I can't say that that's going to happen in the next six months or three years. Until we can get the stuff on the books and get resources out to tag the stuff but it is my goal.

Selectman Luszey asked how many pieces of assets do you think we have. I don't see that in here. Kathy Carpentier indicated that wouldn't be in the policy. It depends how you're going to define that because we have as you know a lot of little pieces of land. I'm going to say...Selectman Luszey said alleyways. Ms. Carpentier indicated it has to be over \$5,000 but it is our inventory. I would say like 200 pieces.

Chairman Maddox asked who was going to administer this. Ms. Carpentier said mostly the Town Accountant under my direction. It was suggested by the auditors that the Town Administrator is the one who signs off on the form attached, which is the asset disposition form. It shouldn't be too big of an issue for him. If we're trading a vehicle from Police to Community Development, he would sign off on this or if we were trading in five, or trading in a fire engine. It would just be quick. Selectman Luszey said a capital asset transfer from one cost center to another.

Chairman Maddox said if we don't do this what is the ramifications. Kathy Carpentier said honestly there's been no ramifications other than you get an adverse opinion on the audit report. We're one of the top communities and every year when I go to my conferences with other finance officers, they can't believe we're one of the top ten and we're not compliant with GASB34. This is costing no additional expense. We're just going to be doing it within in our normal work week. I could have consequences in the long run if we were to go out to bond. Your bond ratings could be affected if we were ever to go out and not go to NH bond bank, large financing in the future, and that type of thing. It has not had any adverse negative impact at this point.

Selectman Luszey stated other than, and this is a major finding versus a minor observation in that report correct. Kathy Carpentier said they don't call it a finding because a finding would be something we're doing wrong. This is we're not doing it. So they just say it's an adverse opinion and in the audit report they say that we do not report fairly because everyone else who would want to compare themselves...Selectman Luszey said there was a finding when I got audited if I didn't have this. Ms. Carpentier said we do not present fairly our financial statements in conformity with accounting principles generally accepted in the United States.

Selectman Luszey noted the other thing this helps by the way is for us to know exactly that we have on the books. It helps us to understand what the valuation of what the town owns and when we should be looking at replacement cycles and stuff like that. When we take a look at the vehicle replacement plans if you will, those were subjectively put together. Now when you have a policy that now begins to look at what the stated asset life span is, you can now start tying that to your replacement plans whether its vehicles but anything that's over this value - pumps, generators, down at your sewer uplift stations and things like that. It is good to have.

Chairman Maddox asked what do you estimate the amount of time per month that is going to be consumed doing this project. Kathy Carpentier indicated after we get all the assets in, I would think it's only going to take two hours a month maximum. We'd run reports. We could share them. Because we're not there yet, it is going to be labor intensive over the next couple of months. It is our goal because the auditors are here at the end of August is to get 80 percent of our assets need to be on the books in order to get rid of that adverse opinion by September 1<sup>st</sup>. That's our goal right now.

Selectman Brucker noticed there's not capital asset - roads aren't considered a capital asset. We put so much money into them. Ms. Carpentier indicated at some point that would be like phase II of our operation is to do infrastructure. They want to know the roads, the pipes, drains, and I won't be putting asset tags on those. That also would be good information but I'm trying to take off little bites at a time here.

Motion by Selectman Luszey, seconded by Selectman Nadeau, to adopt the Capital Assets and Depreciation Policy as recommended by the Finance Director, carried 4-0.

F. Recommendation to Readopt Fund Balance Policy

Chairman Maddox recognized Finance Director Kathy Carpentier.

Thank you again. Kathy Carpentier indicated the Fund Balance Policy was adopted by the Board last 5/24/2011. It is not something you have to formally do every year but the auditors looked at it and made some recommendations to change. I did highlight them on page 1 you have 5 definitions that were added to the policy. So that's not really a policy change just making an improvement. On the last page, the last two sections, were recommended to be added to the auditors. So I'm here again to ask you to readopt the Fund Balance Policy.

Motion by Selectman Luszey, seconded by Selectman Brucker, to readopt the Fund Balance Policy as amended as recommended by the Finance Director.

Chairman Maddox asked the Town Administrator if he saw any implications that would cause us...Steve Malizia said no. I reviewed this with the Finance Director. Again, the definitions are here. These are just articulating it. These are guidelines. You don't have to do anything. You're striving to but you don't have to. You're not being boxed in to do anything in particular. It's articulating some parameters but we're not saying you have to do something.

Chairman Maddox asked we are at what today on our unrestricted fund balance. Kathy Carpentier said 6.8 percent I believe. Chairman Maddox said we're right in between the 5 and 10. Other communities have a quarter of a percent. Steve Malizia said yes. Some have minimal. Ours is healthy. Ms. Carpentier said we are fortunate when we go up to set our tax rate where I do speak to my colleagues that some of them don't have .2 percent. To be 6.8 in these times, we're doing well.

Vote: Motion carried 4-0.

G. Recommendation to Readopt Investment Policy

Chairman Maddox recognized Finance Director Kathy Carpentier.

Kathy Carpentier indicated this too is an annual task that the Board is tasked. It is one of your financial duties to readopt this every year. There's only two changes made and recommended by the auditors. On page 1 is delete the word "enterprise funds". On page 4 on the bottom, it just says, "In accordance with RSA 41:9 Financial Duties" and I did attach that being that it's your financial duty to recommend this Investment Policy. I did also send it to the Treasurer. She did not see any issues.

Motion by Selectman Luszey, seconded by Selectman Brucker, to readopt the Investment Policy with changes as proposed by the Finance Director, carried 4-0.

H. Fiscal Year 2013 Encumbrances

Chairman Maddox recognized Finance Director Kathy Carpentier.

Kathy Carpentier mentioned that she did hand out a revised encumbrance in front of you with 4 minor changes. You had received a donation for \$770 for canine vests. Those funds just came in after I had originally gave you your encumbrance list. So I increased the donations by \$770. I also had one late request from the Rec. Department for some entry mats for \$886.42.



Since I was revising, I took off two items that have been paid. The new amount to be encumbered and it is broken out by general, sewer, water, and library is \$1,078,727.09.

Motion by Selectman Luszey, seconded by Selectman Nadeau, to encumber the not to exceed amount of \$1,078,727.09 for Fiscal Year 2013 as recommended by the Finance Director.

Kathy Carpentier said if you entertain revisiting the IT relocation or what possibly is the item I - impact fee assessment, you might need to revisit this number.

Selectman Luszey asked Selectman Nadeau if he was going to do a reconsideration. Now would be the time. Chairman Maddox indicated that they were in a motion right now. Selectman Luszey withdrew his motion. Selectman Nadeau withdrew his second.

Motion withdrew.

Motion by Selectman Nadeau, seconded by Selectman Luszey, that we reconsider the IT Department relocation, carried 4-0.

After going over this with Selectman Luszey and talking about a couple of other things, Selectman Nadeau would like to make a motion.

Motion by Selectman Nadeau, seconded by Selectman Luszey, to relocate IT to 39 Ferry Street for the amount not to exceed \$10,000.

Chairman Maddox asked Selectman Nadeau to clarify. Does that also include the door opening you have over in this building? Is that part of that same? Selectman Nadeau indicated how they get there, that's \$10,000 worth. Selectman Luszey indicated that will include relocating that door.

Chairman Maddox said he'll say again, I think that you're spending money on a fool's errand. This person will not sit in that office very often. I guess it's only money.

Vote: Motion carried 3-1. Selectman Maddox in opposition.

Before we do the encumbrances, Chairman Maddox indicated you're going to have to some math anyway. Let's go to the last item and see if we're going to make that change as well so that we can only do the encumbrances once.

#### I. Impact Fee Assessment Methodology

Chairman Maddox said long story short since I'm the one that's supposed to speak to this is we collect impact fees for the corridors. Well that is changing because there's a new way to do this. Watch the last Planning Board meeting when Marty Kennedy came in and gave us the spiel. It basically divides the town into districts. The method that we are using is getting to the end of its life span. We need to do something so that we can collect millions of dollars from developers for roadway improvements. There is money left still in Community Development that we'd pay for this study. So we'd like to spend the...Steve Malizia indicated when we talked, it was \$16,000 that we had identified that was not transferred for the renovation. That was money that we thought we might need or we identified we did not need. Chairman Maddox indicated that this motion says 18 right from here. Steve Malizia indicated you told me that we needed 18. I said we had 16. Kathy Carpentier indicated this contract is for \$18,000. Chairman Maddox said we'll take the two from contingency. It seems like we're going to wipe that out this year as a goal.

Motion by Selectman Brucker, seconded by Selectman Luszey, to approve the Agreement for Professional Services Between Vanasse Hangen Brustlin, Inc. and Town of Hudson for Traffic Impact Fee System for a fixed fee for labor and expenses of \$18,000. Said funds will be transferred from Community Development line item for \$16,000 and \$2,000 from contingency to offset the cost of an update to the Impact Fee Assessment Methodology.

The only thing Chairman Maddox would say is because the Planning Board doesn't meet until tomorrow night, this is in there. They have not yet approved it but we're trying to get ahead of this so they would have the money. If they don't approve it they don't want to do it, then we'll return all this. Mr. Malizia said we'll adjust it off the encumbrance list from the auditors. Chairman Maddox was 92 percent sure they're going to do it. There's just a number of question that they had of Mr. Kennedy that I believe have gotten answers to. Because we won't meet again until after the fiscal year.

Vote: Motion carried 4-0.

Chairman Maddox indicated that we have a new number for the 2013 encumbrances. Kathy Carpentier said to encumber the not to exceed amount of \$1,106,727.09 for fiscal year 2013 as recommended by the Finance Director.

Motion by Selectman Luszey, seconded by Selectman Nadeau, to encumber the not to exceed amount of \$1,106,727.09 for Fiscal Year 2013 as recommended by the Finance Director, carried 4-0.

J. Notification of intent to negotiate - Hudson Police Department

Chairman Maddox recognized Town Administrator Steve Malizia.

Steve Malizia stated to the Board that you have a request in front of you. The Police Department would like to commence negotiations. I'm assuming you would follow the liaison assignment unless you'd like to do something different. I believe that is Selectman Coutu. Selectman Luszey indicated that he backed him up the last time so I'll do the same if you want.

Selectman Luszey indicated that he got a notice for the Supervisors. Mr. Malizia indicated that Selectman Luszey has the support staff. Selectman Luszey asked if we were going to set dates soon. Mr. Malizia said what will end up happening is this communication will be sent to the labor negotiator to establish communication to set up some dates. That's the first step in the process similar to the other process.

K. Notification of intent to negotiate - Hudson Firefighters

Steve Malizia indicated that Chairman Maddox was the liaison for. I will do with same thing with the communication.

9. OTHER BUSINESS/REMARKS BY THE SELECTMEN

Selectman Brucker - I did have a meeting with Conservation and I did report on it last time. I would like to update some of the work that's being done on the ponds. The DASH unit is being used at Ottarnic and they're using it at the inlet to the pond. That's where the invasive species are coming from. The herbicide treatment will begin June 27<sup>th</sup> at Robinson. Then the DASH unit will begin early in July at Robinson. Those announcements were both made in the HLN and the Nashua Telegraph. Chairman Maddox asked if they do any lake host at Ottarnic Pond. Selectman Brucker said she knows they're doing it at Robinson. I'll have to plead ignorance. I don't know. Mr. Malizia didn't recall seeing it at Ottarnic but I know it's at Robinson. Selectman Nadeau said he does fish over there. I haven't seen anybody over there. Mr. Malizia said he hasn't seen any paperwork for it either. Chairman Maddox was just saying if they're now seeing an influx of problems.

Selectman Brucker said Municipal Utilities met. It was the usual shutoffs list and that sort of thing and the improvements that have been going on at the wells.

Selectman Brucker said she did fill in for Ted at the strategic meeting for the Library. There was a lot of input from the community there with some interesting ideas for the Library. They're saying that their community room is over booked and that groups that would like to use it should be using the Hills Library now because people are reserving it for all of their groups. I could go through a list of everything that they're doing. Would you like me to do that? Selectman Luszey said it might be worthwhile. Selectman Brucker stated that the high school librarian was there and there is quite a good relationship between the high school and the library. They are supplementing the school programs at the high school, the elementary school. The teachers are either bringing classes there or the high school would be sending students and the librarians are helping them with whatever assignments they've gotten. People come in for free Wi-Fi. It's a reliable place for research. They're offering French classes. One of their volunteers is offering French classes. They're all booked up for both adults and children but they'll be open again in the fall. This is for the summer. They have ongoing art displays in that community room. They're giving instructions for EBooks and computers for people who come in. They have reading circles for six months to toddlers; book clubs for the various genre for whatever people like - whether they like mysteries, or fiction, romance, whatever. There are organized book clubs that meet there. They're planning that they will provide services for the seniors at the senior center and also the 55+ communities. They're hoping to utilize their software programs to suggest books to patrons those that use their computer to access the library. They also have a garden space for children that they're giving them a class with how to plant a garden.

Selectman Brucker said she then went to the Trustees meeting the following night. The Children's Librarian reported on their active summer programs. They're very active. The calendar is full. They've completed the landscaping around the library and if you've drive by there, you can see that they've completed that. They're having some children's and adult authors that are visiting this summer and you can call or look at their web page to see when those are. The Friends of the Library give them quite a bit of money for passes to different museums and other things, other venues, and also they've been buying them things that just are not in their budget like bean bag chairs for the teenagers when they come in for their book circles and other items. It's a very active group. They will be returning money to the town again. They said that they return money every year back to the general fund.

Selectman Nadeau - A couple of things. Just a reminder that school is out. Be careful. There's kids going to the parks and playgrounds. Be careful when you're driving for those balls going into the middle of the road. It's starting to become that time of the year in Hudson. The Rec. Center is open for the summer program. I believe its next week.

Tomorrow at 3 p.m. there will be a service at the 9/11 Memorial. Selectman Luszey will be there. I will be there. It's for the USS Newport News. They're having a service there. So everybody is invited to attend. There's a lot of activity in the Highway Department. As you see, they're all out in front of Town Hall. It's all striped up where they're going to be cutting and doing sewer and water lines and repairs. Just be aware that there will be delays around this area in the next month or so. There will

be detours set up and stuff so they know how to get around it. They will try not to work during the rush hour times. That's all I have.

Selectman Luszey - I just want to say I had a great time at New England Dragway. Over 30,000 people showed up. They did not have enough seats in the bleachers. They had to take a fence down and open up the hillside. It was great.

Kudos to the Highway Department and also the Fire Chief and his folks. There was a small snafu with the USS Newport News arrangements. A couple phone calls and Kevin and his folks did a great job. They restriped the parking lot up there. He made sure the place was groomed up and the Fire Chief has made arrangements to get the sound system there and the Red Cross just in case just because it's suppose to be hot out and we don't want any incidents like the year before. Good job there and we are looking for a pretty good turnout there. You should look up that ship. It's quite interesting.

Chairman Maddox asked Selectman Luszey if he got any answers to your questions. I know you were going to the Library to ask some questions did you ever get those. Selectman Luszey said yes I did. Thank you for reminding me. The Library Trustees what they did is I was informed that they gave some raises out. They really weren't raises in the traditional manner. What they were is they were movement within based on openings that occurred from people leaving. My terminology, they reclassified people into different job codes or positions which were higher paying positions. Selectman Brucker said that was correct. Also it was just a few individuals. It was not the whole staff.

Selectman Maddox - I have a couple of things. First Selectman Nadeau you were there. We went to McDonald's grand re-opening and the area Vice President had nothing but good things to say about our inspectors. He said that Bill Oleksak and Dave Hebert as well as John Cashell did whatever needed to be done to facilitate them getting them what they needed done in a timely manner. Again, we see thumbs about people not doing stuff that they were very pleased with our staff. If you could pass that tomorrow along at the staff meeting.

If you look around and if you're watching the Planning Board meeting, you are seeing a new pickup on construction in town. So hopefully that continues. I know that the Town Planner is working on a number of hunts if you would for manufacturing to come in to some of our industrial parks. We're giving them not much money but a lot of support and hopefully be successful in at least snaring a company or two.

Selectman Coutu is doing well. I talked to his wife and hopefully he is well on his way to being able to be back for our second meeting in July I think is what is goal is now. Everything went well with his surgery.

I got a chance to ride along with the Fire Department. I just want to thank Captain Morin and his team. I now know more about the inside of an ambulance than I want to. I thought I'd only ever see the ceiling - I know more about all the compartments and how all the things interact. It was just an absolute eye opening experience as always to see how manpower intensive their operations are done by people professional and caring town employees. We don't have many fires but they were busy all day. We had any number of calls and it was an interesting day.

Last, I know there was a question as to the replacement of a Selectman and what options. Now I know none of us are planning on leaving but the question was raised. I know that I asked you. There's a number of options that we could. It will not be the Chairman. The gentleman that wrote, Mr. Lemieux, asked if I get to appoint him and that's not the case. It will be the Board of Selectmen. You have a number of options. We could hold a separate election; we can pick somebody from interviewing them; we could do nothing and run as a Board of four. The only challenge we have there is I believe if 10 people petition the court, then we would have to do something. At this point, no one is planning on leaving. If it does, it will not be me it will be the Board of Selectmen.

The other thing was there was in his thumbs was a quote attributed to me. I want to read what I said because it did not match what he had. I said that, "This Selectman, this Board, and this Town are all better for having Shawn Jasper on this Board and I would like to thank him for his service." That's what I said not what he quoted me as saying. I didn't want to disrespect our new member Selectman Brucker. I said to welcome you aboard but I think and I still do that for all of the fun that I had with Selectman Jasper, he was a great person on this Board. He's not coming. Hopefully we're all going to stay and have fun. Again, hopefully that answered his question and that's the procedure.

Selectman Luszey said to the Chairman you made a statement about Community Development not having money to go out and search. I think it's either the second or third item in the packet there's the donation reconciliation form. If you want to take a look at that, there's like \$15,000 there for Hudson Economic Development. Why aren't we using that - \$15,544? Chairman Maddox thought maybe we need to make Mr. Cashell aware that it is there and if he has a need, we will...Mr. Malizia said he would have to come to you to get the money. Again, Chairman Maddox said good catch. Mr. Malizia believed that was all HED Corp money. It was a Hudson Economic Development Corporation. I think at some point in time when that entity was dissolved, money came to a donation. From an Economic...Chairman Maddox thought that was in a safe at Alvirne for the longest time and then it was brought here. Mr. Malizia said he didn't know where it was but I just know that it's on our books now as a former donation from something called HED Corp. Chairman Maddox said let's make him aware that it is there. I know he's looking at a number of companies that again people ask what we can do and there's not a lot but, again, we have a low tax base...Mr. Malizia said cable, water and sewer, proximity, good infrastructure, why wouldn't you come here.

10. NONPUBLIC SESSION

Motion by Selectman Luszey, seconded by Selectman Nadeau, to enter Nonpublic Session pursuant to RSA 91-A:3 II (c) Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the public body itself, unless such person requests an open meeting. This exemption shall extend to any application for assistance or tax abatement or waiver of a fee, fine, or other levy, if based on inability to pay or poverty of the applicant; and RSA 91-A:2 (a) Strategy or negotiations with respect to collective bargaining, carried 4-0, by roll call.

Chairman Maddox entered Nonpublic Session at 9:41 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 is being entered at 11:18 p.m.

Motion by Selectman Luszey, seconded by Selectman Nadeau, to take for taxes for the 2010 tax year 4 Bridle Bridge Road, Map 145, Lot 006, carried 3-1. Selectman Maddox in opposition.

Motion to adjourn at 11:18 p.m. by Selectman Luszey, seconded by Selectman Brucker, carried 4-0.

11. ADJOURNMENT

Motion to adjourn at 11:20 p.m. by Selectman Luszey, seconded by Selectman Brucker, carried 4-0.

Recorded by HGTV and transcribed by Donna Graham, Recorder.

HUDSON BOARD OF SELECTMEN

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

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Nancy Brucker, Selectman

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Ted Luszey, Selectman

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Benjamin Nadeau, Selectman