

HUDSON, NH BOARD OF SELECTMEN  
Minutes of the May 28, 2013 Meeting

1. CALL TO ORDER - by Chairman Maddox the meeting of May 28, 2013 at 7:00 p.m. in the Selectmen's Meeting Room at Town Hall.

2. PLEDGE OF ALLEGIANCE - led by Donna Graham.

3. ATTENDANCE

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

Staff/Others: Stephen Malizia, Town Administrator; Donna Graham, Executive Assistant; Town Engineer Patrick Colburn; Michael O'Keefe, Chairman HCTV; Lisa Nute, IT Director; Chief Murray; Deputy Chief Rob Buxton; Chief Lavoie; Bernie Manor; Attorney Westgate; Jeffrey Merritt; Mr. Jamer; Mr. Wolters

4. PUBLIC INPUT

Chairman Maddox asked if anyone in the audience wished to address the Board on any issue which the Board has control of at this time. Before I do that, I'd like to poll the Board. There are two issues that are happening tonight that people could speak under Public Input but I think it would be more succinct if they spoke when the time came. That would be Wall Street and the train station. Without objection, we'll allow them to speak when the time comes. Does anyone else wish to speak at public input? Seeing none.

5. NOMINATIONS AND APPOINTMENTS

A. Resignation

1) Robert Paul from the Energy Committee

*Motion by Selectman Nadeau, seconded by Selectman Luszey, to accept the resignation of Robert Paul from the Energy Committee with the Board's thanks and appreciation, carried 5-0.*

6. CONSENT ITEMS

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

Selectman Coutu asked to remove Item 6. C. 4.

*Motion by Selectman Luszey, seconded by Selectman Coutu, to approve consent items A, B, C 1, 2, 3, 5, D and E, as noted or appropriate, carried 5-0.*

A. Assessing Items

- 1) Veteran Tax Credits - Map 204, Lot 006, Sublot 512, w/recommendation to approve
- 2) Elderly Exemptions - Map 183, Lot 078; Map 198, Lot 035, w/recommendation to approve
- 3) 2012 Tax Abatement - Map 197, Lot 51, w/recommendation to deny adjustment
- 4) 2013 Tax Exemption - Map 182, Lot 178, w/recommendation to approve exemption
- 5) 2012 Tax Abatement - Map 204, Lot 68, w/recommendation to approve adjustment
- 6) 2012 Tax Abatement - Map 211, Lot 46, w/recommendation to approve adjustment
- 7) 2012 Tax Abatement - Map 156, Lot 60, w/recommendation to approve adjustment
- 8) 2012 Tax Abatement - Map 170, Lot 31, w/recommendation to deny adjustment
- 9) 2012 Tax Abatement - Map 214, Lot 13, w/recommendation to approve adjustment

B. Water/Sewer Items

1) Sewer Abatement, S-UTL-13-09, 36 Adelaide Street, w/recommendation to approve

C. Licenses & Permits

- 1) Request to Solicit Funds - Alvirne High School - DECA
- 2) Request to Solicit Funds - Cub Scout Pack 19
- 3) Request to Solicit Funds - New England Voices in Harmony
- 4) Request to Solicit Funds - Redemption Christian Academy
- 5) Outdoor Gathering Permit - NH Sate Chili Cook Off

D. Acceptance of Minutes

E. Calendar

6/04 7:00 Board of Selectmen - BOS Meeting Room  
6/06 6:30 Recreation Cte - BOS Meeting Room  
6/06 7:00 Benson Park Cte - Buxton CD Meeting Room  
6/10 7:00 Conservation Cmsn - Buxton CD Meeting Room  
6/11 7:00 Board of Selectmen - BOS Meeting Room.  
6/12 7:00 Planning Board - Buxton CD Meeting Room  
6/12 7:00 Benson Landscape Cte - BOS Meeting Room  
6/13 7:30 Zoning Brd of Adjustment - Buxton CD Meeting Room  
6/18 7:00 Cable Utility Cte - BOS Meeting Room  
6/19 5:00 Municipal Utility Cte - BOS Meeting Room  
6/19 7:00 Senior Affairs Cte - Buxton CD Meeting Room  
6/20 7:00 Benson Park Cte - BOS Meeting Room  
6/20 7:00 Budget Cte - Buxton CD Meeting Room  
6/24 7:00 Recycling & Energy Ctes - BOS Meeting Room  
6/25 7:00 Board of Selectmen - BOS Meeting Room  
6/26 7:00 Planning Brd - Buxton CD Meeting Room

6. C. 4. Request to Solicit Funds - Redemption Christian Academy

Selectman Coutu stated that we have asked our Town Administrator to do due diligence to anyone who should apply to solicit funds in our town and he always does. In this case, he also did due diligence however they're not a New Hampshire Charitable Organization and for him to have to shag around from State to State to ascertain whether or not they're a legitimate agency, I think it's incumbent upon us to notify whoever - Sam's Club, Wal-Mart - in this case it would be Sam's Club, that they get a certification so that we are satisfied that they are indeed a charitable trust. When you look at most of the letters that are submitted with the solicitation requests, they look legitimate enough but anybody can make a letterhead that looks legitimate. I'm somewhat concerned that we don't have proof positive that they're a charitable organization. I'll leave it at that for now and see if anybody else has any comments.

*Motion by Selectman Coutu, seconded by Selectman Nadeau, that we send this request back to Sam's Club and ask them to get a hold of the requested solicitor and provide documentation that they're on the Massachusetts Charitable Trust.*

Chairman Maddox asked that the Town Administrator indicated "not on NH Charitable organization list". Mr. Malizia said as part of the Board's direction, we verify there's probably about a 600 page list of organizations and they're not all from New Hampshire they're national tend to register with the Attorney General's office as charitable organizations. So these folks were not on that list which is the resource we check. There's no national or from what I can tell New Hampshire registration. I wrote down a possible religious exemption. I don't know because, again, I didn't get much information. I'm the one who printed out the history because that's all I could find. What traditionally happens is we look at that list and if they're on the list, we write that they're on the list and if they're on that list, we write that they're on the list and you generally approve it. If they're not on the list, they're not on the list. I couldn't find any proof that they were on the New Hampshire Registered Charities list which again includes charities that are national in scope as well as local.

Chairman Maddox's only question he had to Selectman Coutu's motion is if they turned it around is it approved. Selectman Coutu said he would add to his motion if Selectman Nadeau would agree if proof is presented prior to their date of anticipated solicitation, we authorize the Chairman to okay it. Other than that, Chairman Maddox asked if it was denied. Selectman Coutu said this evening it would be denied yes.

*Motion by Selectman Coutu, seconded by Selectman Nadeau, that we send this request back to Sam's Club and ask them to get a hold of the requested solicitor and provide documentation that they're on the Massachusetts Charitable Trust. If proof is presented prior to their date of anticipated solicitation, we authorize the Chairman to okay it, carried 5-0.*

7. OLD BUSINESS

A. Votes taken after Nonpublic Session on April 23, 2013

- 1) *Motion by Selectman Nadeau, seconded by Selectman Coutu, to hire David Hebert as an Inspector with the Inspectional Services Division at a starting rate of \$21.65 per hour, effective June 2, 2013, in accordance with Step 1 of that position classification within the Administrative and Support Staff Union Contract, carried 4-0.*
- 2) *Motion by Selectman Coutu, seconded by Selectman Luszey, to hire Lisa Mudge as an Appraisal Technician (part time) with the Assessing Department at \$18.24 per hour, effective May 27, 2013, in accordance with Step 1 of that position classification within the AFSCME Local #1801 Contract, carried 4-0.*
- 3) *Motion by Selectman Nadeau, seconded by Selectman Luszey, to deny the granting of an abatement of outstanding property taxes for the 2010 and 2011 property tax years, plus associated interest and penalties for Tax Map 175, Lot 34-7.*

- 4) *Motion by Selectman Coutu, seconded by Selectman Nadeau, to hire Michael Lamoureux as a Part Time Maintenance Person at a starting rate of \$13.50 per hour effective May 15, 2013, carried 4-0.*
- 5) *Motion by Selectman Coutu, seconded by Selectman Nadeau, to hire Leo Bernard to assist with setup and breakdown for larger events that occur after hours, approximately 20 events per year, at \$10.00 per hour, two (2) hour minimum, for a total cost not to exceed \$800 per year, carried 3-1. Selectman Maddox in opposition.*
- 6) *Motion by Selectman Coutu, seconded by Selectman Luszey, to hire the following 2013 Summer Counselors In Training effective June 1, 2013, at the rate of \$7.50 per hour: Peter Busnach, Shantelle Lacasse, Julianne McGrail, and Devon Ruiter; and Substitute Summer Counselor Anthony Oliveira at the rate of \$7.50 per hour effective June 1, 2013, carried 4-0.*
- 7) *Motion by Selectman Coutu, seconded by Selectman Luszey, to hire Morgan Ratte as a Substitute Counselor I/Robinson Pond at \$9.75 per our effective May 25, 2013, carried 4-0.*
- 8) *Motion by Selectman Coutu, seconded by Selectman Luszey, to hire Paul Martineau, Jr. as the 2013 Substitute Tennis Instructor at a rate of \$10.50 per hour effective June 1, 2013, carried 4-0.*
- 9) *Motion to adjourn at 12:00 a.m. by Selectman Luszey, seconded by Selectman Nadeau, carried 4-0.*

B. Bid Recommendation - Zachary Tompkins Memorial Field Asbestos Remediation and Relocation Project

Chairman Maddox recognized Town Engineer Patrick Colburn.

Thank you Chairman and members of the Board. Patrick Colburn indicated that this is a carryover from two weeks ago. My recommendation hasn't changed in those two weeks. As you folks know, we solicited bids during the month of April for the remediation and relocation of asbestos containing materials at the Zach field site on Industrial Drive. We received four lump sum bids that were read aloud by the Town Clerk. The apparent low bidder was Jay-Mor Enterprises of Pelham, New Hampshire. I investigated the credentials of Jay-Mor both with DES and the DOT, received favorable recommendations from both State Departments. My recommendation is somewhat modified from the based bid price as received by the low bidder. That's as a result of some investigation that we did after the low bid was identified. In terms of finding some cost savings alternatives that would allow us to award the base bid plus alternate B and fit within the budget that we have remaining for construction while maintaining an approximate 10 percent contingency of the base bid price. So my recommendation before you this evening is to award the contract to Jay-Mor Enterprises of Pelham with a base bid price of \$448,558 and alternate B at a price not to exceed \$74,304. That total is \$522,862 which leaves us just under 447,000 in contingency. Should that contingency be available upon substantial completion, our proposal would be used in order to place a binder course of pavement over the graveled cell. Thank you.

Selectman Coutu wanted to say one thing before we get into a motion. I want to make it perfectly clear to the audience and to our residents. This is not town money. These are monies that were provided from a grant in order for us to remove the contaminates and the reason why this is before us because we administer those grants. This is not coming out of taxpayers' pockets. Well it is. It isn't coming out of our direct taxes. It comes out of wherever the federal government gets their money and a lot of it comes from us I guess. In that sense, yes you're right. I always say it doesn't cost the taxpayers' money, it's not going to be reflected in their tax bills here in the Town of Hudson.

*Motion by Selectman Nadeau, seconded by Selectman Coutu, to award the bid to Jay-Mor Enterprises, Inc., the lowest bidder, for the Zachary Tompkins Memorial Field Asbestos Remediation and Relocation Project, in the base bid amount of \$448,558 and the Alternate B in the not-to-exceed amount of \$74,304 for a total award of not to exceed \$522,862 as recommended by the Town Engineer.*

Chairman Maddox thanked the Town Engineer. This has been an adventure. We are dealing with the EPA, DES, REDC, any number of initials in this project. I was going to have them come into a meeting but we were going to get into soil types and everything else. These meetings are so riveting as they, I thought it would be best served to get all that information and bring it forward so that the Board what you did here from the Town Engineer. On the last page, you will see the breakdown of some of the things that were taken out of the bids that we did not need. The Town Engineer went through this and we saved some money. Hopefully this will start the process. Again folks, this is town land. It is being used by the Zachary Tompkins Memorial Foundation but it is town land. This is our responsibility. Yes some other tax dollars are being used - \$500,000 from the EPA and \$150,000 from NH DES. It's hopefully going to move forward after this vote.

*Vote: Motion carried 5-0.*

C. Hudson Train Depot Relocation and Restoration Project

Chairman Maddox recognized Town Engineer Patrick Colburn.

Thank you Mr. Chair. Patrick Colburn indicated another carryover from two weeks ago. If you folks recall, we were short one Board member. It was apparent at that time that there was a split vote. We were having discussion at the end of the meeting relative to the foundation under the proposed relocated depot. Whether that foundation be a crawl space with a frost wall or a full foundation and basement, we heard from Representative Jasper that the goal of the construction of the basement is to utilize it for storage of equipment that's used by Benson Park folks. I was tasked with coming back tonight to discuss this further. I watched the meeting back, I heard Selectman Coutu ask a question relative to additional work items that will result from the construction of a full foundation. Primarily that being would sprinkler systems be required in the building. I also heard Selectman Maddox ask about additional effort required by the archeological witnessing of the excavation.

Starting with the question in terms of the archeology, Mr. Colburn said it seems that the price provided was assuming a full foundation with the archeologist that will be on site to witness that effort. That additional cost is not a concern and in the price provided by WarrenStreet Architects. Relative to the sprinkler systems, I have had multiple conversations with our Fire Department and it seems that that all revolves around the use of the upstairs of this facility. What triggers the need for sprinkler systems is number one the use upstairs and number two the volume of hazardous materials stored beneath. In other words, the trigger I'm told is 25 gallons of fuel storage trips us over and therefore would require a sprinkler system. I'm also told that use of the upstairs as classroom space would trigger the need for sprinkler systems up there. We're here tonight to discuss the direction that I'm going to send our consultant architect in and also to discuss the funding for this project given that two weeks ago I guess we identified some shortfalls in that budget. Thank you.

To that end, Chairman Maddox said you did not provide us with any type of breakdown of the financial. I know that we're \$35,000 short at this point. Is that the accurate number? Mr. Colburn stated that was an accurate number not including any of the additional work effort that we were discussing two weeks ago.

Chairman Maddox indicated that Mr. Jasper was in the audience. He has an alternate to us if we don't want to do anything with the basement at this point. I would defer.

Thank you Mr. Chairman and members of the Board. Shawn Jasper stated after the discussion two weeks ago and then having a conversation with Mr. Manor and your Town Engineer, one of the things became apparent and that is that you already have a shortfall and that in fact the grant that we have from the federal government is one where we spend the money and then are reimbursed. The reality is we probably should have a gross appropriation to start with. We have holes in this project inasmuch as I hate the idea of putting this off any further, it does seem appropriate that the best way to do this and the cleanest way to do it would be to move forward next March with a warrant article detailing on where the money is coming from and how it's going to be done in terms of funding. I think that really makes the most sense. There is the question of how will DOT respond to that. I'm certainly glad to work with them on that and I think they will understand given that there are shortages and we lack the gross appropriation that this would be the most appropriate way to move forward. That gives us the opportunity to design it as a full basement. I'm still hopeful that you will do that but do the component so that you know what the costs are and everyone moving forward as you develop a warrant article will understand that.

Shawn Jasper indicated that I have talked with the Fire Department with the Chief about possibilities. As I think as you all know, water doesn't really do a good job of putting out a gasoline fire anyhow. What maybe most appropriate is to build a room and it wouldn't have to be very large and we're only talking sheetrock with a suppression system similar to what you see at a gas station chemicals. That would be a really inexpensive alternative that doesn't involve sprinkling the whole building. I think that is something that would need to be done anyhow. I certainly never had it in my mind that this was going to be gasoline stored downstairs with an exposed ceiling to that train station. I think it may be appropriate a little bit to go into why it is necessary to have someplace long term and why it makes more sense to spend a little bit of money to extend the walls down 4 feet and put a floor in versus putting a garage which is going to have essentially the frost walls, a floor, and then a whole roof. There is some idea well just store everything at the Highway Department. We're not talking just right now they have a riding lawnmower. They have the brush machine, which I'm believe is stored on site right now. These are operated by volunteers who are taking their own time.

Mr. Jasper said he was showing somebody the park last Thursday afternoon. There was a crew of guys in there working away down by the old alligator wrestling area. They had the lawn mower out there. They had the hand tools. There's any number of things. You can't be expecting them to run to the Highway Department to get things. Right now they are stored in one place there but in the master plan, there is another use for that area. The master plan anticipates another building to be able to store this stuff in. As I said last week, it just doesn't make sense when you have this opportunity to put a little bit of cement in the ground and accomplish the same thing and not have another building to maintain. I'm really hopeful and the same gentlemen when they saw me I was on the oval looking and saw me and called me down. This was what they wanted to talk to me about was really for me to emphasize again to the Board the need to have this facility. Is there a chance it would be turned down at Town Meeting, of course it is but Benson Park has had a very good track record going forward. If I put on my hat from my former years as a Selectman and as a Budget Committee member given the fact that there is no gross appropriation on this and this is just something that's sort of floating out there and there's a shortage of funds, it only makes sense to move forward with a warrant article and have all the costs nailed down for next March. That's what I'm going to plead with you to do to design it that way to move forward to have it designed as a full basement but with the breakdown of what it would cost to do is as just a frost wall so that we can understand exactly what we save long term and what we will be costing ourselves in the short run. I'd be glad to answer any questions but thank you for the time.

Chairman Maddox's only question would be we'd have to get a price from the architect to do it both ways. Patrick Colburn wanted to comment following Representative Jasper's remarks. As I understand it going down that road, we would need to pay Warren Street out of pocket for the scope of his design work between now and next March. That fee as you folks know is \$122,250 minus the construction admin. which happens after we award a contract for construction which I think was right around \$50,000 if I remember correctly. So you're talking still a chunk of change that you folks will need to spend in order to get the design done in preparation for March meeting. If we are going down that road with a warrant article, it would seem that in the meantime the DOT is probably going to be non-participatory with those fees. They're not going to pay us now assuming that the voters are going to say yes in March. Does that make sense?

Selectman Coutu wanted to have some clarification. This is new to me. Are you saying Mr. Colburn that the cost to redesign or design this prior to putting it on the ballot to WarrenStreet, our cost is going to come out of our pocket in the amount of some \$70,000? Patrick Colburn said currently the way that this is working out is we receive invoices from WarrenStreet for his efforts on a monthly basis. In turn, we request reimbursement from the DOT to the tune of 80 percent of that invoice. So we're only responsible on a monthly basis for our 20 percent share. If we go to March meeting and ask the voters for a yes or no vote, I don't see DOT participating as they are now with the understanding that we could get a no in March and then not have a project.

Selectman Coutu indicated that he's still not getting it. A statement was made, and I want to make sure I clearly understand before I'm willing to move on this, are we going to have to pay up-front costs that are not going to be reimbursable prior to a warrant article going on the ballot in the amount of approximately \$70,000? Mr. Colburn said yes if we design it in advance of the gross appropriation that we're talking about. Selectman Coutu asked if it would be included in the gross appropriation the \$70,000. We're actually going to the voters asking them for money. Mr. Colburn said right, so retroactively. You've already spent the money is what I'm saying.

Selectman Luszey thought the way it would actually will work out and Representative Jasper could help me here is if we decided to go this route, we would have to spend the \$70,000 some odd thousand dollars for the design fee. Should the voters approve it, we could then submit that to the State for reimbursement. If it fails is when the State would choose not to reimburse us. Patrick said he was not sure that that's going to fit with the guidelines of the Federal Highway that is providing the funding. Their guidelines require a very strict protocol and that's this monthly back and forth with a monthly update, etc.

Representative Jasper thought that we need to have some discussions with the State. This was new to me this evening and certainly the \$70,000 is. I assume that's the whole scope of the whole project. That's not designing the cellar. Mr. Colburn indicated that's correct. That dollar figure includes all of the back and forth with the DOT throughout which we wouldn't be party to if we're moving forward without the DOT in this interim period. So I would need to request a revised fee.

Chairman Maddox had a question inasmuch that if we say we're going to go with a half basement, a knee wall, but we'd like to go with this on the warrant and the voters say no, then we don't have the money to do either. So now we're jeopardizing the federal funds. So I think there's more to be learned here before we do what you're asking Mr. Jasper. I think that we need to know what WarrenStreet - and I understand. Correct me if I'm wrong, they get audited every so many months for this project that big dollars. Mr. Colburn said they've already been audited I think 3 times by DOT during our effort because so much time has elapsed. Chairman Maddox said to the tune of \$5,000. Again, all this money has to come from somewhere.

Representative Jasper thought it is safe to say in the conversations going back with WarrenStreet and with Gary Webster that this basement is probably already been designed. The problem is it hasn't been built. The design exists. It's out there. That's all done. That was done several years ago, probably 3 years ago now but he was doing that on his own to try to move this forward. We are into the issue of reimbursements and how this would play in. The problem remains regardless, you're still short on this project and you're sort of flying by the seat of your pants on this. I think it would be appropriate for us to have discussions with the State about how do we fill this hole and what are the ramifications. I think that's something that certainly needs to happen because this is certainly something that I wasn't aware of until tonight. It looks like we're not going forward any time soon with moving that train station anyhow. So there's breathing room here to get this done. Regardless, I would ask that we take the time to make sure that we explore all the opportunities that we have.

Chairman Maddox asked Steve Malizia if he had any input. Mr. Malizia said no. I just wrote down that we're going to have to discuss this with DOT if that's the way we want to go.

*Motion by Selectman Coutu, seconded by Selectman Luszey, that we defer this item until such time as due diligence has been done to the associated costs and that the Town Engineer feels comfortable with bringing it back to us.*

Chairman Maddox asked Selectman Coutu to define "comfortable". Selectman Coutu thought we've asked enough questions that he should be able to get the answers. I'm sure that Representative Jasper can help him wiggle his way in and out of DOT, although I'm sure you've been in and out several times. To my motion Mr. Chairman, I know it was very disappointing for Representative Jasper at the last meeting that it looked like it was going to be defeated. I didn't want him to leave with a sour taste in his mouth and that's why I moved to defer this item further. As a result, I think it's fortunate that we did this in that we may have discovered other things that we need to know and there may be even more than that. I would hope that the engineer would ask the appropriate people and get the answers that we need in order to make an intelligent decision. I want to say this. I have not been solicited by Representative Jasper. I have been solicited but it certainly wasn't by him. It was by my good

friend Bernie Manor. I fully understand the passion that former Selectman Jasper, Representative Jasper, and Mr. Jasper has about this project. I've listened to his dreams ever since we bought Benson Park. It was a reality to this. I've listened to some commentary that showed and he expressed deep passion for this project. Bernie Manor has spoken to me a couple of times relative to this and very recently with a great deal of passion as well. If we're going to do it, we need to do it right. If we're going to spend extra monies, which apparently we're going to have to, I think the appropriate step, and I would support going to a March warrant article. I think that's appropriate. I think the voters should have a say and I certainly would support that in the future if that's where it comes down.

Selectman Luszey asked when we talked with DOT, I'd like to know kind of what their thoughts are on what would happen should the voters not approve a warrant article. Where does this all go? At that point, this is like dead in the water so then what happens? Do they take care of this building? Representative Jasper thought at that point no does mean no. We've stabilized the building. We've done all that we're required to do with the building and thank God that I guess almost 3 years ago now we put that roof on it because we'd be in a world of hurt now because I'm sure we'd be seeing the pavement from the skyline now that's underneath that building. It would be in a similar situation to the office building and the Hazelton Barn. We would be in a position where we could reapply for a new grant should they become available or we're back to a situation where we do it at our own cost, to our own standards, and don't have to go to quite the overview which obviously when you're looking at \$70,000 just in engineering this project without the federal grant, you don't have to do that to that degree. You obviously still have to have the building designed, you have to have things approved, but it's like going forward with the office building. You want to put a roof on it; you put a roof on it. Do you want to repair it as long as it's to the standards? Selectman Maddox and I have had this conversation. It is getting dangerously close to the point where we're better off with the ice tea money. Obviously there's a lot of federal money there. They're spending a lot of that on engineering but that still leaves a whole lot of money in the kitty but you do get to the point where maybe we're better off without the grant just moving at our own pace as funds are available and that's why we have to have the discussion and find out what they're willing to do. I would say without a doubt if we went forward with a warrant article and the town said no, then they're going to pull their grant.

Chairman Maddox noted that we're on an extension, of an extension, of an extension at this point. Mr. Colburn pointed out that we would be responsible for paying back what the feds have already reimbursed us. On that note, Selectman Luszey asked if we could have that data available to us when we meet next as to what it would cost to do this on our own. Mr. Colburn said yes. I can certainly investigate that. Mr. Malizia thought that would be part of the analysis when we come back. We have that as part of your equation. So you wouldn't come back just for that. You'd come back with that when you come back with the rest of your information. Chairman Maddox said again, we're counting monies that we have in donation account yet at the last meeting we gave up \$1,500 out of that donation account for flowers. Very nice looking flowers but now we're taking money out of what we thought we were going to use for the train station. Everything snowballs.

Selectman Nadeau asked for clarification. The money that we did for the flowers, that was Boy Scout money that was donated to the town for that purpose. Chairman Maddox said the Finance Director told us that it was money that she counted towards the train station. Selectman Nadeau said he certainly hoped not because that was donated by the Boy Scouts from their Eagle Scout projects for the beautification of the park.

Selectman Brucker said she wasn't around when this whole project was born but I thought we had to use because it's a historical building, I thought we had to use the federal money to work on it. Chairman Maddox said they'd be more than happy to let you do it to historic standards if you want to spend your money. We have to do it to historic standards because we're using federal money. There will be some discussion I'm sure the Town Engineer and DOT is going to have as to how much they expect because they're still with the ownership of Benson Park and how that deed reflects that. So there are some other questions probably legalese. One thing Mr. Colburn said he could clarify for the Board is because that is a building that is in the federal registry, you still need to make the improvements to the Department of the Interiors standard. However when you're not using federal monies, you don't need to pay Davis Bacon Wages, you don't need to have somebody out there full time witnessing a guy out there full time witnessing the guys doing the work. You don't need to have constant interviews and stacks of paperwork on a daily basis. The savings is in administration of the project. You still need to do the same level of work.

Shawn Jasper said he was noticing on a cup that I have that the first Benson Park cleanup was September 13, 2003. So we're coming up on 10 years of working on this project. It's just unbelievable but the park is still 5 years ahead of where I thought it was going to be. The way they're going, maybe 6 years ahead of where I thought I was going to be at this point. It's unbelievable. Thank you.

Vote: Motion carried 5-0.

D. Senior Services Director

Chairman Maddox recognized Town Administrator Steve Malizia.

At your meeting two weeks ago, Steve Malizia said the Board directed that I come back with a proposed starting wage for the position. I reviewed the budget that was submitted for 2014 that includes this position in it by title. A review of that budget indicates that the Board of Selectmen had budgeted 29 ½ hours per week at \$15 an hour given that that's the number that was

advanced and went through the Board, and the Budget Committee, a obviously Town Meeting. That would be my recommendation.

Chairman Coutu asked if Mr. Malizia wanted to talk about the title change. Mr. Malizia indicated that when the Board approved this, they have this reporting to the Recreation Director and they've called this a Senior Services Director. As you know, we have a Finance Director, an IT Director, a Recreation Director. The title may be a little misleading for folks that may be interested in the position. They may be thinking it's a higher wage, or a higher level. Not to diminish the efforts, but Director is a title that we give to some of our higher level folks. So I might recommend that the Board consider renaming this to be "Senior Services Coordinator". It's the same position. We didn't change anything just the title. Maybe be a bit more realistic and reflective on applicants or folks that are interested perhaps in applying for this job. They're looking at something that's maybe more in keeping with what we're looking for. As you recall, you removed I think some of the more heavy duty Bachelor's Degree, Master's Degree helpful. Coordinator is probably a more accurate title particularly because you're now tearing up under a Rec. Director.

Motion by Selectman Coutu, seconded by Selectman Luszey, to change the title of Senior Services Director to Senior Services Coordinator, carried 5-0.

Motion by Selectman Coutu, seconded by Selectman Luszey, to approve a starting wage of \$15.00 per hour for the Senior Services Coordinator position.

Selectman Coutu said he looked at this very carefully over the weekend when I was going through my packet. I was somewhat concerned. I thought it was somewhat low but then when I realized that we were going to change the job title, I realized then that as Mr. Malizia pointed out, I realized then having done human services for several years for the City of Lowell that the title "Director" was not akin to - it would have been had we got the person with all those qualifications, and we intended to eventually make it full time, which again we'd have to go to the voters. I thought \$15 an hour was justifiable for a Coordinator's position in that we're going to ask that person to assist in writing grants, work closely with 2 or 3 senior organizations within the Town, try to coordinate activities. I'm hoping that eventually that the Coordinator will only have to work with the Senior Services Committee as a whole and work closely with them. I think \$15 an hour is justifiable for the position.

Selectman Luszey indicated that he fully agreed. However when I was reviewing this, I did notice that we spelled out some of the responsibilities that talked about a mini bus but what we didn't put in the qualification is the ability to have a bus driver's classification within one year or whatever. I'm okay and it's most appropriate but I think I would like to make a motion to change some of the qualifications right after this.

Ms. Graham asked if the Board wanted to add the hours of 29.5 hours. Selectman Luszey's question was isn't it 29 or otherwise...Selectman Coutu said it was 29.5 hours. Steve Malizia indicated you're just trying to set a wage for a job ad. At this point in time, the 29.5 is what you have is the maximum amount of hours. Chairman Maddox stated you might only say 16 for the first year. Selectman Luszey thought 29 hours was the magic number for health benefits under Obama. I know that is for private. I don't know if that's the government. Selectman Coutu said there's FICA and Medicare in here but we're only going to be paying FICA. I thought 30 hours was the...Under the Affordable Health Care Act, Selectman Luszey said 29 becomes the magic number if you work in excess of 29 hours, you're obligated to start paying medical.

Chairman Maddox asked to make a motion for the hourly wage and we'll decide about how many hours we're going to use them for at some future date otherwise we'll be discussion for quite a while.

Vote: Motion carried 5-0.

Motion by Selectman Luszey, seconded by Selectman Coutu, to add under the minimum qualifications required to the affect that they have the ability to get the school bus classification driver's classification within six months.

Selectman Luszey said if you take a look at the responsibilities, we talk about mini bus for transportation. Now hopefully whether it's this next budget cycle or the one after that, we would acquire some type of van or mini bus for the purpose of helping our seniors to get to this local. I would look for this particular position to provide that service. We would need to have as a qualification the bus driving classification to the driver's license.

Selectman Nadeau said he didn't think that we were buying this bus or looking into getting this bus as a drop off and pick up. I thought it was more for the trips that they go on. The high school just got one over at the vocational center. When I was talking to the Principal the other day, I don't believe they need to be a bus driver. They have to have some type of endorsement on their license. They go to a class for a day and it's not a full blown bus driver CDL license.

Selectman Brucker stated she never thought of this Coordinator as having to be the bus driver. I would think somebody else would be the bus driver. It just doesn't seem appropriate to me. Selectman Luszey said we'll be hiring a bus driver later on.

Selectman Coutu couldn't agree. I'm certainly not going to disagree with what Selectman Brucker just said. I think it demeans the position to say you need to be a bus driver. Not that driving a bus is a demeaning position but I mean we're asking for a professional person to run this organization. It could led to a full time position depending on how many grants this person can

write. I think we could work with the Nashua Regional Transportation Authority. I think we can work cooperatively with our school system. We've extended our hand. I think Selectman Nadeau that suggestion is appropriate. Maybe the person might volunteer to drive the bus. I've seen that and they may have the appropriate license to do so if it's what Selectman Nadeau says is required or what Selectman Luszey says is required. I think that to require it in as a minimum qualification requirement, we might as well go back to asking for somebody with a Master's Degree. One end or the other end. Which is it? I don't think the person should have to drive a bus to get this job. We're going to eliminate another so many people.

Selectman Nadeau thought it was a nice to have list for the Coordinator but I don't think it's something that I would find to be necessary to be the Coordinator. You might find someone that's older that doesn't want to drive the bus that has all the qualifications that we're looking for but doesn't want to drive a bus.

Selectman Luszey indicated they were short sighted. Move on. I withdraw my motion.

Selectman Luszey's withdrew his motion.

Selectman Coutu withdrew his second.

Chairman Maddox thought that we were probably going to team up with the schools and do something with a bus company as opposed to us buying a bus. Selectman Luszey indicated that we've been teaming up with the school for ten years.

E. 25 Constitution Drive (Map 170, Lot 38)

Chairman Maddox recognized Town Administrator Steve Malizia.

Steve Malizia indicated that he was asked to provide information regarding a Letter of Credit. Upon some research, it was determined that this particular Letter of Credit that was originally posted in the amount of \$119,600 or Constitution Drive indicates that the Planning Board voted to release that Letter of Credit back in September of 2007 with the retainer of \$14,600 as a maintenance bond. The maintenance bond was released December 2011. So the disposition of that particular Letter of Credit was the majority was released by the Planning Board. Subsequently a maintenance bond was also released upon actually 4 years of the road. Those monies were appropriately or properly handled from what I can see from the records that we have here. That's the piece that I looked into.

Chairman Maddox said it did not just disappear. It was released based on recommendations by whoever to the Planning Board. That was incorrect. I made the motion because we had a Memo from the Town Engineer that says it was ready to be released. Now, again, I think the Wall Street is the fuzzy area but the other item is Wall Street. I did say we'd hold off with going to the Planning Board. The Planning Board is of the mind to take the \$7,500 plus the money - I think it's about \$4,800 in impact fees and apply those to this project so that there'd be a \$13,000 cost to the applicant before the Planning Board and as you saw the Memo from Mr. Burns, he would be able to then do the work on that road and be able to recommend to us to accept said road. There is going to be some discussions so I would ask first that the applicant and his - do you have any more to add to that?

Good evening Mr. Chairman and members of the Board. My name is Brad Westgate. I'm a lawyer at Winer, Bennett in Nashua representing John Jamer. He's the property owner at 25 Constitution Drive. Just to confirm Mr. Chairman that Mr. Jamer is agreeable to not only making the contribution of \$7,500 towards the improvements to what I'm calling the southerly end of Wall Street along his property but also allocate the cap fee of \$4,800 towards that same goal. Of course the Planning Board has to actually officially authorize both of those expenditures as a component of site plan approval. Perhaps maybe actually technically waive the cap fee and replace it with a \$4,800 contribution towards the work, however the Planning Board wants to term that. Of course we would do that on the assumption that the scope of work outlined by Mr. Burns a couple of months ago to Selectman Maddox. He broke down the components of the work that that would be in fact the scope of work. He's already stated in his e-mail that scope of work was sufficient in his mind to recommend a street acceptance and that's agreeable with us. Again, this whole process would be dependent on Planning Board site plan approval of the project as well naturally. I know Mr. Wolters is here tonight who is the Manager member of Century Park, LLC has handed out a letter to the Board. I know he wants to make some comments. I have some comments on that letter Mr. Chairman but perhaps it's more appropriate that Mr. Wolters comment to the Board, address the Board with his letter, and then if I may, make a few comments in reply to what Mr. Wolters says if that's okay with the Board. Chairman Maddox said we'll see how it progresses Sir. Just bear in mind we received this on our table tonight. So we're reading it right now.

Good evening Chairman and members of the Board. John Wolters from Century Park. I want to thank everyone for giving me an opportunity to speak to all of you this evening. I do appreciate it. It's not something I do often. I've been in front of the Board I think very few times in my career being here since 1995. This is an important matter. You have to pardon me a little bit. I know there's a lot of people watching us this evening. I am not familiar with what each board truly considers. The reason why I bring that up as a matter because I have several items that may not be appropriate for the Board of Selectmen to hear this evening. If it isn't, you can let me know. I've been given very different messages. One that this is something the Planning Board should hear, no this is something the Board of Selectmen should hear so I'm going to outline with you a few and those matters that I have brought up to the Planning Board I would also ask that the Board of Selectmen consider because, I am not familiar with the appropriate party to address my questions to.

With that, Mr. Wolters asked to lead into getting into fiscal impact studies. The reason why I want to address this early on is because I hear it this evening a lot of discussion about cost to the Town and being a resident, I'm glad to hear it. You guys are all doing the right job and I'm glad to see that that concern is being followed here. One of the concerns I do have in one of the packets I provided to you was basically a development impact analysis which was performed by CB Richard Ellis, a highly recognized real estate firm and I believe it's internationally based as well, who I asked to take a look at the impact of the Jamer property to Century Park because it's basically situated as everyone knows in the center of where two of the main buildings at the park are located. Predominately the Life is Good facility and the former UPS corporate offices. In his report, which is an analysis that he performed, he does reference that this project could impact Century Park's value to the tune of 40 percent. For those that are watching this evening to give some real numbers to what that means, as I outlined to the Planning Board in my previous discussion, Century Park is one of the Town's largest taxpayers. This would impact potentially the Town to the cost of about \$100,000 per year if allowed to proceed as proposed as I understand it. In ten years, that would be \$1 million. That would be more than what's being proposed to be built on the property. This would be a burden just so I understand it clear, that would be an expense of the taxpayers.

Mr. Wolters would like to know how the Board of Selectmen as members of this community and elected officials here feel about putting that burden on to the taxpayers of this town assuming that this project is approved and allowed to proceed to development. If this project goes forward and the impact is what we predict will be, there will be an abatement that will be requested and obviously filed and the Town will have to deal with this matter at some point. It's not a small in sequential number. This is a big number. In the handout that I provided, and unfortunately I know a lot of people watching this evening did not have an opportunity to see the letter that I drafted. I'll give you basically a brief summary of some of the contents. Certainly everyone is welcome to come here and review them. Basically just outlines that in part I am not sure what's even being proposed under Jamer property today. On the original application, there was a crane company being proposed. We have pictures of such a facility that the applicant has a relationship with. Whether or not that's exactly what's going in, I don't know. It remains unclear but certainly that is a concern and I've provided photographs of that facility to members of the Planning Board in the past again as one.

Two - Mr. Wolters stated that the access and the status of Wall Street to me. We've done a lot of work as I've already outlined on our site. I think at the Planning Board unfortunately the Board of Selectmen were not present at that meeting. There seems to be a question as to who owns Wall Street. I know who owns Wall Street on the property line. I understand that the Town has requested Town Counsel to look at who owns Wall Street to Constitution Drive. I'm not so sure that's so clear. I'm not so sure where the utilities run in that road. Is that additional flow that's going to run into a private system that flows to Century Park? I don't know. There are a lot of issues on this application that need to be addressed. The applicant has a site that he purchased that is approximately 4 acres in size. It's predominantly wet. When it was offered to me well before he came along, I was told it couldn't be developed and didn't even question it. In the applicant's application to the Planning Board, his building predominantly sits within basically a 50 foot setback from Hudson Park Drive. Some of you who may be familiar with the overlay understand what that is. Obviously if he didn't have that setback requirement, he would be allowed to put that building in. It's our position that that setback requirement does exist. The building should not even be in front of a Board in our opinion because it doesn't meet the minimum requirements. We're here anyways. We'll take it face value that it's something that we want to discuss.

John Wolters said he was going to give a quick summary for people that are watching this evening. That highlights some of the points I was making in the letter. What I would also like to add is the following: One is that there has been some discussion about assuming Wall Street was to go through as proposed what would happen as far as where it intersects my property? That would be something - I know there was a gate that was being proposed for emergency and things of that kind. Again, we have an application in my view for a single user. One that at this time I cannot support - not for what has been proposed and told to me that is going to potentially impact the value of my campus, the quiet enjoyment that they expect to have in the park. So that is an issue. I've outlined some of the issues with the utilities.

Mr. Wolters didn't understand the town's intent in granting this. In other words as a Board of Selectmen, what is the purpose of doing this? We've heard this evening as I understand it that the funds that were provided...

Selectman Coutu indicated this was a courtesy request. Mr. Wolters I'm sitting next to you and I know even at 70 I'm not hard of hearing. I know you're very soft spoken. I've heard you may times at the Planning Board and you never really get a chance to speak here but if you could just speak up a little bit please so we can all hear you. Mr. Wolters thanked Selectman Coutu for bringing that to my attention. I'd like to understand is what is the Town's intention in granting this request? What is ultimately its purpose? Is it really to benefit a single property owner at the expense of other property owners? That doesn't make any sense. Is there something larger than that? Is there some other plan? I don't know. I don't understand the intent in granting assuming one were to grant, the Board would decide to grant this request. It's just not clear to me what that's all about.

Last but not least, John Wolters touched upon were two issues. One, and I could maybe misunderstood the cost of the road at \$13,000, I thought at the last meeting there was \$26,000. Maybe I misunderstood it was going to be a cost to the Town of \$13,000 to contribute towards it or maybe funds were going to be redirected. Again, it's certainly monies that are in a pot that are available to the Town for various purposes. Again, I don't know if this is the right application for it. We talked about an issue which I'm hearing about with Benson's which I think was the right thing for the Town to do. I support it and I think it's a great idea. This is something that in my opinion probably should be taken to a town vote on this road and whether or not the

impact of this because if it is allowed to proceed and it does cost the town in tax revenues - let's say \$100,000, who's taking the burden for that? Somebody is going to pay for that. The taxpayers will ultimately pay for that decision. I think that they should have an opportunity to take a vote on that because that is something that they'll be burdened with for years until property values increase again. That basically wraps up my comments. I kind of ran all over the place a little bit but I did the best I could. I also would like to have an opportunity if you don't mind if Attorney Westgate is able to speak about any comments I've made if I could have the courtesy of responding to his comments, I would appreciate it.

Selectman Coutu told Mr. Wolters he believed he stated in your preface that you had a report and I would assume that you're talking about this impact analysis. The one you presented or we just got this evening. Mr. Wolters said he referred to it as a "Development Impact Analysis". Selectman Coutu believed Mr. Wolters also said in your preface that when we go through this we would see the financial impact on the entire property as a result of Mr. Jamer wanting to put some sort of a building in there to do some industrial work. I just thumb nailed through this. There's a lot of pictures but I started except for what Addendum B which tells about the qualifications of I believe CB Richard Ellis, Inc., Webster Collins his credentials. I see nothing in here except pictures, a slight introduction which is labeled as - it has not label. It starts out as a letter, explaining the square footage of the area, a picture, a map, basic real estate principles, methodology. Nowhere in here does it talk about the actual financial impact that you're claiming.

Again, John Wolters said if you'd like I could take a peek at it. I can tell you that that was my understanding in his report and maybe I don't know if all the copies were made. I hope they were that were submitted to you this evening. Chairman Maddox indicated that they were missing page 2. Mr. Wolters said he was sorry. I believe I am. I'm glad you brought that to my attention. I do know a similar package was delivered to the Planning Board. I apologize to you for not having all the information. I'd like to have an opportunity to present that back to the Board. Thank you for bringing it to my attention.

One final thing Mr. Chairman, Selectman Coutu said to Mr. Wolters that you understand that we're not here to decide whether or not Mr. Jamer is going to be able to build a building. That's a matter between the applicant and the Selectman Maddox because we're not voting on whether or not - that's between the applicant, and the Planning Board, and whatever concessions they make. What we're doing is making a decision on whether or not we want to accept Wall Street. We're voting to - that's all we're voting on. Whether he wants to have a crane operation, or he wants to put in Roger's candy bar factory, I don't see how one's going to impact any more or less on the property. There's no evidence except that you said that it would. There's absolutely nothing to substantiate anything that you've said. Certainly not in our packet and to be presented with this at the last minute, you'd have to read through it. I'm a quick read but I try to read things a couple of times to make sure I don't miss something. I just want you to understand. We're not the ones deciding what he builds, and where he builds it. They decide if it's feasible and what the restrictions and limitations are going to be. They'll deal with drainage if it's necessary. If you don't know by know you should know, I watch every Planning Board meeting. I watch pretty much every meeting in town because I want to have a handle on the pulse. I thank you for your presentation and I hope that Chairman Maddox will honor your request to allow you to answer anything that the legal counsel for the applicant will say. I'm sure he'll honor your request.

John Wolters, again, that's what I said to you at the beginning. I was not familiar with the process. I was told that this financial analysis was something the Planning Board would consider. Then I was told no, it's the Board of Selectmen. This was new to me and I just found out Friday night after speaking to Selectman Maddox that the meeting was scheduled for this evening. That's why hence you have the report this evening number one. Number two, and I think what's important and what I want to stress not just to the Board but to the Town and everybody watching this evening. The Board of Selectmen this evening or whenever is making a decision whether or not to allow Wall Street to be a public road, which I'm questioning whether or not if they own it. I don't know that's accurate that they have the legal right of ownership number one and two is without that road being made public as I understand it, the applicant doesn't have proper access which is what he bought in the first place off of Wall Street without the acceptance. By the Town accepting it and putting it forward as a public road as I understand it, that decision may cost the Town, and unfortunately you are missing part of this report but I will supplement and I'm sure the Planning Board has a full set as well, could cost the Town approximately \$100,000 according to CB Richard Ellis's appraisal consultant. That's why it's so important tonight. This is just not something that the Planning Board is considering but I want to know as a resident of the Town because if we're doing that here on this application and if everybody watching tonight is okay with it, I just want to know. This is going to potentially going to cost the Town a substantial sum of money for a single user. Is this what it's designed for? Is this something - we're worried about spending \$70,000 on something that I think has a huge benefit to everyone in town. This is something that is going to cost potentially the town a lot of money for the benefit of one 10,000 square foot building owner who's not a resident of the town. So the rest of us will be paying the price of it for years to come. That's what's in front of I understand the Board of Selectmen this evening and hopefully everyone this evening is watching tonight to see how this matter would be addressed. While we're on the subject, one of the things that maybe makes some sense is if the Board would be willing to postpone their decision to allow all parties - maybe the Board of Selectmen, maybe the applicant and myself to see if we can come to a compromise and something that maybe everybody can embrace so that we have something that could work. I've tried it and perhaps maybe with the Town's involvement we could get there. I don't know. I can put that on the table if that's something the Board of Selectmen would consider.

Selectman Coutu said this report Mr. Wolters you commissioned this report did you not? John Wolters said yes I did. Selectman Coutu reiterated that this report was commissioned by you. This is done by an assessor, and appraiser, and it's strictly his opinion? John Wolters said it is his opinion, yes. Selectman Coutu was also hoping Mr. Wolters that based on comments that you made that you're not trying to discourage non-residents of this town who want to bring industry into this town not to come here. John Wolters said he was glad Selectman Coutu brought that up. I am one of the Town's strongest

advocates. That's what I do. We have approximately 500 employees at Century Park today. Since 1995, there's been over 1,000 employees to that town. I've attracted many businesses to this community. It's what I do. The monies that I generate through property taxes which benefit the residents that are watching this evening as well as over 1,000 jobs are benefitting most local people. I'd like to continue doing that and hopefully with the Town's support and the people watching this evening, they will support what we're trying to do here this evening. Thank you for bringing that up.

Attorney Brad Westgate said he'd try to be brief and directly to the point. Most of the comments Mr. Wolters made are if they're to be dealt with at any place, it would be at the Planning Board. For example, the Planning Board can commission fiscal impact studies when it reviews industrial site plans. Matters pertaining to set back from Hudson Park Drive, a paper street, those are Planning Board type of issues. I do want to be clear and make certain the Board is clear, and I believe you are, as to the status of Wall Street. In Mr. Wolters' letter that he handed out tonight which some of you may have had a chance to glance through and I had the opportunity to read as I was observing your other cases, Mr. Wolters essentially is saying Wall Street, and again the southerly end of Wall Street that's shown on the Unicorn Park subdivision plan, he doesn't know what it is, it's privately owned, Mr. Jamer is somehow trying to make use of privately owned property and turn it into a right of way. That is not the case at all. If the Board may recall two weeks ago and I handed out the chronology of events, I had appended to it the Unicorn Park subdivision plan that was approved in late 1999 by the Planning Board. It's now a recorded plan. That plan laid out both Constitution Drive and the southerly end of Wall Street, the southerly end of Wall Street and Constitution Drive both fronting Mr. Jamer's property. As I explained two weeks ago, and I think the Board knows, a road laid out on an approved subdivision plan recorded by the Planning Board is what's known as "a road dedicated to public servitude" and it's now in the power of the Selectmen or the Town Meeting to accept that road as a full town road if it is built to a standard that the Town or the Board of Selectmen find acceptable. So what's happening tonight is that very process. Mr. Burns has analyzed a scope of work, has provided a cost estimate for it in the range of \$26,200. With that cost estimate and that scope of work implemented, this section of Wall Street, a publicly dedicated road at present - it's not a private road of any sort, it's a publicly dedicated road as we speak, that will then rise to the level of his ability to recommend that it be an accepted town road.

As Attorney Westgate mentioned, Mr. Jamer is happy to contribute the \$7,500 impact fee for that to be allocated towards that cost of the work as well as his \$4,800 cap fee is somehow allocated to that scope of work as well. So there is no question about what the southerly end of Wall Street is. We all know what it is. It's a dedicated public road capable of Town Meeting or Board of Selectmen acceptance, and this Board is tonight analyzing whether a scope of work that's appropriate for that acceptance should be authorized. I don't want to delve into the Letter of Credit situation in any great detail. I just have found curious to this day that somehow the Letter of Credit that one would have thought would have covered all of Constitution Drive and the Wall Street improvements somehow never got implemented for the Wall Street improvements. Perhaps it wasn't required to be covered for the Wall Street improvements. That is a possibility certainly but unfortunately it would be a little odd because whenever the Planning Board approves a subdivision plan, it of course wants a guarantee that all the public improvements on that plan would be built. We're here today we're not looking back. We're trying to look forward. Mr. Jamer understands that. He wants to move forward as well. That's why he's very willing to make that contribution.

The issue of property value impacts and the like, Attorney Westgate said that's again if it's to be analyzed anywhere, it's at the Planning Board but frankly I don't even think it's to be analyzed there. Impact on property value is not a criteria for site plan approval. Again, the Planning Board can commission a fiscal impact study if it likes but that's certainly not germane to this Board of Selectmen's determination on the status of this road and whether to authorize this work and provide some partial funding for it. We certainly request that the Selectmen move forward tonight on this proposal that Mr. Burns' scope of work be authorized, that the idea of Mr. Jamer making the contributions we offered and Mr. Maddox has noted being part of that process and that the remaining funds to make that work a reality be appropriated as well. We hope that the Board moves forward on that score this evening. Obviously, I'm happy to answer any questions Mr. Chairman.

Chairman Maddox asked if we were to say no to making this an accepted road, then your next step would be to come before this very Board and ask to use that right of way as a driveway. Would that be a correct statement? Attorney Westgate said that is one of the roots that could be taken. The so-called build on a Class VI road route. Chairman Maddox said it would then come back here again. We would have a road that was not built to town standards that they would be using as a driveway but still expect our fire apparatus, our ambulance, police, and all of that to be able to get into it as a driveway. Number two, we're setting ourselves up for many a person wanting to be able to use a non Class V road as an access. This was the cleaner and the more long term but they have another option that could come back to us as well.

Attorney Westgate said years ago I had a Class VI road case that I dealt with in Hudson and it was not a satisfactory experience. Not from the Town's perspective, just the process, the result it was not the preferred approach. Class V Road Town accepted future benefits from that certainly the preferred approach, especially when you have a property owner willing to make a substantial contribution towards that cost. Chairman Maddox cautioned that that number is only good until the first of September or somewhere in there because of the paving contract that we're going to try to use to do this with. It is a limited time offer.

Seeing no other questions, Chairman Maddox would ask the Board's indulgence if they'd like to hear from Mr. Wolters again.

John Wolters said, again, it's not something that the financial benefit to the community is discussed here and it's something at the Planning Board. I'm not familiar with that process. I do know is that whatever you decide to do tonight will basically lay the groundwork for this to come to a head. I want to work with the Town. It's what I've done, my career. I don't want to be going

through a process of having to protect my rights and the investments that I've made, and the jobs that are here in this Town. I'm assuming that if the driveway is an option as Selectman Maddox mentioned, I'm assuming he needs approval for that too. Again, I'm laying question as to what the approval process would be. I don't know if that is a process that would everyone's approval out of the gate. I'm assuming that there would be some process. I don't know. Again, I'm assuming that the Board of Selectmen would confer with the Town's Attorney on a matter like this. I typically would on things that came and impacted my projects. That's why I've laid these things out to you. I don't want to be spending resources and time defending what I've built over the years and in this community. One comment I do have is that is there a possibility the applicant, again this is not for a Board of Selectmen issue I wasn't intending to raise it, but having the applicant perhaps look to develop his project off of Constitution Drive rather than off of Wall Street. Why isn't that being looked at? Yes I know there's wetlands on the property but he's already impacting wetlands as part of this project. This would be something that would not require him coming back for a driveway access assuming he got turned down for the town road. Again, I throw this out as a possibility and I ask the Town that if there is any questions I would ask that they check with the Town Attorney as well.

Selectman Nadeau said he did remember watching this on the Planning Board meeting. I'm wondering if I could take a look at that plan if we could have a 5 minute recess and take a look at the plan that the applicant had. Chairman Maddox asked if that was agreeable to the Board. It is 8:25 p.m. We're going to take 5.

Chairman Maddox convened the meeting at 8:30 p.m. Selectman Nadeau did you gain the insight you needed? Selectman Nadeau said he did. I looked at the wetlands and what the building area was when Mr. Wolters said that why don't you build on the front of the property. It's not, one, feasible and two as easy as you think it would be. Now I understand we're talking about Wall Street and where it's going. I still have a few more questions as far as is Wall Street a private road or a public road that goes out to 111. Have we ever clarified that that it's a private road or a town road? Chairman Maddox said to 111 that's not even in the scope of what we're talking about. Selectman Nadeau said he understood that but is Wall Street a town accepted road? Chairman Maddox indicated no.

Selectman Luszey asked if it was any type of road as far as we're concerned. Before this Board, Chairman Maddox said no. Selectman Luszey said in terms of town access - Chairman Maddox indicated it's a driveway. Selectman Luszey stated it's a privately owned...As Chairman Maddox understood it, we can argue this all night also. There is much discussion as to whether that road is private or it has a right of way deed. It has nothing to do with what we're talking about but if you want to hear about it, we have Attorney Westgate to answer that question if that is an item you'd like to...Selectman Luszey said he did see it. I thought it was deemed to the Town in one of these Memos here somewhere. Yes maybe we could. Chairman Maddox said only the section from Constitution to that lot line. Attorney Westgate if you would Sir.

Attorney Westgate said if you folks recall the plan, the Constitution Drive subdivision plan, Unicorn Park from 1999 it shows you're looking at if you remember it shows - I will hold it up so I can distinguish for you Wall Street, north end, and Wall Street the south end sort to speak. This is the plan that I handed out in the small version two weeks ago. This leg here is the southerly end of Wall Street. This is Mr. Jamer's property right here. So the Wall Street that we're talking about, and I keep calling it the southerly end of Wall Street to distinguish it from Wall Street by Mr. Wolters property and near his entrance that goes out to Route 111. The southerly end of Wall Street on this plan is what is known as a dedicated but not accepted public road. So when you record a subdivision plan at the Registry of Deeds that the Planning Board approves and it lays out road ways, those road ways automatically are dedicated to public use. They don't become accepted roads by the Town until the Town Meeting or the Board of Selectmen formally accept them. That was done with Constitution Drive in I believe 2007 but it was never done with Wall Street but the Board of Selectmen has the authority to accept the southerly section of Wall Street at any time it wants literally today. What we're talking about tonight is improving this southerly part of Wall Street to a point that brings Mr. Burns, the Road Agent, comfortable to recommend to you acceptance. That's this scope of work that he's outlined. The estimated cost \$26,200 and we're willing to contribute \$7,500 plus \$4,800 or \$12,300 towards that cost.

Chairman Maddox indicated that the question was Attorney Westgate the other portion of Wall Street. Attorney Westgate thanked Chairman Maddox. I didn't mean to forget. I appreciate it. The other portion of Wall Street, we'll call it the northerly portion of the property, that is uncertain as Mr. Chairman noted. Is it public? Is it private? That's a significant research job both in terms of recorded plans, Planning Board action in the past when it approved projects, conditions of approval. I don't know that answer. I can't tell you whether it's public or private to this very day. I do know that our section is open for public use and can be accepted by the Town Meeting or the Board of Selectmen when they deem its condition appropriate.

Selectman Luszey asked how long has that been a public access, the southerly section. Chairman Maddox said 2000 was when this plan was approved by the Planning Board.

Chairman Maddox asked the Board where they would like to go.

Selectman Brucker asked whose been maintaining it. Chairman Maddox said no one. It's actually overgrown. If you go to it and drive your car down it, it's like driving through one of those brushed car washes. There's overgrowth on both sides of the road to where it's a big bicycle path at this point. It needs to be reclaimed and all of that to bring it up to standards. The Chairman said he believes that we have some questions that I think we need to ask our attorney in an attorney/client before we go anywhere with this. I think they have their number. They know what we're headed towards but I think we have some questions that we don't need to get into tonight that as far as the legalities that have been brought before us what we can do. Again, that's my opinion but does anybody else have another one?

Selectman Luszey thought he'd like an opinion from the Planning Board on this. Selectman Coutu indicated that they're waiting for us. Chairman Maddox indicated that if we approve this and say they can now use this as a Class V road, then they go through the iterations with the Planning Board as having a driveway on a Class V road. If we don't, and I'm not speaking for them, but their next step would be to come back before us again to ask to use that very same stretch of very old and ugly pavement as a driveway to their facility. We're going to be seeing this for some time to be. It is going back to the Planning Board but it's really a function of unfortunately these people are stuck between a rock and a Wall Street. We need to find a way to where we want to go.

Selectman Nadeau said at one time were we thinking about or talking about opening up Wall Street from Constitution Drive and removing the gate that's in the middle of it there and using that as a road. When this came before the Planning Board when the Town sold this tax obtained property, Chairman Maddox indicated there was much discussion about using Wall Street but more go to Hudson Park Drive, another one of these fabulous paper streets that would then go down to 111 and feed the Constitution, the Wall Street, and the Hudson Park Drive developments all through that roadway. There has been ongoing discussions with the owner of the Century Park. Again, is Clement Road the best road to having cars come out onto 111 with? The idea was is you'd have enough warrant at that point with all of those to justify a traffic signal. In reading up some notes on this, there was a set of minutes for the Planning Board from I believe 2000 where then Selectman Seabury was the Selectmen's Rep. and she said that the State put pipes under the road for eventual traffic light at that location. Again, that's 13 years ago and I don't know where that knowledge came from but I think that is really the long term goal but that requires that road that sits on private property to be something that we need to work out with the owner of Wall Street Park. Does that answer your question?

Selectman Nadeau indicated kind of. I think we have a lot more homework to do on this before we go forward this evening. I would like to put this off so we can ask the attorney some more questions and wait for Mr. Wolters page 2 so that we have that.

*Motion by Selectman Nadeau to defer until the first Board of Selectmen meeting in June so we can ask the attorney some more questions and wait for Mr. Wolters page 2.*

Selectman Luszey asked for a nonpublic with the attorney. Steve Malizia indicated that you can do an attorney/client if you'd like. If you want to do that at 6:30 p.m. or at 7 p.m., that's your choice. You've done that in the past, i.e. you've met with the attorney before a regular meeting starts that way you do it first thing. Chairman Maddox indicated and get some answers that we probably all have in regards to this. Again, I have a feeling that somebody is going to be seeing men in robes somewhere along this path if we don't..

*Motion by Selectman Nadeau, seconded by Selectman Luszey, to defer this until the first Board of Selectmen meeting in June so we can ask the attorney some more questions and wait for Mr. Wolters page 2.*

Selectman Coutu asked about bringing the attorney in at 6:30. Is it for this? Chairman Maddox said yes. Selectman Coutu stated we're going to bring the attorney in here for this. Selectman Nadeau indicated there's a lot of unanswered questions. Selectman Coutu asked if he could write us an opinion. Chairman Maddox thought that you could probably premise our meeting with him by asking him if he could take a look at what happened tonight and give us guidance.

*Vote: Motion carried 4-1.* Selectman Coutu opposed.

Chairman Maddox thought that maybe there needs to be some further discussion between the parties. I don't know where that will take you but let's see where the Town will go at the next meeting.

## 8. NEW BUSINESS

### A. Municipal Utility Committee - Nashua Waste Water Treatment Plant - Plant Capacity Study

Chairman Maddox recognized Town Engineer Patrick Colburn and Bernie Manor.

Thank you Mr. Chairman. Patrick Colburn noted that Bernie's with me tonight as Chairman of our new Municipal Utility Committee. What we're here to discuss is a commitment to the City of Nashua, Department of Public Works for our share of a proposed plant capacity study. What happens is they're regulated by the EPA, the EPA gives them a flow allocation of discharge to the Merrimack River. Once 80 percent of their flow allocation is exceeded, they're required to start the process of developing plans for expansion. That's one reason.

Mr. Colburn said the other reason that they're investigating expansion plans is because we over the last 5 plus years have expressed interest in more allocation at their facility and as well, Tyngsboro, Massachusetts, has put their oar in the water in terms of requesting allocation from the City of Nashua. I provide a letter from Mario LeClerc. He's the Superintendent for the treatment plant facility. He is suggesting that a preliminary estimate for the cost of the study is \$50,000. Customarily in accordance with our Inter-Municipal Agreement, we contribute 12.58 percent to any improvements that they make any expansion that they make. So they are requesting a commitment of our typical 12.58 percent given that this is for non infrastructure. This is for a study. I figured it was pertinent to come and ask. That amounts to just shy of \$6,300 for the Town

of Hudson. Those funds are available in the sewer account for capital projects. Our 12.58 percent will continue as plans progress and hopefully construction begins at some future date and thereby hopefully our flow allocation at their facility will go up.

Motion by Selectman Nadeau, seconded by Selectman Brucker, to agree to the Inter-Municipal Agreement between the Town of Hudson and the City of Nashua to commit to a 12.58% share for the cost of the study, which the estimated cost is \$50,000. At the May 15, 2013 meeting of the Municipal Utility Committee, the Committee voted favorably to this commitment.

Selectman Nadeau thought this is a very good thing because we've always asked the million dollar question of how can we bring more businesses to Hudson. Everybody says I need X amount of sewer capacity and we're at pretty much near our limit to what we have. I think this would be a great step moving forward and hopefully we can gain some more sewer capacity.

Selectman Brucker asked if this was just for the study and there will be additional investment. Mr. Colburn said correct.

Selectman Coutu said he can't agree more with Selectman Nadeau. Mr. Manor, and members of the Committee and I for a while hoped that this would become available in the near future. Despite a lot of meetings, we didn't see any move in that direction until the past couple of years. I know that Mr. Manor has been involved with Mario in Nashua. I think this is a step in the right direction in order for industrial expansion. This is going to be a shot in the arm for Hudson if we get more allocation.

Vote: Motion carried 5-0.

B. Hudson Senior/HCTV Access Center - Additional Design Services

Chairman Maddox recognized Patrick Colburn and Mike O'Keefe.

Patrick Colburn indicated that they're there to discuss tonight is some additional design work for our proposed Senior/Cable TV Access Center. As you folks are aware, we recently awarded the contract to Brookstone Builders in an amount of approximately \$1.6 million, which is approximately \$200,000 less than the sum approved at March meeting. Prior to that point of receiving the bids, the group was concerned about where the budget would be and therefore left some desired items off the table. Now that we understand where we are overall budget wise, we're now again looking at adding those back into the scope of work. Namely, the full scope of a commercial kitchen upstairs in the Senior Center and as well, the construction of a - for lack of better terms - two car garage behind the Center that will be constructed to look like a carriage house that will support storage needs of the cable access folks. They have an ambulance vehicle that they use for traveling with, so that would be housed in that structure along with other miscellaneous items.

The third list of need for additional design work Patrick said is during the bid phase, Mike and Bernie took a very close look at the proposed plans and identified a short laundry list of changes that they desire. For instance, separating the utilities upstairs and down so that they're 100 percent separate from each other. Mike had some needs downstairs in terms of access to various different rooms in the facility with a strike pad. Things of that sort. I attached to your Memo was the scope and fee estimate via e-mail from WarrenStreet Architects, our consultant. That totals \$12,800 segregated into three different line items as I discussed. This additional design work is authorized under the Warrant Article #12 from 2012, so therefore we requested the Board vote to authorize an amount not to exceed \$12,800 for design fees to WarrenStreet Architects to advance the plan revisions, commercial kitchen design, and stand alone garage plans as discussed.

Motion by Selectman Luszey, seconded by Selectman Nadeau, to authorize a not to exceed amount of \$12,800 in design fees for Warrenstreet Architects to advance the plan revisions, commercial kitchen design, and stand-alone garage plans.

Selectman Luszey said the kitchen isn't a desire. It actually became a requirement. When Mr. Manor talked with the folks up in Concord, we were informed that even though we met Code in terms of what we were doing, we would not get a permit to use because it wasn't of a commercial grade if you will and met the health standards that we need to meet in a public type building. It's more than a desire. It's a requirement.

In terms of the separation of utilities, Selectman Luszey indicated that was a requirement right back at the beginning when we broke both the centers into their separate identities if you will. One being a senior center and one being a cable production center. We overlooked that when we did the drawing. So, again, it's not a desire. It's a requirement so that we are able to track the usage of the utilities according to the areas that are using them. The storage garage, that was and always has been on the list and we said that if we had funds available to do that, we would definitely bring it up for discussion.

Selectman Nadeau indicated designing this 24 x 24 garage is that big enough for what they're going to need in the future. You look at what they have now and you look in their facility and the stuff that they have put everywhere in there - all the props that they've made, all the stuff that they use for the shows - I'm just asking if 24 x 24 is big enough. It sounds big now but once you build a 24 x 24, you really needed a 32 x 36 or a 40 x 40, I don't want to build something that's too small and then in 5 years from now hear that hey we need to an addition on because we have a lot of extra stuff and equipment that we didn't know that we needed.

Mike O'Keefe indicated that the plan was to make it hold two vehicles. At the moment, we only have one. Also part of the requirement is storage above in the loft. That would kind of be secondary storage for stuff we wouldn't use very often. The main building itself does have some space available for set and prop storage. We build space into it for that. I don't anticipate needing additional space. The 24 x 24 is actually an approximate. It may end up being 26 x 26 - depending on the size of the doors. It has to be able to fit the ambulance.

Selectman Nadeau stated that was his question. Do we know that the ambulance will fit in a 2 car garage? Mr. O'Keefe said we gave the architect the specifications of the vehicle as well as the size of the draws we currently have at our facility as a guideline. Like I said, it may not be 24, that was just the number that was originally put on the plan as a placeholder. We told him he didn't have to be restricted to that but we didn't tell him to go 30 or 36. That was beyond what we had anticipated. Selectman Nadeau indicated it's easier to make bigger doors now as we see across the street at the fire station than to have to do it later. That's my only concern with a 24 x 24.

Selectman Brucker said number one, why do you have an ambulance and number two, what do you do with these vehicles. Mr. O'Keefe said the ambulance was a former Hudson ambulance that we purchased from them when they were trading in for a new one. We use it primarily at this point for transporting equipment when we have to do remote telecasts or broadcasts. We're in the process of retrofitting it with equipment so that we can actually do productions. The truck would kind of be our control room at a remote place - if we were doing football games, a parade, or something like that. We can operate from the vehicle itself. It's not an ambulance. It was an ambulance at the time.

To that end, Chairman Maddox indicated that our ambulances are getting bigger and bigger. If you're planning on getting one of our other used ones, that would be something to keep in mind when you're doing this.

On that note, Selectman Luszey asked if we needed to change the wording then to just say, "design a garage" without the size so that if it comes in...Selectman Nadeau said he'd feel better if that was the case. Chairman Maddox was concerned at how far can we take this before we get in trouble with DOT again. This is kind of an afterthought to the senior center. Yes I think within reason. Selectman Coutu do you know that number that they said oh yeah I guess its okay for this carriage house. Selectman Coutu thought they could go not to exceed 30 x 30 and still be safe. I would suggest that Mr. Colburn call DOT to make sure that that's acceptable to them. That's where we would go over the limit at 30 x 30 - anything exceeding that. I would limit it to 30 x 30. I don't think we're going to need anything bigger than that. Selectman Coutu said why don't we see what the restrictions are with DOT. He's not going to charge us more than \$5,000 to design this regardless of size. Mr. O'Keefe indicated it would cost more to build though too the bigger we go.

Vote: Motion carried 5-0.

#### C. New Senior Center/HCTV Access Center IT Equipment Purchases

Chairman Maddox recognized Chairman of HCTV Mike O'Keefe and IT Director Lisa Nute.

Mike O'Keefe said once we knew this facility was going to happen, the actual plans to design the building and build the center do not include some of the infrastructure such as the items I've listed here - telephone system, security, surveillance, and things like that. Seeing as we were going to need those, I met with Lisa to try to coordinate both groups - the senior center and HCTV access center and come up with a list of requirements of what we want in those. After we did that, we met with vendors who supplied these items to the Town currently and retained quotes from them. That's what's in the proposal that we've brought forward. We're kind of doing it now because when I originally started down this road, I was looking at taking advantage of funds that are available in the 2013 fiscal budget, particularly the cable budget so as not to necessarily impact the actual construction costs of the facility. When we did get all these quotes, we made what we felt was an appropriate distribution of the costs between the two uses. That's why you have basically 5 quotes, each of them broken down between the two groups and then a total for each.

In looking over this proposal, Selectman Coutu said that this was new to him. I know that Mr. O'Keefe worked on it with the IT Director. One of the things I noted is that on page 2 when you're looking at costs, the first column going down -security alarm, surveillance video, access control are all items I guess they're suggesting that we purchase from Pelmac, which comes to a total of \$32,000. Do we need to go out to bid for that? It looks like a package deal. Steve Malizia said one would argue you would as it's over \$25,000.

Lisa Nute said they did make some assumptions here and assumed that eventually or down the road you would want to have the cameras monitored whether that's at the police department or anywhere else on our network. The reason we went with the vendors that we currently use is so that we are sticking with compatible equipment and it is integrated with our system. On one of those Pelmac quote at the bottom of it, but there is a note that the server, the UPS monitor is not included. That would be provided by the customer assuming that we would use equipment already in place on the network and then we are just tying into that. Otherwise, you're duplicating as well. If you do go out to bid, which is certainly the dollar amount, you have to be careful of it not being integrated properly and then we end up also with whose problem is it. It's somewhere in the network. It's the finger pointing kind of thing or you're now dealing with two different vendors working across the same interfaces and whose problem does it become. It's just a little more complicated and more difficult.

Mike O'Keefe indicated that Pelmac currently provides the security systems at our current access center as well as the Police Department. They also were responsible for doing the Town Clerk's video surveillance system. So we felt it was appropriate to utilize them again for the interconnection purposes and making everything work seamlessly.

When we first started with them decades ago, Lisa Nute said they did win the bid when we started with the Police Department and from there we built the network with their services.

Selectman Luszey said he'd make a suggestion. We actually do go out to bid. The recommendation will most likely be to come back with this but at least we would know if they're in the ballpark of being competitive still. I do understand that we may pay slightly higher to maintain a single integrated system versus having multiple vendors supplying the same service. Basically its phone service. I don't think we want three or four vendors supplying phone services.

Selectman Coutu asked Mr. O'Keefe if it was possible that we can take any of the surveillance items that we have at the existing HCTV facility and transfer them over. Mike O'Keefe indicated that we don't have any video surveillance no. We just have an alarm system and access control.

Chairman Maddox asked the Board members if they wanted to go out to bid on this. Selectman Coutu indicated he would seek the advice of our Town Administrator. He's been around for a while. Steve Malizia indicated you can waive it if you'd like or you can go out to bid. I'm assuming you're talking just the Pelmac piece because the other two pieces are under whatever limit you're looking at. You're not looking at an aggregate of 48, you're just looking at the pieces for Pelmac. If the Board chooses to make a decision because it believes that it would be integrated, I believe you can waive that requirement. If not, you'd go out to bid. The only concern I would have is if you went out to bid, he's trying to use fiscal year 2013 money. He's not going to be able to encumber it unless you get this bid awarded before the end of this fiscal year.

Selectman Coutu said his major concern is making sure that we're transparent number one. Number two, that whatever we buy we certainly want to have integration because if we don't then we're just going to increase the costs. We're going to have to replace everything else. So in order to be transparent, I would make a motion.

Motion by Selectman Coutu, seconded by Selectman Luszey, to waive the bid requirement for the Senior Center/HCTV Access Center IT proposal, security alarm, surveillance video and access control panel proposal dated May 22, 2013.

Selectman Nadeau asked Mike O'Keefe how much money he was looking to use out of your budget for this year to put towards this. Mike said it would be the \$29,072 at the bottom where it says total cost. I'm okay with that.

Chairman Maddox said he was going to vote in opposition. I think we should at least kick the tires.

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

Motion by Selectman Coutu, seconded by Selectman Brucker, to approve the installation of an alarm system, extend the phone system, video surveillance and fiber optic connections from Town Hall to the new facility. The cost for the Senior Center (upper floor) total \$18,952 and will be charged to the funds available for the construction of the facility. The cost for the HCTV Access Center (lower floor) total \$29,072 and will come from the Cable Utility Committee FY13 operating budget, carried 5-0.

#### 8. C. 1. Emergency Gate at Benson Park

Patrick Colburn indicated that late last week we received notice from the DOT who maintains Kimball Kill Road as you know, that they will not approve and issue our DOT driveway for the right in only access as proposed. They have a concern relative to the available site distance for vehicles utilizing that curb cut. What they have proposed is that we utilize that curb cut for emergency vehicles only and place a gate approximately at our property line and utilize that driveway as designed for emergency vehicles only. I brought this to the Town Administrator's attention and he suggested I bring it to yours. We really can't afford to wait until the next meeting. So I was hoping to sneak it in and I just plain forgot.

Selectman Luszey asked why would we even do it if we can't come in there. Patrick said for emergency vehicle access. Selectman Nadeau indicated they're not going to gain that much time by going...Patrick indicated it gives them two means to get into the property. It gives them an auxiliary entrance to the property in case of emergency should the other intersection be unavailable. Chairman Maddox said the parking lot could be full and it has been recently. I would certainly like to know that we can get an ambulance into that park through that emergency entrance.

Selectman Luszey asked the Fire Chief to speak to this. If we have a roadway from the top down through there and it's a road and it meets all the requirements for emergency vehicles. This is now gated. I'm having difficulty understanding why we'd want to spend any money. Chairman Maddox said he was confused inasmuch that a site distance would only be if you're leaving there. This is an entrance only. I can't understand where site distance comes into play here. Patrick said he agreed. Chairman Maddox asked the State to explain that because again it makes no sense. You're not leaving from there. You don't need it. You're pulling in.

Selectman Coutu thought it makes sense to me. If they're going to allow it, that eliminates the gate. Do people pay attention whether you can come in or go out? They're going to come in and go out that road regardless. If there's no gate there because the State allows the curb cut, you're going to have people going out that. If you look at that curb or if you've experienced looking going down that hill if people are going to go out that road because it's not gated, you're going to have serious problem with vision with cars coming up that hill coming around that curb. Chairman Maddox thought the curve was going to be significant enough that it would not be practical to use for anything but an entrance. Patrick indicated you can see the design certainly does restrict right turns out or exiting traffic in general. You could go and make a left turn out of there easy enough but it would be striped and signed such that you can see right on that plan there's a do not enter sign on both sides as you exit the parking lot. I will tell you just for the Board's benefit that I asked DOT District Engineer to come out and meet with me on site. He met with myself, Gary, and Mike. There is no changing their mind. They came out evaluated the situation and their belief is that this poses a safety hazard. I personally disagree but they're the ones issuing the permit not me. I can't change their mind. Chairman Maddox stated that there are powers above them. We do have an appeal right? Patrick said we can do whatever you desire. Chairman Maddox asked if the Board wanted to hear from the Fire Chief.

Chief Murray said when we initially discussed it, that was the major concern that we had two means of access in case one was blocked. The gate issue - that just creates longer time. You've got to get out of the truck and open the gate unless you look at what type of gate you can put in there - emergency access gate with automatic..Patrick indicated they could look at automatic. What we had proposed or what Bernie and I had at least thrown around for an idea is Bernie was it the gate that you used at Hills Garrison School. Mr. Manor said they put a gate at the entrance to the lower parking lot at Alvirne when we built that. The entry road for the new Hills Garrison, they made us close off that exit from the parking lot, so we put that gate in there. As I remember it, we paid \$2,000 for it.

Chairman Maddox asked Mr. Colburn what do we want to do. Patrick Colburn said a consensus from the Board that I can move forward, put this gate on a plan, and get the DOT driveway permit in short order so that I don't slow down my site work contractor.

Selectman Nadeau asked if they had a gate that runs on an opticom. We have all these opticoms through town for the signalized intersections. The opticom is on. Can we use a gate like that so that they pull up and the gate opens? Chief Murray indicated that there are a number of different types of automatic gate openers, including some with a horn to push button like your garage door opener. So there are many different types.

Selectman Luszey made a motion we add the gate to the drawings and get approval so we can move forward. Once you put a gate there, that will become additional parking. It's a moot point as far as I'm concerned.

*Motion by Selectman Luszey, seconded by Selectman Coutu, to install a gate (Benson Park) as shown on the preliminary drawing, carried 5-0.*

#### D. Update on Benson Park Paving

Chairman Maddox recognized Selectman Nadeau.

Selectman Nadeau indicated that the Benson Park Committee asked to find out what the total would be to pave from the gorilla house down to the front side of Swan Pond where all the tree roots are coming through. We got a quote for \$16,945 broken down into two parts. I would like to have a motion to move forward with this to use our trail grant money.

*Motion by Selectman Nadeau, seconded by Selectman Luszey, to expend \$16,945 from the Trails Grant for paving from the gorilla house down around Swan Pond.*

Selectman Coutu asked if it was going from the gorilla house to the pond not from the historical district to the pond. Selectman Nadeau said yes. It starts where the trail comes in by the playground and goes down. We don't want to do the upper section until we put the piping and stuff through there.

Selectman Brucker asked about the Trails Grant money. Was that intended to be used in Benson Park. Selectman Nadeau said yes. This is the one that was for Benson Park. This is what the Benson Park Committee wants to do with the remaining money before it expires on July 1<sup>st</sup>.

Selectman Luszey said there's no utilities that are expected to be down at that end of the park after this is all done correct? Selectman Nadeau indicated there will be utilities going to the amphitheater but that's before that. The paving starts after that. To my point, Selectman Luszey said we won't be cutting up pavement we just put down like Nashua does. Selectman Nadeau indicated right. If they do go up a little bit further, they will put in the conduit so that there's a crossing. If they can go further with the money that they have, then they'll go further but if it requires us to put the pipes that we already have or the ones that they're going to be purchasing in so that we have them stubbed out.

Chairman Maddox had a question and I know that both of you gentlemen that serve as liaisons to the Benson Park Committee were supposedly not going to be at the meeting and I got involved. Shame as me I got into the utilities part of it. Again, I'm just kind of wondering. You're going to pave from the gorilla house south if you would. Where are we going to come up with the

money to put in the utilities that they want to put in between the elephant barn, the gorilla cage for water, sewer, and all of that. I thought we were going to utilize some of these funds to do that. Again, you want to pave south and that's fine. I was just questioning how you're going to - you're hoping for another grant next year.

Selectman Nadeau clarified by saying the money that they wanted to use for paving up around in the historical area was going to be if the utilities were in. That was all hinging upon the train station, and that's where they were going to come out of, and we were going to use that money to repair the stuff that they were going to do. They're not doing that now. Instead of losing the money, this was Plan B that they wanted to do eventually with other trails money. So we're going to do this first and when the utilities go in and that stuff gets done and hopefully there's more trails money available, then we'll do it then. If not, it will be something that we have to budget.

Selectman Luszey thought it was important to note, you're going to do some prep work just like we would be doing up at the senior center of laying conduit in the ground so that when you pave, the conduit is there to pull the utilities through. You're not tearing up pavement and redoing work you're doing now. Selectman Nadeau said right. To go to Mal's Pals where the gazebo is going to go, they'll put a piece of conduit under the road to the gorilla house. Thinking ahead that yes we're definitely going to run water and electrical across the street. We'll put the water and the electrical conduits in and cap them.

Vote: Motion carried 5-0.

#### E. Community Development Renovation

Chairman Maddox recognized Town Administrator Steve Malizia.

Steve Malizia indicated that at the last meeting I was tasked with making sure that there was enough money to complete the renovation of the Community Development area to include the Engineering office as well as the combined Inspectional Services group. At the last meeting, we had realized \$27,000 of that from the Building Department. In review of Building and Engineering indicates that between both of those departments, there's approximately \$64,000 which is in excess of the \$48,000 you need for this renovation. So to that affect, you can see the second page lists all the accounts where there's funds available for that renovation. The third page is the actual transfer form should you choose to vote to transfer that money. We would put it into a renovation account and then account for all of the expenses out of that account. Bottom line, the \$48,000 is available from the accounts that you see on the second page.

Motion by Selectman Coutu, seconded by Selectman Luszey, to approve the transfer of \$48,000 toward the Community Development office space renovation, carried 5-0.

Selectman Coutu thanked Mr. Malizia for the effort you put into this. It will probably bring this to a reality. The question I have Mr. Chairman is specifically there is one position that's going to be moving out of the office into a different area. Has that been taken into account as to what the needs are going to be for that move and what is going to be necessary in that other office to accommodate the needs of that position?

Deputy Buxton spoke but was inaudible as he wasn't speaking into the microphone. Selectman Coutu said it would be included in the total. That's good enough for me.

Selectman Brucker asked where is the Zoning Administrator going. Chairman Maddox pointed to the diagram where it says "rear entry" on the last page, the office above that. Selectman Brucker asked why were they separating. Chairman Maddox indicated space needs. Selectman Brucker said the Town Planner and the Zoning Administrator. Originally I heard they were going together. Chairman Maddox said they made it work. Selectman Brucker thought it's a little difficult to isolate one person.

Selectman Coutu indicated that Selectman Brucker wasn't at the last meeting. I want to explain how I justified my position on this. If you another question, I'll defer. Selectman Brucker said no. Originally Selectman Coutu had suggested that the Planning position remain in the office if we had to separate them for space allocation. A discussion ensued between comments made by Selectman Maddox and I believe Selectman Luszey. I was convinced that the associated work between those people that are going to be doing Inspectional Services and that of the Zoning Administrator are more inter related than they are with the Planner. I also felt that at the same time I opined that if we could find another area - he's not going to be completely isolated, he can get up and walk to another office. He can go talk to Mr. Oleksak if there's things that need to be discussed. I like the idea - I opined that I felt that he is the Town Planner and if there's someone that we get most of the calls in terms of people who want to help us establish a greater industrial base. They want to sit down. They want to talk to someone. I would think that it would be the Town Planner and giving him some privacy to meet with people who might otherwise not want to have something publicly known that they were interested in Hudson. I'd like to think that everybody would be glad to come to Hudson and would want to brag about it. I think we have that kind of community. I felt very justified in the end in voting to separate the two in the fashion at which we did and the manner in which we did in order to keep the Zoning Administrator more in line with the Inspectional Services Division. I think he can be a tremendous asset to them with his knowledge and his expertise in that field.

Selectman Brucker stated you just asked if there were funds to do the office for the Town Planner. What are you going to do for him? Deputy Buxton said the renovation at hand was to entail carpeting and paint for that office and evaluate the ceiling tiles.

That room has had updated category 6 wire put into it two years ago for the network. So that renovation of that space was very simple. Selectman Brucker asked if the space about the same as what he had. Deputy Buxton said he didn't have a calculation of the square footage with me here tonight. It is similar in size. I'm not exactly sure if it is larger or smaller. Selectman Brucker said she knows he has to pull out plans and things. When he does that, will he come into this? Deputy Buxton assumed that he would come into the Community Development area. Selectman Brucker asked if there was going to be a lock on that door. Deputy Buxton said yes. Selectman Brucker asked why that's there. Deputy Buxton said it's a security mechanism that was put in years ago in Community Development. Selectman Luszey asked if it could be removed. Deputy Buxton said that would be the Board's decision. I believe it was put in there for security reasons at one point. We're moving into the space so I have no history at this point. Selectman Brucker asked what was the security concerns. Steve Malizia said he wouldn't want a disgruntled zoning person or somebody coming in and roaming around back there. Just like they don't come into your finance office. That was probably the intention years ago. We get people that aren't always in a good mood when they're at that counter especially if you're telling them no. I guess they can leave the counter but if the door was right there and they run right through it, that's probably the consideration. I wasn't here when it was done. It's been that way.

Selectman Luszey indicated it was there because of the Police Department. The finance door was put there because of finance. Steve Malizia said when he moved downstairs in 1997, I had to have that put on. You could walk right in. Not a good idea when you have your Finance Department with all the money. Literally you could walk in.

Selectman Nadeau said a lot of this took place after the incident that happened up in Colbrook. I was on the Budget Committee at the time and when the guy went into the Town Hall and started shooting the place up, there was no secured areas that people could go to. That was one of the reasons they put the door upstairs with the lock on it. Selectman Luszey said you're telling me that people are fast enough to punch in the code and get behind a secured door when someone is shooting. Selectman Nadeau said well if they guy's at the front counter at you; you can go around the back.

F. Town Owned Property Located at Tax Map 182, Lot 23 and Lot 009

Chairman Maddox recognized Town Administrator Steve Malizia.

Steve Malizia indicated that it has been brought to our attention, our attention being the Zoning Administrator, Code Enforcement, and myself - the town owns property over in the Fulton Street, Gillis Street area best categorized as alleys. I believe the last page is a map of the area and I believe on that map you will see two parcels I'm talking about. They're basically alleyways. I think they've been highlighted for our ease of finding them. Bottom line, these alleyways run behind the lots that are bordered by Central Street, Reed Street, Fulton Street, and Gills Street. It started as a situation where a neighbor called to complain that someone was parking a large recreational vehicle in that alleyway obstructing their view. They didn't like it. Please ask them to remove it. When we found out it was town owned land and we hadn't granted permission, we basically said remove your vehicle, which then lead to the people complaining in the first place parking their vehicles there. Well if it's good for the goose, it's good for the gander and they were told to desist. It's been back and forth because they've been parking there back and forth, on and off, and we've asked the police to look into it. When I looked at the situation and the folks with the RV asked for permission to park there, I turned to the Attorney and said what do you recommend we do. These are actually town owned pieces of property. They are not paper streets. We've heard the term "paper street" in the past. A paper street is something that was shown on a plan of record and never constructed. Thereby abutters to paper streets that haven't been constructed for over 20 years can petition in court, I believe for quiet title, and actually acquire portions or parts of the paper street.

Mr. Malizia indicated that Town acquired these properties somewhere in the 1983 area by tax deed. So we own them. It's town property. The question to the Attorney is what do you recommend we do? These aren't town parking lots. They're town alleyways. They were recorded on a plan in 1892. Don't know what was contemplated. Did somebody contemplate running utilities? Perhaps some sort of means of access. Don't know. Not sure it's really relevant. This is the area over by the legion. It's relatively compact. I think its town residents. It's a fairly dense area so space is a premium. Through the years, some of the folks that about these alleys have encroached on them I would say - either fences, sheds, God knows what other little structures are there. We basically have a can of worms here you have to decide how you'd like to proceed. Quite honestly...Selectman Luszey asked if they could auction them off. Mr. Malizia indicated you could auction them in their totality and then one person owns them I guess that could be the lord of the whole area. You could buy them and charge rent. I don't think we can just give them away. We did acquire them and, again, tax deeded property can be disposed of by the Selectmen with either charitable donation, public auction, or sealed bid. We haven't subdivided this. We haven't spent any money on this.

Mr. Malizia said the question is what does the Board wish to do to proceed? The Attorney says one option would be to enact an ordinance that says no parking, no putting your stuff there, it's Town property. That ordinance would be enforceable. Selectman Luszey indicated that then we've got to enforce it. Steve Malizia said the concern is some parts of those alleyways probably have stuff on them. Maybe somebody's shed. Maybe God knows what else. We're trying to resolve a problem but I'm not sure we're not going to create more problems. I bring it to your attention because, again, it's been going back and forth with the vehicles being parked and what not. It's only fair to try to do something or at least make you aware of it. I'm at a loss. I think the Attorney gives us good advice but you're going to create other issues.

Chairman Maddox's question would be are these the only two in town. If we're going to make an ordinance...Steve Malizia said you'd have to go specifically to these two because they're Town owned properties. I can't tell you. I have not looked at all 300 tax maps to tell you that. I mean I wasn't aware of these. They've been on a plan since 1892. Unless somebody raises it to you, you wouldn't think about it. I have not seen these in my tenure here. That doesn't mean that there's something that doesn't exist. I haven't seen them. They're 15 to 20 feet. Again, everybody was co-existing for quite a long period of time and then somebody new comes in maybe to the neighborhood and doesn't like what somebody is doing, so they raise an issue, then somebody says well if I can't do it, you can't do it either.

*Motion by Selectman Coutu, seconded by Selectman Luszey, to forward an Ordinance to Regulate Certain Alleyways located within an area bounded by Central Street, Chapin Street, Fulton Street, and Gillis Street to a public hearing.*

Selectman Coutu thought that this is going to be a nightmare for the Police Department if one person violates it. We have that problem now. The fact of the matter is that some of the people involved, at least one in particular, who's been in contact with Mr. Malizia I'm sure has been in contact with, I would think, other members of the Board of Selectmen besides me. There are duplexes abutting one of the alleyways and apparently tenants come and go. One person has no need to park anything there, and the next one does, and then the neighbor complains. In order to try to bring some resolution to this - this is not new. This has been ongoing for some time the complaints of the use of the alleyways. Steve Malizia thought they received them some time last fall. The problem abated itself somewhat but then it started right back up in the spring. Selectman Coutu thought it's going to be an ongoing problem. If we have a public hearing and put forth an ordinance and see what happens. If there's no objection, there would be some enforcement authority and maybe we can bring this to a rest once and for all.

Selectman Luszey said he fully agreed with one minor modification. That is should this go forward, I think we should send a letter of notification to each abutter of those alleyways and giving them a certain amount of time to make sure that if they should have sheds or other items in those alleyways to move them out. A grace period to get them cleaned up.

Selectman Nadeau said that was one of the things that I was thinking of - making sure that we should probably send somebody from town staff down that alleyway and see if there's anything that's in the way. Steve Malizia stated he could tell you that there's things in the way. Selectman Nadeau said if we know there's things in the way, then we should make these people aware of these problems and aware of what we're trying to do so that if we do pass this ordinance, that they're aware of the sheds in the way, your junk car is in the way, we know it's yours, please take care of it. I think we should at least give them fair warning that we know that your shed is in violation, please move it. Chairman Maddox asked how do you know it's in violation. Selectman Nadeau stated if we own 20 feet of this path and the shed is 15 feet into our path, then they're in violation. Chairman Maddox indicated if you don't have it surveyed, you don't know where that path really is. Again, I'm just playing devil's advocate here. I think we're setting ourselves up for a beating that we can...we'd be better off selling both of these and let somebody work it out amongst themselves. I just think we're going to be...Selectman Nadeau indicated that will be an adventure. Chairman Maddox indicated this is going to be a logistical nightmare and an enforcement nightmare. I really think if that's what we're going to do, that's what we're going to do. The public hearing is I've been doing this for 25 years why can't I keep doing it. I just don't know where you're going to go.

Selectman Brucker asked if they said we can't give the owners of the abutting lots...Chairman Maddox said we can't give away town land. Steve Malizia indicated that we acquired it by tax deed. Because we acquired it by tax deed, Town Code requires you either sell it public auction - in other words you get an auctioneer out there and sold, you ask for sealed bids, or I believe there's a clause for charitable donation. I don't think anybody is a charity.

The more Selectman Coutu thinks about this, this is going to be an administrative nightmare. Chairman Maddox said maybe this is a second topic for when we meet with the Attorney. I think that, again, this is something that before we go and do this, before we leap, let's at least look and see how deep it is. Steve Malizia stated that he's rendered his opinion. Chairman Maddox said he's rendered his opinion but...Selectman Luszey thought they were obligated to do something I think. If we have folks living in these neighborhoods that feel...Chairman Maddox indicated parking on our land...Selectman Luszey is bothering them and they don't have the right to. Steve Malizia said they've told them to remove, desist, and they've done so to this point. Selectman Luszey noted that we own that responsibility. So we need to be doing something here.

Chairman Maddox said if that's where we want to go...Selectman Luszey stated that we're elected by the people to take action and govern. This is part of our job. Yeah we're going to tick off somebody here. I don't think we cannot not take action. Chairman Maddox said he didn't say not take action. I said we should do some more research before we do take action. Selectman Luszey indicated that government is glacial. I agree.

Selectman Brucker asked if they looked like alleys. What does it look like? Selectman Coutu indicated overgrown brush. There are some areas where some people mow. Selectman Nadeau said other people store their leaves. According to the Attorney, they have the right to access egress, ingress. So some maybe using it for access and egress to the back of their property or whatever reason. I don't think it's a consistent alley but nonetheless it's recorded on the plan. It's part of our tax map. Its two pieces of property that the Town of Hudson owns. I've only had a complaint about one of the two. We know there's two.

Selectman Coutu said the one of the two that we're discussing its very evident at the beginning that it's an alleyway. Once you progress down, it no longer looks like an alleyway. The other one has very little semblance to an alleyway. If you think about

it, Steve Malizia said folks in all honesty have a back yard. Your back yard is here, my back yard is here. After a while, they just sort of kind of meld together. Brush grows. I'm not going to maintain it possibly. We've never done anything with it. I'm not aware of any strategic value. Utilities aren't in the back yards. They're in the front yards. I don't know what we would use it for. I can't say that we've ever used them. I know we haven't.

Selectman Coutu said going to a public hearing is not going to change. We can make a decision at that time. It's just a public hearing. Let's see if anybody comes in. If nobody comes in, we don't have an issue. Chairman Maddox indicated if nobody comes in, we don't have an issue so then we're going to do nothing if no one comes in. Selectman Luszey said we'll pass the ordinance.

Vote: Motion carried 3-2. Selectmen Maddox and Brucker in opposition.

Selectman Nadeau asked if they were going to send the abutters a letter like Selectman Luszey suggested. Chairman Maddox asked if they were going to pick a date and you'll send out those letters. Steve Malizia stated that when they do public notices, it's called a public notice; we post it in the newspaper, on the web page, Town Hall, and other locations. If you're directing me to send it, I will send it. It's not the normal practice to send it but if you'd like me to, I will. I'm just stating what our normal practice is when we contemplate an ordinance. I would imagine that if we sent to the 20 property owners, I would imagine I'd have 18 property owners sitting here. That's certainly your call but think about what it is. That's what you would be doing. I don't have a problem doing it and if that's the case, we would follow whatever - you have to public these things 10 or 14 days in advance. You're probably not looking at the 11<sup>th</sup>. It needs to be in a public paper.

Selectman Luszey said his notice is after we make the ordinance. Selectman Coutu thought that's what you meant. Chairman Maddox said if you're going to have a public hearing, you have to tell the public you're having a hearing. Selectman Luszey said that was part of the standard process but should this go forward as a public ordinance, my recommendation is we give them a heads up that there's a new ordinance in town. Chairman Maddox stated that you're going to tell them after the fact that there is an ordinance. I thought you were going to tell them that there may be an ordinance.

Steve Malizia indicated that the public notice is the public's warning that there is a contemplated ordinance. In other words, you haven't done or passed anything. You're contemplating it and you're discussing it. A public hearing allows any member of the public to come forward and speak their position. Should no member come forward, you're free to enact the ordinance or not enact the ordinance. What you're saying is I understand you correctly, if you enact the ordinance then you would like some sort of period of time that hey we have enacted an ordinance. You have X to get your stuff out of our alleyway. So you're doing it after the adoption. I believe the Attorney said one hearing but I will double check that with him.

9. OTHER BUSINESS/REMARKS BY THE SELECTMEN

Selectman Nadeau - I have a lot of good things for you tonight. First, I'd like to thank the American Legion for putting on the Memorial Day Parade and having the services at Library Park.

The other things is we have quite a few things going on with the Highway Department. Coming up as soon as school is out, they'll be working over here on School Street and Chase Street doing some sewer work and some roadway work. Winn Ave. and Hurley Street got their finish coats of final pavement in the last week. Deerfield and Brookfield have been reclaimed and paved. David Drive - the curbing is done and the paving is complete. The drainage will be replaced around Town Hall when they do the sewer replacement. They are doing some work on Robinson Road still currently. That is all I have this evening.

Selectman Coutu - Very brief. I as well would like to thank the Legion for sponsoring the parade and of course we provide some funds as well. They do the bulk of the legwork. I want to thank you Mr. Chairman and Selectman Nadeau for keeping me posted during the day yesterday and activities that were going on before, during, and after. I especially thank you for your expression of sadness over the fact that Selectman Brucker and I weren't there with you this year as we were last year. We did have such a good time. It was an introduction for Selectman Brucker and we had a good time after at the Legion with Selectman Nadeau gulping down hot dogs. I apologize, I don't have to apologize, but I felt very bad about not being there. As you know, I'm going in for surgery. Yesterday was a very bad day. Today was a bad day. Tonight my mind is being pre-occupied. So I'm doing well. I thank both of you for your expression of concern and checking in on me. With that, that's all I have Mr. Chairman.

Selectman Luszey - I'll just ditto everything they said about yesterday. It was a great day. I got sunburn on top of my head but that's Ben's fault. The only meeting I had since our last meeting was the Budget meeting. We went over actuals to date. Nothing really out of the ordinary. I did request the Chairman to ask the Library Trustees Chairman to come in and talk about any monies that they might have in excess that would be coming back to the Town this year.

Selectman Brucker - I've been out of circulation for a couple of weeks. My husband had open heart surgery last Tuesday. I regrettably was not at the Parade yesterday. I really enjoyed it the first year that I participated in. It's always a great celebration. Unfortunately I was unable to attend any of my meetings. I have nothing to report. You've already heard from water and sewer about the future expansion of the sewer system. I think that's all that would have been report.

Selectman Maddox - I have a couple of things. Number one, Sunday I went to the Police Department for their gun safety training. I hope that the Liaison conveys to the Chief that Officer Cavallaro did an excellent job. It was a very good basic as it is gun safety. It was, again, well presented. I think that to the benefit of our citizens, some of it could be put on to a cable show. Just things he went over - muzzle management, trigger finger placement, and those types of things that people don't think about but they should if they own a weapon.

To that point, Selectman Coutu said the Chief is in the building and he's watching what's going on right now. We'll be meeting with him shortly. I am going to take your advice. You mentioned it to me this afternoon when he came to visit me. I think it's a great idea that not only that you brought this up several times. I was listening to Selectman Nadeau talk about the Highway Department. It would be nice if Selectman Nadeau, especially as Liaison, would agree to sit down with Mr. Burns and lay out everything that they did during the summer months and then we do a little cable promoting on the Liaison and Mr. Burns talk about what we do in this Town and where the taxpayer's money really goes. I think I agree with you that I think that programming such as gun safety. If we can put that entire program on a disk and show it to our viewers on HCTV, I think it would be a tremendous asset and it would be eye opening to a lot of parents who have weapons in their home as well. I thank you for the recommendation. I'm going to follow up on it and thank you very much for bringing it forward.

Selectman Nadeau said he'd be looking forward to seeing the Fire Department one too on TV.

Chairman Maddox said he hoped you're keeping your calendar open. We have two groundbreaking ceremonies. I want to say that the one for the Senior Center/HCTV - I certainly hope and I don't know whether Donna or who's making up the guest list but Selectman Massey is invited. He did a lot of rope pulling at the beginning of this whole thing. I think that he certainly should be invited. Selectman Coutu indicated he's on the list.

Chairman Maddox recognized Attorney Westgate. Attorney Westgate indicated he wasn't talking about nothing on the merits at all Mr. Chairman. On the scheduling, you deferred it to the first June meeting. I'm not able to be here either on June 4<sup>th</sup> or June 11<sup>th</sup>. I'm not sure which of the two you meant but either one of them, I'm not available. I was going to respectfully ask if the Board would consider the meeting of the 25<sup>th</sup>. It's the only one I'd be able to make of your three June meetings. Chairman Maddox indicated that it was fine by the Board. Selectman Coutu indicated he wouldn't be here. It's the day I go in for surgery. It was the consensus of the Board to take Constitution Ave. up on June 25.

Steve Malizia asked if they were deferring their Attorney/Client meeting as well. Selectman Nadeau thought it would be better if we had ours before with all five Selectmen. Chairman Maddox indicated that we will keep our Attorney/Client set up for the 11<sup>th</sup> and we will meet with Attorney Westgate.

Attorney Westgate thanked the Board for allowing him the change and good luck to you Selectman Coutu.

10. NONPUBLIC SESSION

*Motion by Selectman Luszey, seconded by Selectman Coutu, to enter Nonpublic Session pursuant to RSA 91-A:2 (a) Strategy or negotiations with respect to collective bargaining and RSA 91-A:3 II (b) The hiring of any person as a public employee, 5-0 by roll call.*

Chairman Maddox indicated that Nonpublic Session is being entered at 10:00 p.m., thus ending the televised portion of the meeting. Any votes taken upon entering open session will be listed on the Board's next agenda. The public is asked to leave the room.

Chairman Maddox opened regular session at 11:16 p.m.

*Motion by Selectman Luszey, seconded by Selectman Nadeau, to authorize the Fire Chief to hire Juliette Kennedy for the position of Permit Technician in the Fire Department at a starting salary rate of \$19.85 per hour (Step 1) effective June 2, 2013 and then to Step 2 upon successful completion of the probationary period. This assignment will be a non-exempt position in accordance with the American Federation of State, County, and Municipal Employees Council 93 and Local #1801 Hudson Administrative and Support Staff Contract," as recommended by the Fire Chief, failed 2-3.*

*Motion to amend by Selectman Coutu, seconded by Selectman Brucker, to authorize the Fire Chief to hire Juliette Kennedy for the position of Permit Technician in the Fire Department at a starting salary rate of \$20.28 per hour (Step 2) effective June 2, 2013 and then to Step 3 upon successful completion of the probationary period. This assignment will be a non-exempt position in accordance with the American Federation of State, County, and Municipal Employees Council 93 and Local #1801 Hudson Administrative and Support Staff Contract," as recommended by the Fire Chief, carried 4-1. Selectman Luszey in opposition.*

*Motion by Selectman Coutu, seconded by Selectman Nadeau, to hire Zachary Keller as the Part Time Animal Control Officer with a starting rate of \$15.50 per hour effective June 2, 2013, carried 5-0.*

*Motion by Selectman Coutu, seconded by Selectman Nadeau, to hire Gregory Emanuelson as the Part Time Alvirne High School Student Maintenance Assistant at the Police Department at a starting rate of \$10.00 per hour for fifteen (15) hours per week, effective June 2, 2013, carried 5-0.*

*Motion to adjourn at 11:26 p.m. by Selectman Coutu, seconded by Selectman Nadeau, carried 4-1. Selectman Luszey in opposition.*

11. ADJOURNMENT

*Motion to adjourn at 11:26 p.m. by Selectman Coutu, seconded by Selectman Nadeau, carried 4-1. Selectman Luszey in opposition.*

Recorded by HGTV and transcribed by Donna Graham, Recorder.

HUDSON BOARD OF SELECTMEN

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Richard J. Maddox, Chairman

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Nancy Brucker, Selectman U

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Roger E. Coutu, Selectman

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Ted Luszey, Selectman

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Benjamin Nadeau, Selectman