

HUDSON, NH BOARD OF SELECTMEN
Minutes of the February 12, 2013 Meeting

1. CALL TO ORDER - by Chairman Coutu the meeting of February 12, 2013 at 7:02 p.m. in the Selectmen's Meeting Room at Town Hall.

2. PLEDGE OF ALLEGIANCE - led by Brad Seabury.

3. ATTENDANCE

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

Staff/Others: Steve Malizia, Town Administrator; Donna Graham, Executive Assistant; Police Chief Jason Lavoie; Gary Webster, Part Time Civil Engineer

4. PUBLIC INPUT

Chairman Coutu asked if anyone in the audience wish to address the Board on anything over which we may have jurisdiction.

Brad Seabury - I need to beg the indulgence of the Board of Selectmen for a few minutes. Mr. Chairman and members of the Board, my Board of Zoning Adjustment has charged me to write you a letter. I immediately went home and did that but because of minor computer problems and major frailties as I hurdle into senility, it's been sitting at home. I was kind of reminded of that last night when I saw two members of the Zoning Board at the Deliberative Session. I expected them to come over and say where's the letter you were going to write.

I'm going to take a shortcut. I'm going to read the letter in case you have any questions. I don't expect you to respond to it this evening. I'll pass out copies and we can do whatever you wish to do with it.

"The Zoning Board of Adjustment has recently been informed that Atty. David LeFevre has left the Hage Hodes, P.A. firm and is now a member of Tarbell & Brodich, P.A., 45 Centre Street, Concord, NH 03301. Atty. LeFevre has also informed us that he would like to continue to represent the Zoning Board of Adjustment with respect to any legal matters. While we understand that contracts or legal counsel and other matters are wholly the purview of the Board of Selectmen, the members of the ZBA have collectively requested that I inform you that they would be in favor of that arrangement, if it is possible.

While this in no way implies any dissatisfaction with Atty. Stephen Buckley, whom we hold in very high regard, the fact is that Atty. LeFevre has served as legal counsel for the Hudson Zoning Board of Adjustment for many years, while Atty. Buckley has worked with the Planning Board. As a result, Atty. LeFevre is very familiar with the intricacies of the Hudson Zoning Ordinance and in effect has been a specialist of New Hampshire zoning issues throughout the past several years. (Atty. LeFevre happens to be a member of the ZBA in his own community, just as Atty. Buckley is or was a member of the Planning Board in his community.) Furthermore, having separate legal counsel is not at all unprecedented; prior to the Town of Hudson deciding to have its own staff attorney, Atty. William Drescher was the ZBA's legal counsel while Atty. Phil Currier served as the legal counsel for other Town of Hudson matters. That split-counsel arrangement stopped when Hudson's Town Council decided to hire a staff attorney, and was not resumed when the subsequent return to a Board of Selectmen form of government led to the termination of the Town's Legal Department.

We realize that this is entirely up to the Board of Selectmen, as previously noted, the members of the ZBA respectfully request that you consider separately contracting Atty. LeFevre to handle ZBA matters."

Mr. Seabury said he was here in case there are any questions that I can address.

As Chairman Coutu stated to you, I happened to watch that meeting so I was anticipating that we would receive a communication from you. The process by which you brought it forth is perfectly fine with me. We've had this question before. We had our own conflict and I want to somewhat stay consistent. It is a little unlike this. It had to do with representing power companies if you remember. We were going to use one law firm and the other. We saw it as a conflict and we refused to budge and kept our primary attorney for matters of that nature. It appears to me that by what Mr. Seabury read and also as a result of the conversation I heard between he and his Board members, they have a great deal of confidence in Mr. LeFevre and obviously they're making the request on the basis of their working relationship with us. For us, I think the question is what additional costs would this incur, if any?

Steve Malizia thought you're jumping into my lap without any information quite frankly. First I've heard of it. We have a contract with Hage, Hodes. They've served us well. We have a retainer with Hage, Hodes which we get a certain amount of hours for certain activities. I think Attorney LeFevre is a great attorney. He chose to leave that firm. If he chooses to leave a subsequent firm and then the subsequent firm are we going to follow him around? Are we going to make decisions based on what's the needs of the town? I'm not knocking Attorney LeFevre. I think he's done a great job. I can tell you from my experience back in 1999, 2000/2001, we engaged 2 law firms at the same time because we had a situation where we changed to Hage, Hodes. We spent in excess of \$200,000 for 3 years on legal bills because we had 2 attorneys working for us. The more attorneys you have the money it will cost you.

Chairman Coutu said he wasn't trying to throw this in your lap without you having any information. I just wanted the information that we have in terms of what the costs of legal counsel is. I know where Attorney LeFevre left and any one of us who's worked with Attorney LeFevre and I was one. We've had conference calls with him. He has a great deal of expertise on municipal matters. I understand

where the Zoning Board is coming from but I'm also concerned about additional costs that this might bring onto the Town. So that history I think was important for other members of the Board especially Selectman Brucker and Selectman Luszey who are unaware of the history of the costs of legal counsel in the past as a result of having 2 law firms.

Mr. Malizia indicated that we will also be going out to bid if the Board so chooses this May/June time frame because we're going to be coming off the two-year contract that we signed two years ago. So if the Board wishes to put out a proposal or request for proposals from attorneys, you can do that if you like. In other words if we want to switch our legal firm, we can do that. You can do that. At this point in time, I respect Attorney LeFevre. It's unfortunate that he left. I'm just cautioning you to be very careful when you engage the services of more than one legal firm.

Chairman Coutu thought the end result here that we're going to take Chairman Seabury his recommendation under advisement and we'll have a further discussion on the next agenda and we'll discuss this.

Selectman Maddox asked if somebody could tell us how many hours a month the ZBA actually uses the attorney. I think that's the kind of information we don't have. Right now we have a retainer. If he's doing that work under the retainer, it's a lower price. If we have two firms, I think again it's going to be an unknown at this point. I think that to be fair to the Town Administrator I think we should pull some numbers together to see what we've actually spent on ZBA cases before we make any judgments.

Chairman Coutu asked if Mr. Seabury had any idea the number of hours on average per year that you've had to consult legal counsel. Mr. Seabury said he absolutely do not. It depends entirely on how many people don't like us at any particular time. That depends on the phase of the moon.

Selectman Luszey's comment was, and I think the Town Administrator made a point of it and that is we went out to bid for our current legal services. Are we going to go out for bid for the services for zoning? To just award it to Attorney LeFevre I don't think is a good business practice.

Chairman Coutu indicated that Mr. Seabury was presenting to us what his Board asked him to present to us. I would caution the Board to have available a copy of what Mr. Seabury read number one. Number two, we'll have our Town Administrator review and gather whatever information he can. Now that we have your letter, we'll look at it. We'll do a little research and we'll get back to you. If we have the information by the next scheduled meeting, we will ask for you or your designee to come in at that time. Thank you Mr. Seabury. I appreciate the time that you took to come here.

5. NOMINATIONS AND APPOINTMENTS

- A. Resignation of Nancy Lamoureux as a member of the Conservation Commission

Motion by Selectman Nadeau, seconded by Selectman Brucker, to accept the resignation of Nancy Lamoureux as a member of the Conservation Commission with the Board's thanks and appreciation for serving carried 5-0.

- B. Resignation of Diane Weild as a member of Senior Affairs Committee

Motion by Selectman Luszey, seconded by Selectman Nadeau, to accept the resignation of Diane Weild as a member of the Senior Affairs Committee with the Board's regret, thanks and appreciation for serving, carried 5-0.

- C. Interviews

- 1) Conservation Commission - (6 vacancies, 2 member terms to expire 4/30/16; 1 member term to expire 4/30/14; 1 alternate term to expire 12/31/13; 1 alternate to expire 4/30/15; 1 alternate to expire 4/30/16)

Pasquale Pat Nappo - 70 Robinson Road, Hudson. I'm a semi-retired dentist and I moved to Hudson in June with my family to be with my grandchildren and to live near my daughter. My home is situated just about on Robinson Pond. It's an area that I feel is very important in terms of conservation and environment.

Chairman Coutu said this piqued my interest because I saw you travel much further than I do to get to St. Kathryn's Church. Anybody have any questions or comments relative to Pat's application?

Selectman Maddox asked if he's ever been to a Conservation meeting. Mr. Nappo said he has not. I attended meetings relevant to the Milfoil problem in the ponds in the Town. They were quite informative. I wanted to learn more and see if there was anything I could do to be of service.

Motion by Selectman Brucker, seconded by Selectman Luszey, to suspend the rules and nominate and appoint Pasquale Pat Nappo as a member to the Conservation Commission with a term to expire 4/30/16, carried 5-0.

6. CONSENT ITEMS

Chairman Coutu asked if anyone wished to have any of the items removed for further consideration.

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

A. Assessing Items

- 1) Veteran Tax Credits - Map 156, Lot 006, Sub 055; Map 118, Lot 003; Map 138, Lot 093; Map 160, Lot 052; Map 177, Lot 005, Sub 168, w/recommendation to approve
- 2) Elderly Exemption - Map 157, Lot 066, Sub 021, w/recommendation to approve
- 3) 2012 Tax Abatement - Map 148, Lot 40-6, w/recommendation to approve

B. Water/Sewer Items - NONE

C. Licenses & Permits

- 1) License to Purchase Scrap Metals - Granite State Salvage Co., Inc.
- 2) Petition & License for 1 New Pole (290CC/2.5) 152/9Y Hampshire Drive
- 3) Request to Solicit Funds - Disabled American Veterans
- 4) Request to Solicit Funds - American Legion Post 247
- 5) Request to Solicit Funds - Girl Scouts - Hudson
- 6) Request to Solicit Funds - Merrimack Girl Scouts
- 7) Request to Solicit Funds - Girl Scout Troop 63175, Tyngsboro, MA
- 8) Raffle Permit - Mal's Pals Memorial Fund

D. Acceptance of Minutes

- 1) Minutes of the February 2, 2013 meeting

E. Calendar

- 2/13 7:00 Planning Board - Buxton CD Meeting Room
- 2/14 5:00 Sewer Utility Cte - BOS Meeting Room
- 2/18 7:00 Energy Cte - Buxton CD Meeting Room
- 2/18 PRESIDENTS' DAY - TOWN HALL CLOSED
- 2/18 7:00 Energy Committee - Buxton CD Meeting Room
- 2/19 7:00 Cable Utility Cte - BOS Meeting Room
- 2/20 5:00 Water Utility Cte - BOS Meeting Room
- 2/20 7:00 Senior Affairs Cte - Buxton CD Meeting Room
- 2/21 2:45 Trustees of Trust Fund - Buxton CD Meeting Room
- 2/21 7:00 Benson Park Cte - BOS Meeting Room
- 2/21 7:30 Budget Cte - Buxton CD Meeting Room
- 2/25 7:00 Recycling Cte - BOS Meeting Room
- 2/26 7:00 Board of Selectmen - BOS Meeting Room
- 2/27 7:00 Planning Brd - Buxton CD Meeting Room

7. OLD BUSINESS

A. Votes taken after Nonpublic Session on January 22, 2013

- 1) *Motion by Selectman Maddox, seconded by Selectman Luszey, to hire Jack Near of Hudson, NH, as a Truck Driver Laborer at the rate of \$17.67 per hour (Grade VIII, Step Minimum) effective January 27, 2013, carried 4-0.*
- 2) *Motion by Selectman Luszey, seconded by Selectman Maddox, to adjourn at 10:21 p.m., carried 4-0.*

B. Hudson Train Station Relocation and Restoration

Chairman Coutu recognized Nancy Mayville and Bob Hudson of NH DOT. Thank you for coming. We appreciate it. We were told that this wouldn't happen but I want to thank you for exchange of e-mails and made this possible.

Nancy Mayville introduced herself. I'm the Municipal Highways Engineer at the NH Department of Transportation. I oversee the community assistance section which administers all the funding that goes out to towns for municipal projects.

Bob Hudson introduced himself. I'm a Project Manager and work for Nancy. I'm the Project Manager for this project - the Hudson Depot Project.

Chairman Coutu started off by being honest. I'm talking from our side. Some critical remarks were made here. I was quite vociferous in terms of making a statement like I felt that we were being held hostage on the train station. We were allocated so much money for the restoration of some of the historical buildings which we have an obligation to at least maintain in the condition in which we found them. One of them specifically identified was the restoration of the train station. You know more about the machinations than I do because you are totally involved I know. Nancy you're involved in almost every project that comes through this town. We've worked together before very cooperatively on the acquisition of Bensons and several other projects. We've had a good working relationship.

Chairman Coutu was sure you hear it all the time. I'm not blind. I know that on any given day any given thing can happen in this State that turns the DOT upside down. Portsmouth was a classical example two or three weeks ago when the bridge failed. I recognized that. This has been a long process for us. As time went on, the cost started beginning to escalate. Now we're in a position now where we don't have enough money to do that project and we're going to be asked to go to the voters and ask them to appropriate some money in order for us to complete this project. Obviously there's been a lot of time, a lot of manpower, and a lot of investment in this particular project. We think it's a worthwhile project and we would not like to see it abandoned even though some of us were in the mood to wrap it in tinfoil and say we're done. We put a new roof on it. Let's just shelter the thing. We have too much of an investment in the project right now to walk away from it. I think what this Board was concerned with is the timeframe in which this process and took so long and the explanation on the escalation of costs. I know you've provided me with some of that information but I'd like to see the Board hear it firsthand. Again, I'm very, very grateful for both of you coming down here to our beautiful town of Hudson. A lot of it is thanks to your work at DOT as well.

Nancy Mayville had a couple of comments. I keep hearing about all the things that have been done at Benson's. Some time I'm going to come down when the weather is good and go on the tour and see everything that you've done. Specifically about your project, what you're experiencing with the project is not unusual. You're in the Transportation Enhancement Program, which is a federal highway funded program that makes funding available for certain types of projects. One of those is restoration of historical buildings. You've had other projects in this program. You had some sidewalk projects - at least 2 that I'm aware of along Route 102 that went quite nicely. You got some stimulus funds for that. All of these programs - Transportation Enhancement, CMAQ - you have a signal project running right now I think that Steve is involved in which is Congestion Mitigation and Air Quality. All of these projects that are administered by the municipalities, there's a core set of rules by federal highway that the projects have to run by. At NH DOT, we have an agreement with federal highway that we will oversee the programs. We have the oversight and we have to make sure you all comply with their rules in order for you to receive the federal funds. There's an application process for you to get these funds. Back in 2004, you applied for these and were a successful applicant to get the funding to do the restoration of the railroad station. That's an older project because we have a cycle pretty much every two years for new projects to get money. A lot of the older projects, we still have a few, that came in under estimating what it was going to cost to do a project in this federal aid program.

Ms. Mayville said typically we would see that they would underestimate the cost of the engineering that it was going to take to get through the process. It's not just about design. There are 3 steps in the design process. You also have to do an environmental review and satisfy the requirements of the National Environmental Policy Act, which we all call NEPA. You have to look at historical resources and figure out what the impact is to the historical resources as you go through these 3 steps of design. In this case, the NH Department of Historical Resources is a major player in this project because it's historic. So they get to have a lot of input on what is acceptable to do or not on the project.

Ms. Mayville stated that a lot of these older projects we found underestimated the cost of engineering, usually underestimated the cost of construction because you are a federal project; you are required for construction to include Davis Bacon Wage Rates for all the people that worked during the construction of the project. Something that came on in the 2007/2008 time frame is that federal highway told us that there needed to be close to full time construction oversight during the construction phase. It used to be part time and now we're required to be what we call close to full time. It doesn't have to be every hour of every day a contractor works that you need an engineer there watching, but you have to be there most of the time. Those things add up to I think cost that people aren't anticipating in some of the older applications that we had. In order to address that what we're doing now is requiring when people apply for projects they submit to us. If you ran a new application around, you would have to submit to us a letter of intent to tell us you want to apply and then we would have a mandatory two hour training session that you would come to where we kind of outline all the requirements you're going to need to meet if you go through with the project just to make sure you folks who applied for funds are aware of what they're getting into. We've had issues with some of the early rounds because we started this way back in 1994. There were several rounds every two years of projects. That's one of the measures that we've taken.

Ms. Mayville indicated that federal highway has nationally looked at the LPA programs and looked at some states in more depth and feels nationally they believe that there's the highest risk area in the LPA that folks are not going to do things the way they are supposed to. They are really scrutinizing these projects. They're leaning on us to lean on you to pay more attention to a lot of the details in the process. That in a nutshell is why it might feel like it costs more based on our experience in general. It may be why it feels like a very burdensome process. I don't know that we disagree with you. It is burdensome but it's federal highway's game. It's their money. They make the rules and work at the enforcer of the rules. Quite frankly out role sometimes I view it - if you were to not do something correctly, they audit projects, they review projects, they can take the money back and depending on how egregious the error is if you were to be out of compliance on something, they could take part of the money back or take all of the money back, and they would take it back from us, and then we would ask you for the money back that we would have paid you on the project. I view our role as making sure you're all in compliance. We're trying to keep you headed in the right direction so none of us ever get to that place where we're asking money back from you.

Chairman Coutu said there are other projects that are funded through this granting program from the federal level. There are times that municipalities who walk away from their projects that they've already applied for. There's extra monies that go back into some sort of a pool of reserve. My next question should be obvious. Is there any possibility that we can apply for some of that money to help offset the additional costs that are being incurred as a result of the length of time it's taking. Nancy Mayville said in the early time of this in the late '90s and the early 2000's, we used to be able to be a little more generous and a little more flexible with the funds and make more available when project costs increased. If you were to look in our TE or CMAQ status report which is available on line, you could see the list of all the projects that have been completed, what they cost when they applied and what they ended up costing at the end. I believe you will see that the older ones, there was more in that. In recent years, and when I say recent I mean maybe the past 6 plus years, we've had to tighten the funding down quite a bit. The program is very heavily in demand. It's very popular, very competitive for people to come into the program and get funds for projects. We haven't been able to make the kind of increases that we used to more than 8 -10 years ago. The TE program is ending as a standalone program. So we only have a limited pot of money right now. We're watching very carefully the balance that is left for us to finish the projects that we have on the books. With Map 21, which is the new federal legislation that went into effect last summer which is the new federal highway funding bill for the next two years, they did away with transportation enhancement as a standalone program also safe routes to school as a standalone program. They are getting merged into one new program called Transportational Alternatives that's going to go forward and it's a smaller program than what all of these programs were collectively before now. Our TE pot is limited. We have everybody towing the line to get you all to the end of your projects before the TE funding actually ends. The TA program will cover similar kinds of projects but the funding won't be available to go back to the older projects.

So that the Board is aware of it, Chairman Coutu asked if Nancy or Bob could give us what you think would be a date that we get final approval from DOT to move on with this project. Nancy Mayville said the schedule is really under your control. This is a locally managed project. There is 3 basic steps of design plus the environmental review that you need to go through. It happens as fast as you and your consultant kind of roll through the rest of the process. You have completed one step, the engineering study which is a good thing, and then I believe you've approved your architect's contract to go forward now with the rest of the design to get you to the end of the design. There's two phases to go through that can happen fairly quickly. I think you have a schedule from them.

Bob Hudson said the last contract that he got from the Town, Warren Street, approved the next two phases - 2 and 3, which are preliminary final design. It's really just a matter of this additional increase. I think there was us coming here. I submitted a letter back in December that they could proceed with preliminary designs. It's whatever the Town wants to let the architect go, they can go ahead with the next phase which is preliminary design.

Chairman Coutu said he was concerned because there was paperwork being shuffled back and forth. There were corrections that needed to be made. I wanted to make sure we were beyond that now. Apparently we are. Mr. Hudson said back in December it got squared away the last reiteration was good. I issued approval to proceed with preliminary design. We still need to do an estimate to get the additional funds which are roughly \$28,000 approved from federal highway. I held off on that because of the meeting coming up. There's enough money to go ahead with preliminary design and actually even final design the additional monies. I do need to run an estimate for that. That won't hold the architect from going ahead.

Selectman Maddox thanked Nancy and Bob for coming down here. It's easier for us to pick on the DOT when you're not here. This is nice of you to get us some insight. This project was originally slated to cost \$273,000 in 2003. Almost a decade later, we still haven't moved a building that's really no bigger than a single wide trailer 250 feet. I would like some assessment as to why it is taking this long. If it's the town, it's the town. If it's the engineer, it's the engineer but a decade to move a trailer 250 feet, and I know there's all kinds of requirements but it just seems like of course the costs have escalated. I think it's now up to \$388,000 and that's not going to include the interior which was in the original assessment. Just a dramatic increase. Can you fill me in and the Board how it's taken a decade to get here?

Nancy Mayville thought a couple of things. First of all, the study that you had done for the costs - I think the historical person did the assessment. That underestimated - I don't believe she was as familiar with the federal highway requirements. So underestimated a lot of costs there. You're in an architectural and historical place which makes it a little more complicated than say if you were doing a sidewalk project or something. Like I said earlier, you've done a good job with your sidewalk projects but I think those are things we're accustomed to dealing with fairly routinely. I think one of the things, and I'll be frank, is you didn't have one of the better architects doing the project. He's a perfectly good architect. He's not experienced in the federal aid process. On your sidewalk projects, you had CLD. They're excellent, accustomed to the program; they just roll right through and help a town I think do what they're supposed to do. In this case, you did not have someone who was experienced in the program. That's where I see a lot of it. Quite frankly, Bob has put a lot more time into this project than we typically put in the local projects. Kind of keeping it going in the right place. We've been a little frustrated because we sit down and have meetings with your staff, the architect and think everybody understands what they need to do. Some time goes by and then we finally have something come back to us and they didn't do what we thought we all understood was going to happen next. We're probably equally as frustrated that it just hasn't rolled through the process like these project can do with people who are experienced. The historical stuff makes it more complicated. That just makes it extra hard.

Selectman Maddox said one of the things we wrestled with at the last meeting with, and Representative Jasper came in, we have agreed to go forward with this. I guess my question is at the time he said if we used our Town Engineer, he would be a conflict of interest using that person to oversee the operation almost full time. If we could utilize that person, and I thought about it Mr. Chairman, someone who we're paying to drive from wherever to look at this work has a conflict of interest because they longer it goes, the more they get paid. If the Town was able to utilize resources that we have in a budget, we might be able to come up with that missing money without having to go to the voters. We're just wondering if that is something that we could look at.

Ms. Mayville asked if this was for oversight during construction. That's a possibility. It does need to be under the direction of a licensed professional Engineer or a licensed architect. You would need to submit to us, again it needs to be close to full time. What I typically tell people is close to full time my definition is if they work 40 hours, it doesn't need to be 40 hours but they should plan on being there if it's 5 days a week. They should be there part of every day. I think we usually say in the order of 32 hours a week at a minimum. It varies depending on what the operation is and what they need to be inspecting. It should be somebody who's experienced in what whatever is being constructed. In the case of a building, that's different than building a sidewalk. You should get somebody who has experience in that sort of work. You also have, again, historical issues that there are things they need to monitor as they're going along with the construction. They can do that. You would put in a budget to us and show us what you're proposing to do and what the costs would be if they have equipment, or mileage, or whatever it might be. If you're going to concrete, you have to do materials testing. So you have to get somebody who's NETSEP.

Selectman Maddox said he was looking for an avenue to make up that missing money. Again if we gave him a wireless laptop, he could sit there as much as at his desk and we don't have to come up with money we don't have. Just trying to look at another avenue to get this completed. I heard the conflict of interest but I think it just goes the other way just as well. Trying to find a way to get this project done, it just boggles my mind that this thing has taken a decade to get done. Again, we're looking for some input to get it done. I think that's what we appreciate. Ms. Mayville indicated that was a possibility.

Chairman Coutu said we've owned the land for 5 years. Selectman Maddox said that thing has been there for 30. Ms. Mayville said that it was in the lower part and we moved it into the top to put it inside the fence so it would be protected. Chairman Coutu indicated that if you'd only gone 100 yards more to the left. Ms. Mayville said that is a possibility. Selectman Maddox asked if Ms. Mayville felt that we are on track if the architect gets you the information, you need to do this this spring. Ms. Mayville said she thought we think you have a reasonable schedule. When you said do this spring, what are you thinking? Selectman Maddox said we relocate the building. Ms. Mayville said you have two phases. It sounds like we need to clarify the expectations here.

Nancy Mayville said you have two phases of design you have to get through still. They need to do that. It comes in, we take a look at it for general compliance, and then approve that from one, and then they go onto the next one. There's this thing called PS&U which is Plans Specifications and Estimate which we have to approve and Federal Highway has to approve before we give you authorization to go out to bid. You are required by the federal requirements to advertise for bids for 3 weeks, and then you get your bid in, you analyze it, send it into us, and we approve it. There can be 4 to 6 weeks in there just from the time we tell you you can advertise for bids before we tell you you can award the contracts. It sounds like we're going to creep beyond. If you have an expectation of starting construction in the spring, it's going to go beyond that. The other thing that's important to us and to Federal Highway is that the municipality have what we call a person in responsible charge. Those two parties - the architect and the person you've designated to be in responsible charge of the project, they're the ones that should lay out the schedule and keep track what needs to happen.

Just to go off on a little sidebar again for a second, Ms. Mayville said we now have a requirement in the past year that people have to be certified to be able to have a project with the federal aid funds. We used to have training that we offered that was just voluntary for people to attend so they would have a good understanding of the process. Now we require them, a municipal person and responsible charge plus the consultant's project manager to attend the training and be certified for you to be able to receive the funds. Gary Webster has attended the training and is certified. I believe your architect came to one of the sessions also. If anybody is just dying to come see what it's all about, we have another session May 7th and May 23rd. We do kind of advocate that Towns have more than one person certified so that if your person leaves for some reason - because if you end up in a situation where you don't have a certified person, then we have to hold your money back until you do get somebody certified. My recommendation would be that if you don't have a second person here in Hudson, that you get somebody into the training. Chairman Coutu asked how long is the training. Ms. Mayville indicated two days - May 7th and May 23rd is the next session that we have scheduled. It's about 7 hours. It starts at 8:30 and ends at 4 p.m. on those two days. The first day is mostly the administrative side. The second day is mostly to do with construction.

Chairman Coutu indicated that everybody received the information that they wanted to receive. All I can say to you Nancy and Bob is that I'm not hearing for the first time some of the comments that you made relative to our responsibility on our side and whether or not the contractor selected or the firm selected was the right firm for this kind of a project. I can remember Nancy on a couple of occasions on other projects, one specifically, where we were having a little go around with an engineering firm. People at DOT were telling us well you might want to look at this list one more time. That particular firm that was recommend to us didn't even appear on the list and DOT said you might want to look at this list. They don't tell you who to hire but they certainly try to lead you in the direction of firms that have expertise in the field in which there is an application. This came upon us 5 years ago. We knew the funds were available and we thought it was a great idea to make good use of a building. It was obviously structurally sound and still is. The only flaw to the building was that the roof was in pretty bad shape and we redid that. There are going to be other things after we move the building. For me, it shouldn't take a long period of time once we begin the physical work because it's putting up a foundation, bringing in a few pipes, and dropping this building on top of it. The interior obviously we're going to have to hold off and we're going to have to meet certain criteria there. Who knows there may be more funds down the road. It depends how bad the fiscal cliff is going to be. Some of these funds may even cut back even further. We're all aware of that.

Nancy Mayville said one other thing to keep in mind as you proceed through the next two phases of design, the first phase engineering study has you look at alternatives and pick out a preferred alternative and we approve that. Our expectation is that that preferred alternative will continue on through design and not get changed much. That's the one of the other things. I think we've had a little bit of an issue with recently on this project is that things keep changing. That's something to keep in mind. If you want to maintain a tight schedule as not to be moving location or whatever because then that sends you back to...

Selectman Luszey said on the changes. I've been here almost 4 years and that hasn't changed the location but that's been driven by you. Bob Hudson said it was determined in the engineering study. Nancy Mayville said you turned the building, shifted it a little and stuff. My point is it's not that you can't make those changes during the engineering study because that's the time you should be thinking about things. Once you've now headed into final design, you've picked...Chairman Coutu said we've set the footprint. Ms. Mayville stated you need to fill in the details and get ready to go on it. That's the point I'm trying to make. That's what will also keep you on schedule.

Selectman Maddox asked what is the next deliverable you're expecting from our architect. Nancy Mayville and Bob Hudson both said preliminary plans. Ms. Mayville said they should be about a 60 percent complete plan. You gave in your engineering study which is 20 to 30 percent complete. You take that preferred alternative and start filling in details, send us a 60 percent complete plan, we take a look at it and say okay, then you send in the 100 percent completed. Chairman Coutu said it's done in two additional phases. The reason for that is we don't want to be inundated with everything all at once. Nancy Mayville indicated that they didn't want you to get all the way to the end and have some major flaw. We want to take a look at it part way there. Mr. Hudson said that was part of the engineering study, the concept phase, preliminary design, review and approve that then bring it to a different level - construction contingencies hopefully go down. You get a better idea on the estimate of the cost. As far as design is really preparing them for construction or for bidding. There are 2 more phases of design that they need to do and then we need to approve.

Chairman Coutu said depending on the engineer, is that the 6 week period. Nancy Mayville said no. The 6 weeks is the advertising. That's the bidding and contract award process. Historically, Chairman Coutu said a project of this small size typically to complete plans that the last 2 phases of the plans shouldn't take more than - a wild guess. Mr. Hudson thought the architect had 60 days, 2 months to do the design. Let's say a month for preliminary and a month for final. Then we would take probably 2 to 3 weeks for review. Let's say a month and a half, 2 months, that's 3 1/2 months to 4 months where you'd be ready to advertise. If they were to start March 1st to make it easy and midsummer when you can advertise. You don't want to advertise much beyond July/August because you don't want to get into the fall because you're starting to chase into the winter. On this project, I don't think once it's on the foundation, it's not like a sidewalk project with asphalt and concrete. You'd be doing siding. Maybe you could extend a little bit further into the colder weather. If they were to start soon, there's probably 4 months.

Selectman Maddox said the next step is for us to invite them and say where are they in the process. I think it was nice that DOT gave us an input. We keep on going in a circle. People say we micromanage and sometimes we don't have a clue what's going on. The balance is DOT was nice enough to come in and give us some information and sign up somebody for May 7th.

Chairman Coutu said Nancy Mayville never said not to an invitation to the Hudson Board of Selectmen to my knowledge. Again, I want to thank both of you on behalf of the Board. We appreciate your coming down. Nancy it's been 2 years you've been saying you're come to Benson. I hope you call the Administrator Mr. Malizia whenever you're planning on coming to Town and we'll make sure we have tour guides for you to show you how beautiful that park is, especially in the spring when the flowers are in bloom. It's absolutely gorgeous when everything is just starting to come up, you see the reflections on the pond, and everything is coming into bud. It's absolutely gorgeous. You're going to love it. You remember what it looked like.

Nancy Mayville said they do when we start construction require that there be a pre-construction conference that we attend. Maybe that will be a good time for us to come down.

8. NEW BUSINESS

- A. Acceptance of a donation of ten (10) \$20 gift cards to Haffners gas station

Chairman Coutu recognized Jerry Vaccaro.

Jerry Vaccaro introduced himself from the Hudson Lions Club. We're celebrating our 65th year here in Hudson. What our motive is to help individuals that need gas money that work with Kathy Wilson to get to pertinent places that they need to get to. They have limited funds and we are here to give them gas money to get to those places in simple terms. We serve and this is what we'd like to do. We came across this idea where Kathy will participate in giving these \$20 gas money certificates from Haffners to those individuals that need to get to those places.

Chairman Coutu knows that we know Kathy's work very well and we know that they're going to those who are most in need. In terms of your organization, I want you to know that Selectman Nadeau made it a point at a recent meeting to inform us of the amount of work that you and the Lions Club have done in our community over the years and how beneficial this community has been as a result of your generosity.

Motion by Selectman Brucker, seconded by Selectman Nadeau, to accept a donation of ten (10) \$20 gift cards to Haffner's Kick Stop from the Hudson Lions Club to be used for financial assistance at the discretion of the Welfare Officer with the Board's thanks and appreciation.

Selectman Nadeau said he'd like to thank the Lions Club for this donation. You guys do a lot for the community which a lot of people do not see. I do see a lot of it because of what I do. You guys have donated a lot to St. Vincent's, to different youth organizations in town,

and you do a lot when Santa comes to town. I'd like to thank you guys for all that you do do. Mr. Vaccaro said it was a team effort and I appreciate those kind words. Our motto is to serve and that's what we do.

Vote: Motion carried 5-0.

- B. Acceptance of a donation of \$200 from the Backstreet Bar and Grill, LLC

Chairman Coutu recognized Town Administrator Steve Malizia.

Steve Malizia believed this donation is in memoriam for a resident Gary Buzzell who passed away recently. The Backstreet Bar and Grill is donating \$200 for the Recreation Department Donation Account and I recommend that you accept it with the Board's thanks and appreciation.

Motion by Selectman Luszey, seconded by Selectman Nadeau, to accept a donation of \$200 from the Backstreet Bar and Grill, LLC, in memory of Gary Buzzell to be put into the Recreation Department Donation Account with the Board's thanks and appreciation, carried 5-0.

- C. Acceptance of a donation of \$1,000 from the Radio Control Club

Chairman Coutu recognized Town Administrator Steve Malizia.

Steve Malizia said the Southern NH Radio Control Club flies their radio controlled aircraft, airplanes, or whatever over at the old landfill that's closed on West Road. They make an annual donation. This year they're generously donating \$1,000 to the Town. It will go into the Recreation Donation Account and I recommend you accept it with the Board's thanks and appreciation.

Motion by Selectman Maddox, seconded by Selectman Luszey, to accept a donation of \$1,000 from the Southern NH Radio Control Club to be put into the Recreation Department Donation Account with the Board's thanks and appreciation, carried 5-0.

- D. Request by the Hudson Junior Woman's Club to use the Community Center and waive the rental fee for Candidates Night on February 21, 2013 and a Bunny Breakfast on March 16, 2013

Motion by Selectman Luszey, seconded by Selectman Nadeau, to grant the Hudson Junior Woman's Club request to use the Community Center and waive the rental fee for Candidates Night on February 21, 2013 and a Bunny Breakfast on March 16, 2013, carried 5-0.

- E. Public Hearing - Acceptance of a donation of the Eagle Scout Gorilla Cage Walkway Project valued at \$5,077 and a cash donation in the amount of \$3,260

Chairman Coutu recognized Dan Teague. You have pictures of what was done there. Those of you who have gone down and seen it, you have seen the beauty of the work that was done there, where it was before he began the project, and how it ended up. The team to be assimilated and managed and as always Joe Undercofler and the scouting team worked with these kids and guided them along. This was a beautiful project. Not to take anything away from you Dan, why don't you give us a little bit of history about the project but specifically what brought you in that direction, the team you put together, and how you accomplished this.

Dan Teague said he started to get the project going in December of 2011. That's when I met with Mr. Undercofler about trying to find a project to do. I told him that I wanted to do something with hard scapes because I like landscaping. That's something I wanted to do. He was looking around and found the project for the walkway to do. I started getting more into it and then I went before the Benson Committee to get it approved. I sold engravings on the bricks as a fundraiser. I was only expecting to sell 100 bricks. I ended up selling about 256. I would like to thank the Undercoflers, my Uncle, and my friends and family for helping me. It was not easy and there was a lot of work. I did not expect the construction to go that quickly. With all the help, it went by pretty fast.

Chairman Coutu wished everyone could see a picture. It speaks volumes of Dan holding the bricks saying thank God this is done. I expect to be at your Eagle Scout induction if all goes well. This was an amazing project you undertook. Based on what I can see here, you raised over \$8,000 total. Let me ask you a question unless I see it here on this sheet, the remaining amount which is \$3,260, what account specifically would you like us to put that money into? Dan Teague said he'd like it to go to the landscaping department in the Benson Committee. Chairman Coutu reiterated that he wanted it to go to the Benson Committee.

Chairman Coutu opened the public hearing at 8:05 p.m. Does anyone in the audience wish to speak on this item? Seeing none, I will close the public hearing at 8:06 p.m.

Selectman Brucker wanted to compliment Dan. I think this is a beautiful, beautiful project that you've done. You raised so much money. I think it's just amazing. I wouldn't know how to go about raising that much money. I know that it will be appreciated and enjoyed every bit as much as that \$400,000 train depot. I think it's amazing that you could accomplish that and that you're so generous with your time and effort.

On the basis of cost and what he's giving us for this project, Chairman Coutu said if we were to apply that same formula for the train depot, DOT would be giving us about \$220,000 as a donation and doing the train station besides.

As a landscape person, Selectman Nadeau said this was an excellent job. I went there many times while it was under construction. Everything was done way beyond the standards that we use for building walkways now. The drainage, everything was great over there. I think it came out really, really nice and definitely enhanced the gorilla cage in that area. Many people have commented on it and how fast it went. They couldn't believe how fast the projects go when the Boy Scouts do projects at Benson's, especially this project. I would just like to tell you that it was an excellent job and very well done.

Selectman Maddox had a point of clarification. Because it's over \$5,000, the public hearing for the...Mr. Malizia indicated that we advertised for both. Secondly Mr. Chairman, Selectman Maddox asked if we could get copies of these photos. I think this is the kind of thing that we want to show the before and after. If you take a look at these photos, and I know you can't see them from where you're looking on camera but it was just dirt and now it's a gorgeous walkway. Again, this is the kind of thing that we need to push as the positives that are here in Hudson. People willing to dig in and do projects make our Town a better place. Thank you.

Chairman Coutu said a reason to be proud of a lot of our youth sitting right in front of us and a lot of the other scouts that have come forward.

Selectman Luszey thought we ought to use these photos and show the Department of Transportation their skills. Looking through them, he does an outstanding job supervising. Fantastic job.

Motion by Selectman Nadeau, seconded by Selectman Brucker, to accept a donation from Dan Teague on the Eagle Scout Gorilla Cage Walkway Project valued at \$5,077 and a cash donation in the amount of \$3,260 with the Board's thanks and appreciation, carried 5-0.

Dan before you leave, Chairman Coutu said he meant what he said and I think that the Board of Selectmen would certainly agree with me that what we read in the newspaper often times is all of the bad news and we don't see - we do as Selectmen we get to see a lot of the good things that are being done in our community especially with a lot of the youth in our community. Hudson has a good reason to be proud of a lot of its kids. When you look at the music program and how successful that is. The scouting program in our town and the number of people that move up to Eagle Scouts because they love the scouting program. I look at the people who work with the scouts - your leaders, and real class and very concerned and caring about your well being and your moving through the ranks. Those badges just don't appear. You have to earn them and you've earned every single one of them. This was an amazing project. This is not to put down any other Eagle Scout project that we've had because we've had so many. Each one is getting bigger and more money is being donated. I know that I heard about a month and half ago or two months ago that in terms of the volume of money that you had over and above what you needed for the project that you were very much concerned that you wanted to make sure that the money got to Benson's so that people like Mrs. Undercofler who does a lot of landscaping will have some money to take care of the things that are going on.

Chairman Coutu indicated that there was a minimal amount of vandalism going on now and then. Some of it takes place at Benson's. The amount of work that you as an Eagle Scout and others who proceeded you in doing projects, you're helping us stay ahead of the game. I can remember when we were building the 9/11 project one of the things that was mentioned very often was how unsightly the front of the gorilla cage was. That whole piece of land was very unsightly. Nothing was draining properly. No matter how much we seeded it, people were walking all over it. Now they can walk over it looking down with pride for the work that you did. On behalf of the Board of Selectmen, most sincerely thank you. We accept your donation and we accept your project.

- F. Public Hearing - acceptance of a donation of goods and services to upgrade Greeley Field baseball playing area. The costs for the upgrades are \$27,000 for the infield and \$13,000 for the fence

Chairman Coutu recognized Scott Power and Jay Spooner.

Thanks for having us. Scott Power, President of Hudson Youth Baseball. Jay Spooner, Director of the Hudson Youth Baseball Rookie League.

Scott Power thanked the Board for hearing us out today. Our main objective to this really is to give back to the fields that we primarily use. As you know, Hudson Youth Baseball is a private nonprofit 501C3 organization and run by an all volunteer Board of Directors. While we use a lot of the school and town fields, we'd like to try to give back as much as we can in the form of fundraising and things like that. That's where we're able to put back into the fields that we use. A quick background on why Greeley is really important to us. We've been using Greeley for a number of years at a great location. For many years, it was just 60 feet. That was our whole league and now nationally a lot of towns are going to the Cal Ripken Division versus Little League. Cal Ripken now goes to a 70 foot field. Once you get up to 11 and 12 years old. A few years ago you probably remember that we put lights on Greeley and to extend the usage a little bit. Now with Greeley still at 60 feet, our upper divisions of 11 and 12 years old no longer get to use those lights, no longer get to use Greeley because they have to be on the 70 foot field. One of our objectives with this is to renovate Greeley into a convertible 60/70 foot field where all of our divisions are able to use it ages 4 to 12. We serve over 500 youth annually. That's one of our objectives. Mr. Power said the other piece is the safety of where some of the fencing hasn't been upgraded in quite some time. The fencing on the back stop and the fencing around the fields. So we'd like to upgrade that as well.

Chairman Coutu asked if Mr. Spooner had anything to add. Mr. Spooner said that pretty much summed it up. The field has not had a lot of cosmetic enhancements in quite some time. It's something that the infield is in desperate need of as of now. Expounding upon that, we're also doing a nice beautification of the entire field. It's all encompassing. Mr. Power said moving the fence back a little bit isn't going to impede on the playground there or the basketball courts. We think it will actually enhance the facility as a whole. We're not bringing in any more - the number of players that will be playing at the renovated field if it was approved. It wouldn't be any more it would just be allowed in a number of divisions. We have higher access to it so traffic, parking, and so forth would be same as it is now on that field.

Chairman Coutu asked Scott what the time frame was if we accept this or plan on doing...Scott Power said we wouldn't do it this spring only because we don't want to lose the field for a given amount of time for our spring season. We would start on it in June and be done in July. It would be ready again for the fall. Mr. Spooner indicated that they've preliminary reached out to several local firms to contract the work after receipt of approval. They've tentatively written us in for this summer. Being that you have to book it now to get the slot that we need to have minimal disruption to the area, so the essence would be right after the spring season during the summer and it would be ready by the all.

Chairman Coutu said the biggest problem with a project of this magnitude especially in a baseball field is the infield. Do you have sufficient water and capabilities - I don't know if you're going to be hydro seeding, or are you going to plant seed, or how you're going to go about that. Mr. Spooner indicated it would be sod. Hydro seed would be upwards of a year plus to take before it would take on. My background is construction. I do understand a lot of those implications and ramifications than what you'd get into and undertaking in a project of this nature. Yes I agree there are some components to that that it's a good size project. The people we're bringing in are also very good.

Selectman Luszey had a question and you may comment about extending the use from a 60 foot to a 70 foot which I guess allows you to play different or more teams. How would that affect, and I assume these are all Sunday games. Mr. Power said Saturday games. Selectman Luszey said he knew at one time there was an issue with parking at the church because people were parking. Mr. Power said they don't use any of that upper lot where for church parking. We essentially have the few spaces behind home plate area there and then the few spots in front of the basketball courts. Selectman Luszey indicated that his was all Saturday stuff and it won't impact Sundays. Mr. Power said all the games are Saturday so we don't conflict with Lacrosse.

Selectman Nadeau said one of the things that he didn't notice, does this field have sprinklers or will it have sprinklers when you're done? Mr. Power said it does. Last year we worked with the Highway Department and put sprinklers when they re-sodded the outfield. We would put sprinklers in the infield as well to sod the infield. It's a question of I don't know how many sprinkler heads that would need to go into the infield but we have to resurface...Mr. Spooner indicated it would be adding approximately 4 more heads and changing the heads that are there right now for distribution purposes. If we're going to invest the money in sod, we don't want to see it go. That's the only way to do it. Conservation wise, the extra water is very minimal based upon the proposal we have with the heads that they current make. That was something was looked at as well.

Selectman Brucker said this is the kind of thing that makes me so proud to be a resident and a citizen of Hudson - how our organizations take on the responsibility for all the on goings for their activities. I just wanted to thank you for doing that. Mr. Power appreciated it and we're happy to do it.

Chairman Coutu opened the public hearing at 8:23 p.m. Does anyone in the audience wish to speak on this item? Seeing none, I will close the public hearing at 8:23 p.m.

Selectman Maddox stated that since he lives in this area, I drive by it all the time. It's just a great resource. The lights that you put up have made that field much more useful. This is obviously going to make it an even better setup. Again, thank you for all that you've done.

Motion by Selectman Brucker, seconded by Selectman Maddox, to accept a donation of goods and services from Hudson, NH, Youth Baseball, to upgrade Greeley Field baseball playing area with the Board's thanks and appreciation. The costs for the upgrade are \$27,000 for the infield and \$13,000 for the fence, carried 5-0.

Chairman Coutu thanked Mr. Power and Mr. Spooner. I know that you're going to continue to baby that field not just this year but in the coming years because I know that you added a few more players this year. We're very grateful for that as well. We did want to see them out in the lurch. A new sport called Lacrosse has come to Hudson...Selectman Maddox indicated that they have 8 teams. He had more people sign up than he even thought. Chairman Coutu said as a result of your generosity working closely with our Recreation Director, we were able to pull this off. I know you were totally involved Scott. I don't know anyone else's involvement. I'm sure you were too. We truly appreciate it because there weren't a large number of kids but there were kids out there that I know I expressed some concern about what are they going to do. I know members of the Recreation Department also on that committee were very concerned about those kids. I was amazed that you stepped forward. I appreciate it. We certainly appreciate this donation of \$40,000 to upgrade the field. Greatly appreciated.

Selectman Nadeau asked if the sign ups were now. Mr. Power said yes online. We also have our open house this coming Saturday as well at Hills Garrison Elementary School from 9 a.m. to 12 p.m. - hudsonyouthbaseball.com. Chairman Coutu said it was a great organization not just because of this but because of the things that you've done in the past as well. Thanks again. I appreciate it.

Selectman Nadeau indicated that one of the things that Selectman Jasper was working on when he was on this Board was the parking area at 7/11 on trying to get an agreement with them. Chairman Coutu thought they already had one. Mr. Malizia indicated that corporate didn't approve it. Selectman Nadeau knew it went someplace but I didn't remember what the final outcome was. I'm sure that we'll remember that if anything comes up over there in the future. Chairman Coutu said it seemed to me that it was wasted space that could be used. They could designate like 10 spots or something.

- G. Grant application - State of NH, Highway Safety Agency, Hudson Red Light Running Patrols in the amount of \$5,720

Chairman Coutu recognized Town Administrator Steve Malizia.

Steve Malizia indicated that this was actually the application. You're not accepting anything. You're only applying for it. Next year, this will be in your budget. In other words, the Board has adopted a rule that if we budget these things during the budget process, we don't have to come here for application just for acceptance but this one didn't make it into the budget this year. This has been an annual grant for traffic enforcement, red light enforcement. All you're doing right now is applying for it. When it is awarded, we come back for a hearing to accept it.

Motion by Selectman Maddox, seconded by Selectman Brucker, to authorize the Hudson Police Department to apply for the State of NH, Highway Safety Agency, Hudson Red Light Running Patrols grant in the amount of \$5,720, carried 5-0.

- H. Pennichuck Water Works Corporation's Watertight Protection Plan

Chairman Coutu to recognize Bernie Rousseau, Jim Lavachia, and Tara King from Pennichuck Water Works.

Steve Malizia indicated that they came to the Water Utility Committee and the Water Utility Committee meeting to explain this program to the Water Utility Committee. Just as a way of background, it's my understanding that the Water Utility Committee reviewed the program and is recommending it to the Board of Selectmen. As you are the Water Commissioners, it would be your call as to whether you want to approve what they have to offer or not.

Bernie Rousseau - I'm Vice President of Pennichuck Water Service Company. I live in Merrimack, New Hampshire. Tara King - I'm the Customer Service Manager at Pennichuck Water Works and I live in Merrimack, New Hampshire as well. Jim Lavachia - I'm a Distribution Manager of Pennichuck Water Works.

Bernie Rousseau thanked the Board and Mr. Malizia for seeing us this evening. My mission tonight is to review a program, a voluntary program that we would like to offer the residents or actually the water customers of Hudson called a Watertight Protection Program. What Watertight is about is this. As you may or may not know, there's a couple of components of the service line feeding your home. From the main to the curb stop, which is called "a main to stop", that is owned by the Town. From the curb stop into the home, and of course through the cellar wall into the meter, that is owned by the resident. That's owned by the homeowner. The Watertight Protection Plan does is if there's a disruption of service, a break, a problem with the line, a plugging, a reduction in pressure, whatever the case may be, if the water system customer enrolls with Pennichuck in the Watertight Service Program for a fee of \$75 what Pennichuck will do is if there's any problem with a component on that service line from the stop to end, that repair will be made under that coverage - under that \$75 protection program. That includes repair of the line or potentially replacement of the whole line. Once Jim's staff gets in there to make the repair if they determine that a repair doesn't make sense because we've run in this situation and Jim can expound on that if you'd like. We've got in situations where we've made a repair on the line and would have to return a couple months later because it's failed again. If at our discretion we think the whole line has to be replaced, we will do that again for that \$75 fee. It also includes restoration of the lawn. Paving if paving is involved. There are some circumstances for restoration where we won't cover it. If your favorite apple tree or whatever tree is planted over the line and we have to zip that thing down, we're not going to replace the tree unfortunately. It doesn't cover shrubs and things like that. We'll loan and seed. We'll restore it to almost condition as it was before including paving. We think it's a fantastic program.

Again, Mr. Rousseau stated they've laid it out for Mr. Malizia's staff first. We laid it out for Mr. Malizia who we were fortunate enough to meet with the Water Utility Commission on January 16th where we received unanimous approval. We come before you tonight not really asking for your endorsement so long as you understand the program. We don't want you guys to - if you want to you can endorse it, but basically we'd like your okay to mail this to the water customers in town. Again, purely voluntary and because we will be using your mailing list, Tara is our Customer Service Manager, has access to the Hudson mailing list. What we'd like to do is we will offer the Town a \$5 donation if you want to call it that or appreciation fee for every customer that signs up. In the City of Nashua or the systems that we own, we have about 4,200 customers that have signed up with the program. It's worked out very well. It works out especially well for someone who has a home that might be 10, 15, or 20 years old where the line may be in jeopardy of failing. If the house is a year old, a couple of years old, 5 years old, they may not want to apply. If it's a little bit older and to provide themselves with some additional protection on that line, they'll sign up. Again, purely voluntary. That about covers it without taking a lot of time.

Chairman Coutu asked if the \$75 was a once a year fee, a onetime fee? Mr. Rousseau said \$75 a year. Chairman Coutu indicated it's an insurance policy basically against...Mr. Rousseau said it's funny that you say that because what we did is a number of years ago when we instituted the program in Nashua, I believe we approached the NH Insurance Commission. We can't call it an insurance program but it is similar to that. On the anniversary of your date of sign up, you will be billed...Tara King said it was an automatic renewal each year so on the anniversary date, they would receive a bill for the \$75. Although they are able to cancel at that time if they want or any time throughout the year of their sign up.

Bernie Rousseau asked to add one more thing if I could. One of the questions that was posed to the 3 of us as a matter of fact during the Water Utility Council meeting was right now this is provided to single family residents both in Nashua and we are thinking of expanding that in the Town of Hudson. We're having a meeting in a number of days here where if we're fortunate enough to get your approval to move forward with this, we're thinking of offering it to multifamily and/or commercial industrial locations with service sizes up to 2 inch but no larger. I don't recall the gentleman on the Utility Council board but he pointed out there are a number of multifamily homes in Hudson that might want to jump into this program. That's something we're going to take up in a meeting internally in the next couple of days.

Selectman Nadeau said the question is if - and I don't know how you do this but say Joe Smith signs up for this program and he pays his \$75. Three months from now Joe Smith sells the house. Is that good for one year from the date that he purchased it so the next owner would still have that protection for a year? Tara King indicated that it's not transferrable so it would stay with the homeowner. When they leave, it would be discontinued and the new homeowner would need to sign up for it. Any amount that was paid could be prorated would be prorated back to the customer and get their money back. Selectman Nadeau stated if he was on it for 3 months, he would get the...Ms. King indicated that it is the homeowners responsibility to call for that pro-ration especially where we don't necessarily know that a Hudson customer has left the property. Selectman Nadeau asked if the other communities that you have have commercial or multi-family...Ms. King said they were currently looking at expanding that for our own system and by doing so for any offering of water type. That would include our own systems as well in Hudson.

Bernie Rousseau said when we take up the issue of the multi-family or the commercial industrial in Hudson Mr. Nadeau, we're also going to consider offering that in Nashua as well. Selectman Luszey asked when they were going to do that. Mr. Rousseau indicated our meeting is tomorrow morning. Tara King said when you look at a multi-family, as we discussed at the prior meeting, is that if it's a duplex and they each have their own service, that's considered a single-family home even though it's a duplex. It's a single water line feeding that one side of the duplex sort to speak. Those would be considered in the program anyways. Offering up to the 2 inch could be valuable to a lot of other customers as well.

As Mr. Rousseau stated, it's a nice program. If you get into a service of any length, then you involved paving, lawn restoration or whatever the case may be depending on depth and type of materials you're working in. You could be looking at a service problem that's going to cost the homeowner in the vicinity of \$3,000 to \$4,000 if not more. This is a great program and it's nice where we have 4,200 customers and if we get another grouping of customers in Hudson, you get that pool of funds that helps offset that fee and it really works out quite well. Again Mr. Chairman, similar to an insurance program.

Selectman Maddox had a couple of questions. This is probably a little unusual because the water users in Hudson aren't your customers. You're doing it. You work for us to do the management of. Yes you'll be kind of interfacing with our water utility. How is that - you're going to send out a separate bill to the homeowner in Hudson separate notification. Mr. Rousseau asked for a copy. Steve did you hand out - Tara King said what would happen is these would be mailed out to your customer base which we do have your water customer information because we make the appointments whether it's for the backflows or meter repairs. So we have that information already. With your permission if this is approved, we'd be able to send this out to your customer base and then we'd bill them separately in our system so it wouldn't affect the Town's personnel or staffing at all. It would come directly out of Pennichuck Water. It would tell them to send the application and the payment to us and it would be managed there so we're not taking resources from the Town.

Bernie Rousseau said Kevin, Jess, Valerie - those folks would not be - of course they would be involved and we could very easily keep them and Mr. Malizia updated on who signed up if you wish. There would be no Hudson resources used in this at all. The other advantage, and if you don't mind if I jump in I'm interrupting your question, something that we've witnessed in Nashua also is this helps with a reduction unaccounted for water. If a homeowner has a problem on their service line and they realize that hey it's going to cost me \$4,000 or \$5,000 to get this thing fixed and they don't have this type of program, then where are they going to come up with the money to make that repair. If they have pressure or volume in the house, there's a good chance they're going to let that thing leak until maybe one of Jim's meter readers who goes around and reads those meters spots a wet spot in the lawn, or a neighbor and it's reported. With this type of option, where they've paid that \$75 fee and they're not going to have to not face that \$3,000 or \$4,000 charge, they're going to report it. That leak will be fixed and you're unaccounted for water will drop which saves volume, power costs, treatment costs, and there's some benefit to the town. That's difficult to quantify based on the number of leaks but that's a positive sidebar.

Selectman Maddox had a couple more questions. So they go out to a call and we have to dig up the street. We use town resources. Will the town then be compensated for doing that? Say they go out and we need to dig up that street because there's a water leak that we're not sure where it is but now it's on the homeowner's side. We've already dug up the road. Jim Lavachia said whenever there's a leak on even the main to stop town owned portion, Pennichuck is working for the Town of Hudson at that point. So Pennichuck is actually doing the work on a town material basis for the Town of Hudson and the Town of Hudson resources are very limited in what they're actually doing on a main to stop portion leak repair. Water type would only be affecting work that's being done on what's called a stop to end, which is after the curb valve on the homeowner's property. So there would be no Hudson resources at all used on those jobs.

Bernie Rousseau told Selectman Maddox that what there is if there's a problem in the street, which is generally considered what we call main to stop, there's a method to shut that line down too. You'd have to dig down and you'd hit what's called a corporation stop versus a curb stop and you can shut down the main. So there's two ways to shut that service down. The portion that the Town owns from the

main to the curb stop by shutting down the corporation or if you want to shut the service down going into the home which is owned by the homeowner private property called stop to end, you'd shut that down at the curb stop. So there would be no town resources used. Selectman Maddox said okay just asking the question. The \$5 fee would we get that every year if they renewed? Mr. Rousseau said he'd have to discuss that. It's a great question. Originally we had thought Mr. Maddox that it would be a one-time payment. Again, it's not huge but we're using your customer base information. We had thought that it would be a one-time payment to the town. Selectman Maddox asked if this was 24/7. If there's a water leak in my side yard at 3 a.m. it's covered? Mr. Rousseau said what would happen is if there was a leak on that stop to end, that repair would be scheduled between 7 a.m. and 4 p.m. during business hours. If the house was out of water or a pressure issue, then Jim's staff would come in to make a temporary repair. Jim said what they do is if it came in after hours or during the weekend, what we'd do is we'd terminate the water service so the water would stop leaking, we'd hook you up with a temporary line to at least get you water for the time being. Once the water was established and you had water temporarily, we'd come back during normal working hours and do the repair. Obviously if it's winter time and you cannot set up a temporary repair, then we'd bring the crew in at that time to do the repair. Selectman Maddox asked if that was all covered by the \$75 fee. Mr. Rousseau said correct.

Selectman Maddox said he had one last technical question. The Town of Hudson does not own all of the mains if you would. I live in a condominium and they don't own it. If I had the \$75, where does mine go back to? Jim said you'd still be responsible for the stop to end portion of the water line as far as we understand. Selectman Maddox indicated that if it's under 2 inch, the condominium association could get some amount or part of this plan as well? Jim said however the agreement has been set up between the condominium association and the town on those areas. That's still up for discussion. Tara King stated if they're individual services going into each condo and you're paying that water bill and own the stop to end, then yes you would get in on it. A main line going in through the association and then branches off to each may not be covered because of its size. It might be a 4 inch that's running through that then branches off into smaller service sizes for each condo. Selectman Maddox said okay. That's something you at least will take a look at. Ms. King said absolutely. Selectman Maddox said if it was under 2 inches you might be under this plan. Mr. Rousseau said correct.

Chairman Coutu asked for clarification on a couple of things Selectman Maddox brought up and they were good questions by the way. I understand now that you expected that the reimbursement of the \$5 would be a one-time situation. Would it continue if they were new subscribers the following year you pick up another 500 or is it just the first year you're going to do this? Mr. Rousseau said no. We would do that each time Mr. Chairman.

Chairman Coutu said he didn't understand. Not everybody in the Town of Hudson is a water user. They have wells. I have a well at my home and have town water at my business. What I don't understand is why not just discount directly to the consumer the \$5 if they sign up. You're going to offer a \$5 discount the first year and make it \$70 because any monies you're going to give us would go into the general fund...Mr. Malizia said it would go into the water fund. Tara King said this was strictly going to go to your water customers. Chairman Coutu stated if it goes to the water customers through the water fund I guess its okay. Mr. Malizia said that's how they make it attractive to you. It's called marketing.

Motion by Selectman Maddox, seconded by Selectman Luszey, to allow Pennichuck to proceed with offering Pennichuck's Watertight Protection Plan to the customers in Hudson.

Selectman Nadeau said one of the questions is, and we're just talking about the renewal for following years, do we have to accept this plan every year or are we accepting this now...Chairman Coutu thought it was a onetime covers all plan. Mr. Malizia stated unless you wanted to terminate it at some point in time, I don't see why you'd do anything other than accept it once and that's it. Chairman Coutu said if for whatever reason there were complaints, which I think you might be leading to, and the Water Commission got those complaints and they were serious complaints and they weren't satisfied, I think the Water Commission would come to us and say hey look we need to deal with this. These people are not performing based on what was presented to us. I don't know what punitive action we can take other than to cease the program or try to work with them to try to resolve whatever the problem is. I would hope that it would never have to come this far between the Water Commission and Pennichuck. They should be able to work it out. Mr. Rousseau said we think the same way Mr. Chairman. We appreciate working for the Town of Hudson and we would not want to jeopardize that relationship in any way by short shifting one of your customers. We would not operate that way.

Chairman Coutu said over the years we've had an excellent working relationship and we appreciate that. We appreciate the reports we get on a monthly basis.

Selectman Maddox thought that if they wanted to take this scintillating conversation and tie it somehow to their website so that people could see that we have this discussion, I think maybe something that we should say it's okay to do so because if the customers get this and yeah okay. I think this discussion you've had tonight explains a lot more than you do here and it might be advantageous to both sides. Again if one of our citizens has a water break in his 300 foot long driveway, he's going to be very interested in this program.

Tara King thought that that's a really good point. We will be actually looking at or we could look at tweaking this to this flyer itself to make sure that the customers know that in this issue they want to call Pennichuck and not the Town of Hudson as well as that this is being mailed with the Town's approval. In some way, it's not the back street. It's somebody working in relationship with you. Chairman Coutu said you're not trying to get in the back door; we're giving you permission to go in the front door. Selectman Maddox indicated just referencing this meeting and they could click to our HCTV website so that they could watch this portion of it, again, I think we've asked a number of questions that if somebody is reading this wouldn't go to. Mr. Rousseau said it sheds additional light on the program.

Chairman Coutu said to always read the fine print ladies and gentlemen. It's funny that you say that Mr. Coutu, Mr. Rousseau said we're kind of proud of that fine print because there's not a lot of exclusions or audits in there except it may make mention of issues related to irrigation systems, apple trees, and shrubs. Ms. King said they do do an excellent job of trying not to take down that apple tree and make an alternative.

Selectman Brucker said she did hear their presentation at the Water Utility meeting. I was impressed. You mentioned something about if you have PVC pipe connection and that it's even more advantageous for people. Jim said if you have a plastic service where the joints are, they tend to break. We cover all those repairs. We replace those with brass fittings going forward. You don't have that rigid plastic that's going to break in the future. The same thing happens with copper tubing. If you have copper tubing, that's for your electrical current. It causes pin holing in the copper tubing. We go in and we replace those sections and we isolate that so the straight electrical current can't continue to work it out into the pipe.

Vote: carried 5-0.

I. Cable Utility Committee Membership Requirements

Chairman Coutu recognized Michael O'Keefe, Chairman of the Cable Utility Committee. We had a discussion at the Cable Utility Committee meeting relative to a problem that we as a Board didn't recognize when we were making appointments. I'll let Mr. O'Keefe explain further and see if we can come to some resolution.

Mike O'Keefe thanked Mr. Chairman. It's a pretty straightforward issue here. When the Cable Committee was formed, I'm not sure if it was done at the initial formation or when it was reformed back in 2004 but the Board of Selectmen put a requirement in place that members had to be - I think it was worded "residing in a dwelling served by cable". So essentially cable TV subscribers. For most of the existence of this committee, that's what's taken place. It was brought to my attention recently that 3 of the new members appointed to the committee are not cable TV subscribers. Some of them subscribe for phone internet but not for cable. As Chairman Coutu mentioned, we discussed this at the Cable Committee level and while we didn't take a formal vote on the position, the consensus of the Committee was that it might be worth looking at changing that policy. Amending it to at least allow some portion if not all the members to be non cable subscribers. That's why we're here.

Chairman Coutu said he suggested obviously it should come before us for the decision. The Board had unanimous consent - the Cable Committee did but it's a decision we need to make. The only thing I can articulate is that I support that the membership not be restricted to cable TV subscribers for the following reasons. Cable television public access for the most part that's what this Committee deals with. We have nothing to do with Comcast and its broadcast. We deal with Channels 20, 21, and 22 and potentially an additional channel a year or so down the road. The work that is performed within those 3 stations is performed for the most part by volunteers who serve on the Cable Committee. The public access channels are available to all of the citizens of Hudson whether you're a cable subscriber or not. You can go down to the studio, learn how to use a camera, take a camera home, televise a sporting event, family birthday party, bring the production back to us, they edit it for content, we put our disclaimer, and they put it up to air. You don't have to be a subscriber to be able to do that. That's what we deal with - public access channels. If someone applies and they're a subscriber, fine. I feel if they're not a subscriber, that's fine too because it has nothing to do with Comcast cable programming which is all of the other channels. All they do is they provide us the wire for us to be able to air all of our public meetings and whatever productions we're able to put through.

Selectman Luszey said the only people that get access to it are cable subscribers. Chairman Coutu said there are people that are non subscribers that volunteer their time. Selectman Luszey said he understood. What I'm saying is the access is through cable.

Selectman Maddox thought he was the one who made that motion. I think our fears at that time was as we were starting to really come into production and doing shows that we were concerned that a group or whatever would come in and take over the cable utility and say raise the fees to 5 percent so we can do Gone with the Wind every year. That's not happened but I think that was kind of the impetus to say they had to be cable subscribers so that they knew the charges that they were inflicting. I think that that has not been an issue that we have to worry about but I think that if we went to some sort of number just like the Water Utility, so many don't have to be - I think it's a balance. I think that you need to be able to say that they understand what they're doing financially as far as charging that percentage. Again, I think that this is a reasonable request Mr. Chairman.

Chairman Coutu asked Mr. O'Keefe if he had the numbers as they stand now. How many are subscribers and how many are not? Mr. O'Keefe said the Committee itself technically has 9 members. We have 7 citizen members. We have one Selectman member, and one School Board member. They're all voting members. So we count them as 9 members. Of the 7 citizen members, 4 of them are cable TV subscribers and 3 are not. Those are the 3 pretty close to the most recent appointed to the Committee.

Selectman Luszey said he didn't have a problem removing that restriction. Actually I think it would help us if we removed it because it would open it up to people that maybe don't subscribe to cable to be active in creating a program that may be attractive to other people. It is accessible through the internet. When we first started this, not so much but now the public portion of it is not just really through cable access. I don't think that requirement really is valid at this point.

Selectman Brucker thought we should remove that requirement just because I think that anyone in the community who represents an interest should be able to be involved in the committee.

Motion by Selectman Luszey, seconded by Selectman Brucker, to allow Cable Utility Committee members to be non cable subscribers.

Selectman Maddox indicated that he will be voting in opposition. I think to go completely the other way is, again, I think that the people on this Committee at least some of them need to be paying that freight and know what those costs are. Again, I see the votes 4 to 1. I can't say everybody can just sign up and be a member without having cable.

To respond to that, Selectman Luszey wasn't sure why that matters given that it's this Board that comes forward and sets what that rate is. They may have a recommendation to it but we are the body that decides what percentage of that access franchise fee that we pass forward onto the subscribers. Selectman Maddox said and the budget that they spend.

Selectman Nadeau said you just brought something up Selectman Maddox that kind of peaked my interest. The Water Utility part of it is non users. The Sewer Utility has non users also. Maybe making 3 of the positions non users might be a fair thing to do. Now that I'm thinking about it, this could have a serious impact on the use of how things are done on the Cable Committee. I might be willing to change my vote on this.

Selectman Luszey stated the difference for me is a water user has no choice. If your house is hooked up to the water service and sewer, you are paying for it. You cannot turn it off. This, I can come and go as I want. It's strictly volunteering.

Vote: motion carried 3-2. Selectman Nadeau and Selectman Maddox in opposition.

Without objection, Chairman Coutu declared a 5 minute recess at 9:03 p.m. The meeting resumed at 9:12 p.m.

J. Reappointment of Representative to the Nashua Regional Solid Waste Management District

Chairman Coutu recognized Town Administrator Steve Malizia.

Steve Malizia said NRPC who I believe runs the Nashua Regional Solid Waste Management District has asked for us to either reappoint our current appointment or appoint someone different. At the current time, Mr. Burns our Road Agent is the Town's representative to the Nashua Regional Solid Waste Management District. If the Board is willing, I recommend we appoint Mr. Burns to that committee on behalf or for the Town.

Motion by Selectman Nadeau, seconded by Selectman Luszey, to reappoint Kevin Burns, Road Agent, to the Nashua Regional Solid Waste Management District Committee for the year starting on January 1, 2013 and ending on December 31, 2013.

Selectman Nadeau said Mr. Burns was doing a great job.

Selectman Luszey wanted to know what they can do between 1 and 1 ½ hours on this Commission if they only meet twice a year for 1 to 1 ½ hours. "Usually meets bi-annually, usually lasts 1 to 1 ½ hours". Selectman Nadeau said they talk about the latest and greatest things that are coming up in solid waste. Do we need representation for them? Mr. Malizia believed they coordinate the hazardous waste material cleanups, good, bad or indifferent which they run several a year. I'm not so sure that our membership is required to do that but if somebody has a seat at the table for you, why wouldn't you at least fill the seat. Whether it's useful or not useful, I'd rather have somebody in case I need them than not have somebody. Chairman Coutu said they hold emergency meetings in the event that something goes awry district wide or affects the district. Mr. Malizia stated our residents can bring their hazardous waste materials over there. We don't have to deal with it. It goes over there. We don't have to run it ourselves. They can run it.

Selectman Maddox indicated he said on NRPC, again, it's another thing we don't want to have to do. They have all the EPA licenses and all that stuff that is just taking care of for the citizens of Hudson. They have to go to Nashua but it's still worth it being able to get rid of some of this pesticides and all the things that they will take. To have the Road Agent spend 3 hours a year at meetings to get that accomplished, well worth the money. He'd have to spend 30 hours doing it in house.

Vote: Motion carried 5-0

K. Budget to Actual

Chairman Coutu recognized Town Administrator Steve Malizia.

Steve Malizia indicated we're now through January 31st, which on a percentage basis is 58 percent through the year. I'd take a look at some of the key accounts, chiefly legal. As you know we negotiated 5 union contracts. We're at 61 percent for legal but that's predominately because obviously we overspent because we're front loaded on the union contracts. I don't anticipate any situation there. From a revenue perspective, I don't mean to jump ahead too far but from a revenue perspective, the last two pages, we tracked registration for automobiles. We are at approximately 8.3 percent. So we're pretty much spot on and interest is non-existent but luckily it's not budgeted to be a very big component of our revenue. It's a \$35,000 budget. We're at \$4,973. Again, we've taken that number down dramatically through the years. For those measurement, auto registrations are right where we believe they should be. Interest is not anywhere. It's \$4,973. Chairman Coutu said it won't be for a long time. Mr. Malizia said he anticipated the rates that they're offering out there. You're not really going to see that particularly because our investments have to be ultra safe, secure, the Treasurer is restricted and can't do speculative investments.

Selectman Luszey had a question about Police Admin. They're at 74 percent. What might be driving that? Mr. Malizia indicated we paid out the Police Chief at the end of the year some accrued earned time so that would spike that right there. Selectman Luszey said we need the payouts because Highway is like that. So all the payouts...Mr. Malizia said at the end of the year we take a look at where we're at and determine if you need to go to the fund or if the inspectors can ride but because we're only halfway through the year, we can let it ride through the year. Bottom line what you're seeing there is that expense. What you're seeing, for example in administration when you took the money from the Assistant Town Administrator's salary and moved it, you'll see a spike we're at 68 percent. That's because you took that big piece. We did the roof at the Community Center - \$45,000, that puts us at 79 percent for that. So you have those variables. Again, this is not always a linear calculation. Selectman Luszey said the last time it was almost done.

Steve Malizia said what we'll done come the May/June timeframe, we'll take a look at where we are department wise, what the earned time buyout types of things were, and make a decision whether we just want to let it go through the budget or try to take it out of that fund. I would anticipate like in previous years, we'll be able to probably cover it. We'll reserve that until we get to the end. Other than that, I didn't see anything that caused me any major concern. I think everything is...

Selectman Brucker said she needed an explanation. The total non-departmental on page 4 was 94 percent. Mr. Malizia said we encumber the entire trash contract for the entire year. In other words, we have a trash contract that we've encumbered all of the expenses of \$1.5 million. We haven't spent it all but we did the PO. That is on the books as a commitment, therefore it drives up the percentage. That's the biggest driver in that section right there.

Selectman Brucker asked about the general fund warrant articles. It's because of all these commitments? Steve Malizia said we've either spent them, done the transfers, bought the ambulance for example, or done the paving. They're at 100 percent. You've done the activity.

Selectman Maddox indicated that since the next report will be the 2/3rd way through the budget, maybe an assessment what you've just basically done but maybe more detailed for the 2/3rds of the way through the year as far as any department that is - we would be at 66 percent if somebody is at 70 percent on total budget. If there are any of those or that kind of thing to break it down to know where we might be headed would be appreciated Mr. Chairman.

Chairman Coutu thought they needed to look at the reverse of that too. If we should be at 66 and some departments are down at 52 or 53, there's some sort of a balance because we can always transfer funds if we need to. It depends on what comes up on any given day. Basically the same detail but a little closer look at it because we are 2/3rds of the year and a 1/3 to go. Selectman Maddox said that some of these departments are at 61 and 62 percent this month, big departments. Don't want to be surprised. Chairman Coutu understood.

Selectman Luszey indicated that since they were on budgets, in the general read pile there's the internal auditor's report. If you read that report, paragraph 3 and 4 talks about 2 areas that we're actually deficient. Do we plan on reviewing that report in any detail at any time? Chairman Coutu said they usually do. We look at deficiencies. I don't know where the deficiencies are. I personally have not read the document. I don't know if they're in finance, auditing. Selectman Luszey said it's about our accounting practices. One's depreciation and I forget the other one right off the top of my head. Mr. Malizia asked if he was referring to GASB. The Board has made a conscious decision not to do all of GASB 34. So you're going to have a finding every year. Selectman Luszey said he remembered the one last year but there's 2 this year. Mr. Malizia knows one is GASB and I can't remember the other but it's another GASB pronouncement. There was a post retirement benefit cost. Selectman Luszey indicated that was the second one the retirement basically posting all the liabilities. Mr. Malizia said we don't offer any post retirement benefits so it's a little disingenuous for us to have to comply with something that we don't offer. The other was GASB because you're talking depreciation. The Town has, again, made a conscious decision not to spend the money to become fully GASB 34 compliant.

L. Performance Evaluation Form for Supervisors

Chairman Coutu indicated that we had asked the Town Administrator to review the evaluation form that we have for supervisors. Selectman Maddox I believe presented a copy of an evaluation form and asked if the Town Administrator would peruse that and see if we could incorporate some or all. He included in the packet a copy of the old evaluation form so that you can see the difference between the one that was presented by Selectman Maddox and in all honestly Selectman Maddox, I don't have at the top of my head everything that was in your original and I don't know if you've seen this and it's been modified. Steve Malizia said this is not a total 1 for 1 with the one that he had. This takes the salient things and puts them in here. I'm not sure that we really are going to rate everyone on diversity for example. It would be germane to our organization. I'm assuming that was a generic form from some XYZ large company. What I tried to do was distill what I think would be the key traits, or characteristics, or areas you want to look at when you're looking at your department heads. Obviously you see the old one. It's been argued that this is subjective. At least there's some more objectivity represented here that says what you're sort of looking for, how you would consistently exhibit exception knowledge, or how you would frequently do knowledge, or how you have no knowledge. At least it lays out a criteria by which you can maybe more properly evaluate your department heads, which is what I believe the charge was. Some of this stuff I didn't bring it all over because quite honestly most of your department heads are probably good at all of this, that's why they're department heads. I tried to get to the salient things. I think that particular form that you had had maybe 2 or 3 different ones but they were more for the rank and file type employee than they were for the supervisor type employee. What I tried to do was at least give you something to look at to determine if this was the direction you want to go. It gives you ranking that has some criteria that you can point at and say why did you make that decision or what goes into that rating.

Furthermore in the back end of it, Mr. Malizia indicated you still have spots for recording, comments, specific job strengths, programs you want to undertake. The other little curious thing I think, it had at some point I wish to discuss this report with the Town Administrator. If I wrote it, you're already talking to me. If you don't like it, go to you. I tried to fix things like that. This is for your consideration. It doesn't mean it's done. It's just trying to get something in front of you.

Motion by Selectman Maddox, seconded by Selectman Luszey, to adopt the Town of Hudson, NH, Performance Evaluation for Department Heads as presented to us at the Selectmen's meeting on Tuesday, February 12, 2013.

Selectman Maddox said he's sat here through a number of these old reports which, again, they were subjective and they were based on something. The new one gives clear indication of what you're going to have to do to get that ranking. I just think it gives the department heads and the reviewer a clear map to how you got to that point. I think that the Town Administrator did a great job, again, I went on line and looked at about 40 of these and came up with the one I gave you. Yes it wasn't meant to be a Town of Hudson one but I think this does a good job of hitting the high points. It gives people an understanding of why they got a 3 instead of a 4. It lays out the criteria. I think that this is a step in the right direction Mr. Chairman. I hope that the Board will see it that way also.

Selectman Luszey had a comment. It is a step in the right direction but what's missing is - when I read some of these things "completes the majority of work on schedule". That to me signals that the work has been scheduled. So there is an expectation that things are committed to and promised and we're measuring the person against that. Otherwise if there's no work plans and commitments around what is expected of the employee, then these are all subjective again. There's a part of this that's missing and that is what are we expecting and what are the measurements to get to these ratings. I'm not sure if I'm being clear.

Selectman Brucker thought this looks a lot like the kinds of teacher evaluations that I have been through. It looks a lot like some of the literature that's out there for what you should be aspiring to in your position. I think as long as it covers the skills that we expect - I don't think it's possible to get one that's not somewhat subjective. It's a very hard thing to do. I don't think that this is particularly subjective. You have to take this and fit it to the department head you're looking at. It's not always going to be exactly right for that particular department maybe. I think it comes very close.

Chairman Coutu stated that the Town Administrator does the evaluation of our department heads. I think that for the most part he's aware of what our expectations are because ultimately that's who these people work for the Board of Selectmen. I think it's very, very difficult to - it's not always difficult but there are times that department heads or a given employee doesn't meet certain expectations because something else came up. It's very difficult even in the business world that there are crisis situations. It depends on who's putting a label on it whether it's the department head or his boss but things happen and it sets you back no matter what your target is. There are certain areas where we know the expectations can be met because we can have adequate staff to get it done. Assessing, we know what the task is. We know it has to be done. My expectation over and above all of that is customer courtesy and being able to come in with innovative and creative ways to be able to streamline the operation. Tax Collector/Town Clerk - her job is clearly defined. She's elected by the people but at the same time, we know what is expected of the clerks that work in that office and we appoint them. Then you go into Zoning. On any given day, something of an emergency nature might come up. He or she's going to have 2 or 3 members of the Zoning Board complaining about illegal signs, or whatever, and that wasn't on his agenda so he's got to go out and find these illegal signs, talk to the people. Then he's got to document that he went out. Then he follows that up with a letter. We used to see all those reports once a month. They were so numerous we said to e-mail it to us.

Chairman Coutu indicated that we can't control the traffic on any given desk. It could be heavy one week. It could be light the next. There's a knowledge and expectation of knowledge of the job. There's an expectation that they can supervise people. There's an expectation that they're going to serve our community well by representing themselves in a very professional manner. To me, those are the major 3 criteria as a department head but there are tasks that are assigned to them or could be assigned to them by us, the Town Administrator, or by an event that takes place in the Town. We expect that that's going to get done. I think that if the Town Administrator is doing his job in evaluating those people, he's got to reflect back on the year what they did, what they didn't do, what we were unhappy about, and take all those things into consideration when he's doing an evaluation. I think that the reason why this even came up is that Selectman Maddox originally mentioned how subjective it was. We came to a mutual consensus that let's look at it. You provided the ability to evaluate people with less subjectivity in that as Selectman Brucker pointed out, it clearly delineates where the weaknesses are. I don't care who the department head is, at some point there's a weakness there. You either talk too much, or they come in late for work too often. I don't know. I don't run the building. I'm sure if we had some serious problems, he'd let us know. That's how I feel about it.

Selectman Maddox answered Selectman Luszey's comment. I think that maybe Section C needs to be maybe just tweaked to more give specific 1, 2, 3 the top priority goal, the second one, and a time frame to go in that so that there was some measurability to whether those goals have been accomplished. Chairman Coutu quoted "Section C (Record specific Goals or Improvement Programs to be undertaken during the next evaluation period.)" I think that's where you highlight some of their weaknesses or some of the direction that this Board wants to see that department head to go into. Then he lays out that criteria. I don't know that it needs to be tweaked but..

Selectman Luszey didn't know if it needed to be tweaked. As you were talking what came to my mind is you talked about zoning and stuff like that. In the general read today, there are letters that went out to folks that had permits pulled. The reason they went out is because there were not inspections done. Now the dates on when the permits were pulled are anywhere from 2 years old to 1 month old. What is the expectation that we have of that department and the folks in that department to follow up on permits? Is it 6 months after they were opened should they be checking them? Is it 9 months? There are metrics that you can establish in every single job code to be able to measure how well a person is performing in that. That's kind of what I'm saying. To your point, stuff comes up every

day. That stuff you can put a quantifiable metric it against it that says if somebody walks into Planning and they need a site plan reviewed or printed out, how long do we expect planning to take to fulfill the customer's request. That's measurable and it's not subjective. It's objective. Chairman Coutu agreed. Selectman Luszey though we need to get a little more of that. Still there's a lot of objectivity that go into this. I'll leave it there.

Selectman Brucker asked what do you do with the Police Department where one case comes in and it's easy. It's somebody resisted arrest say. How are you going to measure that amount of time that they have to spend with that up against somebody who just tried to shoot somebody? Are there measurements for that? Selectman Luszey said there are. You can actually go and take a look at the Malcolm Baldrige criteria for a community. You can get into what are some of the criteria on what excellent managed communities look like, and what they measure, and how they do it. Police and Fire are there. Fire has some very specific criteria they try to achieve which is less than 8 minutes response to a fire which reduces casualty and property loss and all that. You can come up with the same criteria for police. How quick to they respond to a call based on the number of calls they get and all that. If someone is resisting arrest, I'm not sure there's a good quantifiable measurement you can put on how long it takes to correct that situation. There are things that every officer does that's part of their daily work routine that's measurable. You can tell whether or not they're performing at different levels, filling out reports, and things like that.

Selectman Maddox indicated that this was for the department heads. I think we're getting a little bit into the weeds with this. I thought this was just for the people that are at the department heads and not the employees. I think that, again, this would give us at least a better overview of what the Town Administrator is seeing in those people that we don't see every day or we're not the liaisons to. It gives at least a better definition Mr. Chairman. I think that the employee knows what is being expected of them based on the description and explanation. I think this is a start. It's not going to ever be...you higher human beings. They all have their issues and everybody can get better even Selectmen. I think that we just need to at least give this a shot and see if this gives us a better result.

Vote: Motion carried 5-0.

M. Discussion relative to Town Administrator's job description

Chairman Coutu indicated that we were all asked to review his job description as it exists. We decided that we would review it and if we were going to recommend any changes, we would submit them. Donna had sent out a few e-mails requesting that we do that. I believe without exception, I responded but none of us submitted anything. Ms. Graham indicated that Selectman Brucker did. Chairman Coutu said that they had asked the Town Administrator if he had any input and the last page on this document has his input.

Selectman Brucker thought hers might be overstepping what he's allowed to do. Chairman Coutu said they do report directly to us. They're subject to our edicts as passed on to the Town Administrator. They're subject to them. He does have a supervisory responsibility to the extent that we're management by absentia. He's here in the building. If there's a problem going on with an employee within the building or whatever, he can either take immediate action and pull them in and say you don't want me bringing this before the Board of Selectmen. You better get your act together or whatever. There are things that go on within various departments in this town, disciplinary that is not brought to the general attention of the Board unless the employee didn't like what happened and they want to bring it before us. We don't see too many of those. I know of a couple of disciplinary actions that were taken not in the Highway Department, in another department, and some discipline was taken and they certainly never came before us. They took it on the chin, the Department Head called him to task for a couple of things he was not happy with and it was corrected. That was a good thing.

In terms of the Town Administrator's input, Chairman Coutu said he had been a strong advocate, especially after one incident we had here in the building during the past year about having the ability to suspend somebody. I think that can't be subjective. It has to be for good cause and something that he knows by experience that we would want him to do. For me, the incident that happened had he taken action, we didn't have authority to do so, I would have supported it because I think that should have been taken care of immediately but the rules weren't set up that way.

Authorized department heads to post - Chairman Coutu asked if you were talking about your being able to...Mr. Malizia said he used to have the ability to and the Board pulled it away so I put it on there for your reconsideration. I don't care one way or the other but you used to let me do it. Now I can't. I put it out there just because do you want me to or not.

Selectman Luszey indicated that's not what that says. That's a department head. Mr. Malizia said yes. It used to be when a department had a vacancy, they could come to me and ask me if they could post it. They didn't have to come to you. That's what that means. If I didn't make that clear, that's what I'm trying to say. Selectman Luszey said it should have said department heads to post for open...Chairman Coutu indicated it should have read "ability to authorize department heads to post for open positions. I think in this case, especially with the scrutiny that's been going on, we want to see every open position and weigh them carefully and hopefully come to a medium. It doesn't matter to me one way or another but I think in light of the fact that we're looking at each department right now, it's better left alone for the time being. Selectman Luszey said if we were to authorize the Administrator to do that. What happens if the Board comes back - say Monday you authorize to post and they're out posting. We meet on Tuesday and we see it and say no and it's been posted out in public. How would that...Mr. Malizia said we'd pull the posting. You're the boss in the end. Selectman Luszey said you've already posted in the paper. For example... Mr. Malizia said he would give permission to post for a position. The Board takes exception to that. As a collective group, you say pull that posting. Okay, we pull that posting.

Selectman Maddox said we wouldn't necessarily know there was a posting. Selectman Luszey said we may not. We may only know by seeing it in the paper. Mr. Malizia's point is up to a couple of years ago, that was the case. I'm not saying you have to; I'm just putting

things on the table. Just like I've put the 3rd one on the table. It's not a big deal but you have people come in here all the time, can I waive the fee. For Pete's sake if you don't think I can do that. Chairman Coutu said that makes sense. Selectman Maddox and Selectman Luszey both agreed that 1 and 3 makes sense. Mr. Malizia said he didn't have to do it. I put it on there because it's something I had. We've had the conversation well we don't let you do anything. I used to be able to do that. That's all I'm saying. I don't need to do it. It doesn't bother me one way or the other. I just put it on there just so you know.

Chairman Coutu indicated why he did not submit a recommendation was I went blind this weekend. I read no less than 8 - I did 3 in Massachusetts and 5 in New Hampshire Town Administrator job descriptions. Almost to a T. They're all the exact same thing. There's a little tweak here and there, all the criteria, qualifications, knowledge. Some of them even have disclaimers at the end of the job description. Steve I certainly appreciate your input. I didn't expect 20 pages. I thought that you would consider those areas where we had expressed concern during the year. I think that to add 1 and 3 to the job description, I'll entertain a motion.

Motion by Selectman Luszey, seconded by Selectman Brucker, for the Town Administrator 1) to have the ability to suspend employees pending further disciplinary action by the Board of Selectmen and 2) allow the Town Administrator to approve the use of the Hudson Community Center and the waiver of fees as appropriate.

Chairman Coutu said on the first one, the ability to suspend employees pending further disciplinary action by the Board of Selectmen may also mean that we're going to reinstate the employee with back pay if we felt that it was...Mr. Malizia said the implication is if there's immediately something I see, I do something. You can certainly do what you think is the best course of action. That's what that means. Chairman Coutu wanted this Board and future Boards to know that that doesn't take our authorities away from us in any way. For me personally, it would make me feel more comfortable knowing that you have the ability to be able to do that. I don't think in any case it's going to be a judgment call. I think I know you well enough to know that if you take that action, you mean business. Somebody would have to be really egregious to get you to that point. Steve Malizia said you always have the final say.

Selectman Maddox said he failed to follow the procedure. I saw the e-mail and I said send it to me. I didn't know you wanted me to mark it up and send it back. I had a number of things on here where the top line says "coordinates the daily administrative functions". I wanted to change that to say "responsible for the daily administrative". Those are the kind of things that I got into. It says #2, "may establish procedures for and coordinate all". I said "establishes". Why would the word "maybe" in there. I had a number of those but I wrote them on my piece of paper. I didn't know how we were going to do this minutia so I kind of didn't send it to you cuz I didn't know what you were going to make with my machinations.

Chairman Coutu said why don't we do it this way. We have a motion to approve the addition of those 2 items. Let's move on that motion and then you can come back and ask Donna to put this back on the agenda for reconsideration and we'll look at your suggestions. Selectman Maddox thought we were all asked to make the suggestions. I just didn't know how it was going to work. If she was going to take all of ours and mark it all up and say RM here, NB here, and...Selectman Luszey said we do need to do as the Chairman suggested because I would take a look at that and look at the RSAs to see if the wording is in line with the way the RSA depicts the duties of the Administrator. There are some nuances like the first one. He is a liaison for us. He doesn't administer the department heads. The words that you use would say otherwise I think and would be in conflict with the RSA.

Chairman Coutu stated in terms of the first line, he's running the Selectmen's office. He's the manager of that office. Selectman Maddox indicated it doesn't say about department heads. It just says "coordinates the daily administrative functions of the Office of Selectmen. I'm saying he's responsible for. Selectman Luszey said that's my point.

Vote: Motion carried 5-0.

Chairman Coutu told Selectman Maddox that the availability is there for you to come back with recommendations to...Selectman Maddox didn't know what everybody wanted to do. When I got this, I was kind of confused. As a PDF, we couldn't mark it up. I put it into my software and it tried to make it into a Word document and it did about 9/10th of it. Chairman Coutu thought the e-mails that Donna had sent out...Selectman Maddox said "mark it up". I didn't know if I was going to fax back this. Chairman Coutu said he didn't have anything to add. It didn't bother me one way or another. You're welcome to revisit this issue. I will certainly entertain that.

9. OTHER BUSINESS/REMARKS BY THE SELECTMEN

Selectman Maddox - Thank you Mr. Chairman. I know that these green signs in front of us are very nice but I think for the next couple of meetings we ought to change it to \$25.55 to strike home the fact that that is the average impact to the average homeowner for all of the contracts to be signed. I think this Board was in agreement and is still in agreement that these are important to move this forward. I think we just need to keep pushing that this is \$25.55 to the average home. We've been accused of not selling it Mr. Chairman. I think we need to find a way. I think that whether a couple of us go on television. I know that they're going to repeat the Deliberative Session for people to see the information, how do we get that out to the papers, how do we move this forward? I think we have a real opportunity here Mr. Chairman to stop going in circles. I think we've spent a lot of time and money on negotiations and contracts over the last several years. Maybe we didn't do a good job of selling it. How do we push this forward Sir?

Chairman Coutu suggested that we ask the Town Administrator to put together a press release from the Board of Selectmen and send it out to The Telegraph and the Hudson/Litchfield News. He could e-mail it to us and we can...Again, Selectman Maddox said we've heard a number of times that we didn't sell it. Chairman Coutu indicated that this was over and above anything we can do besides that. We could have a press release that the 5 of us agreed on the contracts. If there was one contract where the vote was 4 to 1 or something,

I'd say well it's not unanimous. Chairman Coutu this was unanimous so I agree with you. Mr. Malizia asked if the piece of paper that I gave you to read at the Town Meeting? Chairman Coutu said that would do. It's a repeat of what I said. Mr. Malizia said that explains it in a very simple rational fashion.

Selectman Maddox said, again, just to get that information out there. The savings we're going to receive on the insurance side Mr. Chairman I think people don't realize. I think we need to stress that. They see 2 percent but they're not seeing that we finally have the ability to get rid of Blue Cross Blue Shield JW out of the contracts. I think that is...Chairman Coutu asked what was the number...Selectman Maddox said the Town Administrator gave me the number of \$25.55 after we added up the total cost of the contracts. Mr. Malizia said when you subtract out the medical. In essence, that's what this says. Chairman Coutu asked if the Board wanted to put that out as a press release. That's one more thing we get out there. Selectman Maddox said exactly. I think if we get that out to the people...Chairman Coutu said the other avenue is we're going to have the Deliberative Session speech where he's pulling us out individually. There's going to be an introduction frame and then I introduce the warrants and then each of you speak on your warrants on the pay raises. I think that's just one more avenue. Selectman Maddox said he was trying to move it because it's a month away.

Selectman Nadeau asked when we said a press release and you said The Nashua Telegraph and the Hudson/Litchfield News, I'd like also to see the Lowell Sun and the Union Leader. They're doing more in the local NH section of the Union Leader. I've seen more presence of local news in that paper in the last 3 to 4 weeks.

Selectman Maddox thought those of us that get The Telegraph saw a great article on the Highway Department and the snow plowing. I don't want to take away your thunder if you're going to talk about it but it was nice to see them getting the recognition. I as part of my kick the tires kind of guy have ridden in a snow plow for 4 hours. It was the longest 2 days of my life. To see what they have to do not to hit your mailbox, you should be impressed. The work that they have to go through to drive that vehicle safely is just amazing. The roads were clear. Again, we need to accentuate the positives. I think that when you see what those people did with the manpower that they had - 38 hours straight but the care and consideration. I drove around a number of areas as I do but you go to other communities. They were saying that Boston the roads are still not plowed yet. Again, great group of people that deserve their consideration when they get to the warrant articles. That's all I have tonight Sir.

Selectman Brucker - I was at the School Deliberative Session last night. It was a very good turn out there. There was little negative comment on any of the warrant articles except there was some discussion of the feasibility study. It seemed to me that it was kind of split that or even a larger portion were in favor of going ahead with it. It was interesting to be there and see how people were responding.

Selectman Nadeau - I wasn't at the Benson Committee meeting last night. They did have some concerns about the gates not being locked anymore and they haven't been for a while. They want to keep the park hours that we have and what we have in our Town Code book. I'll get some more information on that. We are missing a lock on one of the gates so we'll have to get another lock. When we can get, we'll continue back with the Police Department locking the gates if that's what our problem is.

The next thing Selectman Nadeau has is the snow storm. I was out through the whole snow storm plowing and doing different things. I have to say I went back and forth between Hudson and Nashua and Windham. We had a lot of times where the roads were impassible but they were passable in other towns. There was a lot of people complaining that they couldn't get out. They didn't like how the roads were plowed. One of the biggest things that people don't understand is these are 10 wheel trucks. They only go one way. You can't go and do a one way street the opposite way so the snow goes the other way. That means you have to back up the street and it takes a lot of time to do that. All in all, these guys did a fabulous job. They were out there and like I said, I was there with a lot of the guys talking to them while they were out on the roads. I talked to Mr. Burns quite a bit. The Fire Chief quite a bit during this. The wind drifts were pretty amazing on Old Derry Road. There were spots that it was 4 ½ to 5 feet deep on the edges of the road blowing out of the field. It was something I've never seen and it was pretty interesting.

Selectman Nadeau indicated that the Road Agent and the Highway Department guys will be out in the next day or two cutting back the banks, doing the cul-de-sacs, moving the snow back so that we can get through. If you have any problems, questions, or concerns, please feel free to call the Road Agent and he'll address the problems and concerns. I don't want to be reading about it in the negative Thumbs Up Thumbs Down. If there's a problem or concern, please feel free to either call myself or the Road Agent and see what can be done. A lot of times people didn't like how the snow was pushed. There's just no way you can help with this quantity of snow where it goes. You live on the one side of the street and that's the way it goes. It's been that way for a hundred years. It's not going to change tomorrow.

Selectman Nadeau stated the next thing is tonight we allowed the Junior Woman's Club to hold their Candidates Night at the Community Center. It's a very informative way to meet the candidates and it will be on cable TV. I'd like to make sure that everybody knows that on February 21st, it will be the Candidate's Night. Please either watch it on TV or come to it in person. You're allowed to ask questions. I'd like to make sure that everybody knows that's out there.

Chairman Coutu said you threw out a problem and I haven't heard a resolution. This is not the first time we've discussed the problem about the locks at Benson Park. I know that the Police Chief had said that they can't always get there. We need to come to some sort of a resolution here. I listened to the arguments. I read some of the e-mails that the park is not secure anyway. What difference does it make if we lock a gate? To me it makes a difference because it opens a huge access area for motor vehicles and they can do an extensive amount of damage with a truck down in that park. Selectman Maddox said it was only the pedestrian gates that are unlocked.

Selectman Nadeau said the main gate at the top of the road was open. So you could drive into the parking lot down below. I think by having a locked gate, it tells you that you should not be in there. By not having a locked gate, well it's not locked and I didn't see the sign over there that tells me the hours so I didn't know. I think the locked gate - there's 102 ways around that locked gate if you want to walk through the woods, and travel through a stream and a swamp to get in there. If you want to get in, you're going to get in to do what you want to do in there. I've always said a locked gate is a deterrent number one. Number two, we've always said that we know that the Police Department can't get there at 8 o'clock when the park closes. We understand that but 11:30, 12:00, 3:00 is unacceptable. Whoever is in that sector that night, the first chance that they have available, the dispatcher should say please go do this, or the shift commander. It's not a big deal to every night the person that's in that particular section go over and lock that gate. I just can't understand. I know there's a lot of crime in Hudson but it's something that needs to be done. I think that's the way that we need to either figure a way to get this gate locked every night at that certain time whether it be if it has to be somebody from the Recreation Department to go lock the gate or however we want to do it. I think the Police Department is out there and I think that it's something that we should direct them to do.

Chairman Coutu asked Selectman Maddox to ask the Police Chief to see what his response is to..Selectman Nadeau said he already has it. Selectman Maddox indicated that he sent it to me and I think everybody was copied Mr. Chairman. Again, I think the Board is going to have to make a decision. Again, they make multiple trips through the park. They understand that the value of Benson Park to the community but they have other items on their agenda. To lock the park, and maybe it's my Billerica upbringing, but locks just said there must be something in there I want to go see. It kind of can go the other way. If the door is open, the gate is unlocked, the pedestrian gate, yeah if somebody wants to walk around in the park in the dark so be it. I think they can ride down other than right now with the snow. If they can drive a cruiser into there and see if there are people in there. The gate being locked I think makes it look good but it doesn't do anything. I think that's what the Chief really said is the manpower allocation, the time, you just don't see any benefit. If the Board wants to direct to the Police Department to do it, that's what we will do.

Chairman Coutu thought that's what we had done originally. Selectman Nadeau said me too. Chairman Coutu said this Board asked the Police Chief to have a police officer go whoever was on at night during that shift and they agreed to do it. Then all of a sudden it stopped. Selectman Maddox said we asked. We did not direct. I think we asked to say can this be done and he said yes. As other issues came up, that got put to the side. Again if it was a completely secure facility I'd understand but I think even some of us older folks could get into there without much trouble.

Chairman Coutu said he agreed but when you have the core volunteers that we have and the amount of time and work they put into it, they're concerned about their projects. They're concerned about the vandalism. Everything gets uprooted. They're concerned and they feel that us going out of our way for 10 minutes to secure the gates makes them happier, then I'm a happy camper. I'm responding to what Selectman Nadeau is responding to which is people who work at Benson's that feel that their little plots or whatever they're working on are more secure if the gate is locked. I was under the impression that the traffic gates were wide open. That's a little relief. I didn't know it was just a pedestrian gate. Even still, they said they were going to do it. They did it for the longest time and then they stopped. I can understand they can't do it for a week. They're doing a special investigation and got men tied up. I can understand that but just to drop it. I can't believe the guy in that sector at night can't find 15 minutes to pull in there and just make sure the lock is on the gate.

Selectman Nadeau indicated that one of the locks went missing about a year ago. Never heard that the lock went missing a year ago until I got the e-mail from Selectman Maddox stating that the lock had been missing for a year. A little concerning to me if you're supposed to be locking the gate and the padlock comes up missing. I'm sure in the spring I'll find the padlock 20 feet from the gate when I go looking for it - maybe 30. I think it's concerning that we didn't know that this lock was missing. We asked that they do this. I think they should have said hey the lock is missing. We can't lock the gate for you. If we need a motion to direct the Police Department to lock the gates, then I'd make the motion that we direct the Police Department to lock the gates.

Motion by Selectman Nadeau to direct the Police Department to lock the gates at Benson Park.

Chairman Coutu said a little more and not just lock the gates. Lock the gates between the hours of...Selectman Nadeau said the park hours. When the park needs to be closed. Chairman Coutu said the park closes at 6 p.m. and they can't be there specifically at 6. Selectman Maddox indicated that the winter hours are 5 p.m. it closes. Again, that's prime rush hour. It may not be until 6:30 p.m. Chairman Coutu said it might be unrealistic some nights. Selectman Nadeau indicated that the park opens at 5 a.m. year round. The park closes May 1st to August 31st at 9 p.m.

Selectman Luszey said if it opens at 5 a.m. when is the lock unlocked and who unlocks it. Selectman Nadeau indicated that Police Department. Again, there's a lot of excitement in Hudson at 5 a.m. If the officer goes by at 4:30 a.m. and unlocks it because every morning at 4:30 a.m. he's running a directed patrol over there, I guess that's a reasonable thing to do so he doesn't have to go back at 5 a.m.

Selectman Luszey thought an appropriate motion would be within 2 hours of the open and close time of the park and not a specific time. Stuff is going to happen. Chairman Coutu agreed. I think the 5 a.m. they've been doing it pretty regularly. It's 5 p.m. at night. Selectman Luszey said if there's no lock...Selectman Brucker indicated that we have to supply them with the locks. Chairman Coutu asked for a friendly amendment that within two hours of opening or closing time. The opening always gets done but within 2 hours of closing time? Selectman Nadeau said yes and if there's a problem like you said, a special investigation or something he could ask somebody else to do it or something. That's no problem. If he can't do it and we have that new fancy squad vehicle and the Fire Department has to do it at closing for 2 weeks, I don't think that's an unreasonable request so that we make sure that it's done.

Motion by Selectman Nadeau, seconded by Selectman Brucker, to direct the Police Department to open the gates at 5 a.m. and close the close the gates according to the closing hours with a 2 hour latitude.

Selectman Maddox said he's going to have to vote in opposition. I think that it's been like this for a while. I think we'd be better off asking the Chief to come in and tell us why it can't be done or what options he would give us rather than us dictating something that I'm not sure we know all the facts Sir. Chairman Coutu said he can agree with that. Selectman Brucker said he's sent us a letter. Selectman Nadeau said he's come in here in person and told us. Selectman Maddox didn't disagree with them. I just don't think that locking the gates is going to do all that much as far as eating up resources and man hours to do it. Selectman Nadeau stated - your Honor the gate was locked at 9:30 p.m. When the guy goes and locks the gate and says the gate is locked when he tells the dispatcher that and the next day they find the kid that spray painted the gorilla house, your Honor, the gate was locked. So he had to have trespassed to get in.

Selectman Maddox said if the hours are that the park is closed by Town Ordinance at 5 p.m., they're still trespassing. The lock means nothing.

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

Selectman Nadeau indicated that we had a whole bunch of fees and things in the Code book that I think we need to look at. I'll put this on the agenda for another item. The Police Department has violations and penalties for winter parking ban. One of the biggest things that I've seen a lot lately is the fire lane violations. I had talked to Mr. Cashell yesterday and he sent us out an e-mail about certain areas. I had asked the question about the Redbox kiosks. A lot of people are just pulling up to the kiosk, parking in the fire lane. With the snow right now and the prime example I'll use is Market Basket. I got a little Ford F150 with a plow. I couldn't get through last night. There were 3 people waiting in line to get their Redbox. I drove by their again today, the same thing at 2 p.m. It's definitely a problem. If you get caught parking in the fire lane, \$25. There's really no incentive to not park in the fire lane unless you don't want to pay the \$25. That's the same price as parking on the street at night when you're told not to. I think a fire lane violation is a bigger thing than that. I think that's something we need to look at, have the Police Chief look at.

Chairman Coutu said if you were to ask the Police Chief how many fire lane violations/citations were issued in the past year or two, they'd say none. Selectman Maddox stated that was not true. I am almost certain that they have issued a number of citations at various locations for fire lane violations but I will verify tomorrow. I'm pretty sure I've heard at some point them doing that. They have directed patrols for that I believe.

Chairman Coutu said he couldn't disagree with Selectman Nadeau because when I take my wife food shopping, I'm amazed at how many cars are parked in the fire lane in front of Market Basket. Selectman Nadeau said Wal-Mart was no better.

Selectman Luszey - I only have two items. They're really items for a future meeting. I asked Donna to pass out copies of some stuff that I've been perusing that talks about local and state governments beginning to use cloud services for their applications. There's also an article in there from TriTech who is our vendor for our current system that we use. I'd like to basically kick off a conversation at our next workshop specific to that and direct the IT Director to start putting plans in place to take a look at what we can and can't move to the cloud.

Selectman Luszey's second item is in response to the memo that Mr. Cashell sent out regarding the Community Development phones. I believe I forwarded that all to you. Again, I'd like to bring that up at our next workshop about working that process. I believe you have all of them. My last e-mail to him hopefully clarified my thinking around who should be answering the phones, how they should be programmed for pick up, voice mail, and all that. He actually agreed that it's probably worth our taking a look at.

Chairman Coutu was of the impression that you and I were reading different e-mails. I thought that the solution had been found and that they had taken corrective steps by a number of rings. The first ring the girls would answer. The second ring if it went to a second ring, then the next level Julie, and then if it went to the third ring, then whoever - John Cashell, Mr. Oleksak. Selectman Luszey said if you actually followed that logic, it went to the receptionist - the Administrative Aide. My proposal is if someone is calling Community Development, they're either looking for an inspector, the Zoning officer, or the Planning officer. Chairman Coutu said a lot of people just for information. Selectman Luszey said that was fine. You can program the phones to say type in one of these numbers on where you want to go. If it's information, who do you want that information from? It's not from an Administrative Aide. You want to be talking to the Zoning Administrator or the Planning Administrator to get the information or a Building/Electrical Inspector to get the information you're looking for not to be talking to someone to say okay let me get you in contact with. That was the point of my correspondence back and forth to Mr. Cashell. We should be allowing the people to get in contact with the people they need and want to talk to on the first ring and not on the 5th, 6th, and 7th ring. Chairman Coutu said that Selectman Luszey didn't want them to answer the phone. You want a voice communication. If you want this, press 1. Selectman Luszey said yes. When the phone rings and the system answers something to the affect that if you want the Zoning Officer press 1, if you want the Planning Officer press 2, if you want the Building Inspector press 3, all other, we'll send you onto the Administrator or whatever. Chairman Coutu asked if we could work that into our system.

Selectman Brucker thought maybe they set it up so that it went to the receptionist because they're often out doing inspections. I'm just wondering if that's why it was set up that way originally. Selectman Luszey said you might have an argument with the inspectors but I don't think you'd have a valid argument for the Zoning or Planning Officers. I'm not saying they're not out but from a business and customer sat point of view, you want to put that person in contact with the person they believe they need to talk to right off the bat. You

don't want them having to go through a secretary or receptionist to say okay I will take a message and give it to such and such or I'll forward you on. Selectman Brucker said she agreed. I'm just saying I wonder if that's why it had been set up that way. Maybe because they are out and about and they wanted somebody to answer the phone.

Selectman Luszey said he wanted that at the next workshop. I'll ask Mr. Cashell to come in and talk with it too.

Selectman Coutu - The only thing I have is a question. I believe we authorized the purchase and installation of cameras in this building upstairs coming in I thought both doors and the Tax Collector's Office. Selectman Luszey said no. It was in the Tax Collector's Office. Chairman Coutu asked if the camera had been installed and monitored. Selectman Luszey said it's being monitored and there's a panic button.

Chairman Coutu asked if we were doing anything else for security in that office. I know that there was a recommendation they put bullet proof...Mr. Malizia said the Department of Labor would like you to put Fort Knox in there. I guess if we get to the end of the year and we have money left, we can consider doing maybe wider counters or something.

That's all Chairman Coutu had except to say that I, too, echo what my fellow Selectperson said relative to the Highway Department and the outstanding job they did. We were very fortunate that nobody in town lost power. That was the last report we got. Selectman Nadeau indicated 7 people. There were limbs down in their yard and took out a power line. Nothing that we had to take care of as a major item.

10. NONPUBLIC SESSION

Motion by Selectman Maddox, seconded by Selectman Luszey, to enter Nonpublic Session pursuant to: RSA 91-A:3 II (b) The hiring of any person as a public employee.

Selectman Nadeau didn't understand why we can't do these right now and call it a night. Chairman Coutu said he agreed with you. I absolutely agree with you. Mr. Malizia said then do it as long as you don't talk about them. Chairman Coutu said you can have an objection to hiring a person or vote no on hiring a person. Selectman Nadeau asked if the Board saw any reason to vote no. Chairman Coutu indicated that you can vote no. You just can't disparage their reputation.

Selectman Luszey withdrew his second.

Chairman Coutu asked if it was the wish of the Board that we move the matter of the hiring of the HCTV Camera Operators to public session. Selectman Nadeau said he'd move it to that just so that it makes it a lot easier. Chairman Coutu said he saw at least 3 heads bobbing.

1) HCTV Camera Operator Hires

Chairman Coutu said if I don't explain this properly Steve just jump in. I was there when he was explaining this. Periodically as a result of kids going off to college, or changing colleges, or moving. He has a turnover of Camera Operators. What they do is they bring him in - I've had extensive discussion with Mr. McIntosh about the training process. It needs to be a little or extensive. You need to teach them to run these cameras a little better than they have been. We're getting there but it's going to take a little while because even Mr. McIntosh has limited hours. He is recommending that we hire 3 people to replace 3 that have left.

Steve Malizia said he didn't specifically say that but as I understand it, there's a pool of camera operators to cover a certain amount of meetings. They are special shift employees so they only work to fill vacancies. I understand he's probably looking at people have left and now he wants to make sure that he has plenty in the pool. As I understand it, the candidates here none of them are related to anybody and in a nutshell, two of them I think are going to be graduating from Alvirne or have graduated. Again, all he wants to do is have a pool of camera operators so that if there's 10 meetings in a week he has at least people to cover those 10 meetings. I do believe some have left. I don't know which ones specifically. They're not on salary. They don't get paid if they don't work. You get assigned a meeting, you work the meeting, and it's kind of that simple. They are special shift employees which just means that they're not guaranteed any hours but they're available for the meetings that lead to cablecast. Again just to re-emphasize, he did tell me none of them were related to anybody that he knows of.

Chairman Coutu indicated that he knew of the candidate's parents but I don't the other two. Mr. Malizia believed most of them were recent Alvirne students - graduates. I think one is still a student and the others are either recent graduates. Chairman Coutu thought the one that he knew, the father did sports shows on television.

Motion by Selectman Brucker, seconded by Selectman Nadeau, to hire Phillip Christopher, Krystofor Houde, and Elizabeth Truesdell, as Camera Operators, at the rate of \$11.00 per hour effective February 13, 2013.

Selectman Maddox asked how many camera operators do we have today. Selectman Nadeau said it doesn't really make a difference does it. Selectman Maddox was asking you say it's not going - these people need to be trained. So we're going to train these people. Chairman Coutu said that Mr. McIntosh gives them hands on - in other words, he's here in the studio with them as they're learning, they're doing it hands on, on the job. Selectman Maddox said so they go to a meeting and he's going to be with them showing them how to do it at a meeting. Chairman Coutu said correct. Most of the time, quite frankly, we don't get billed for it. Again, Selectman

Maddox asked how many camera operators we have as a point of reference. You're hiring 3 to replace 2? 1? 6? Again, it just seems a little fuzzy but the train has already left, let's make...Chairman Coutu believed that with these 3, it will give us a number of 7 and like now we had the Deliberative Sessions, we have...Mr. Malizia said public hearings for the Budget Committee. You have various and sundry meetings. The pool has generally been 6 to 7 people of this level. Selectman Maddox said he didn't know that 3 had left. That's the only question. Selectman Nadeau said they may not have left, but maybe they're going into sports this season. They'll be available in 3 or 4 months for their shift. I can't do Mondays or Wednesdays but I can do Thursdays. These people that he might be hiring might be able to do the Tuesday meetings and they might only be getting 1 shift and the other guy is still getting 2 shifts. It's so everything is covered so that we don't have to - it's kind of a reliability thing. If somebody calls out sick, you want to have another person in the pool that's trained.

Chairman Coutu said it was difficult too. They're kids. If some kid calls in sick, he's supposed to be televising this meeting tonight and they're calling around and they can't get a kid in. Guess who comes in here and runs the camera? McIntosh or Mike O'Keefe on his own time. This is to them the most important meeting is the Board of Selectmen. It has to be televised.

Selectman Maddox said he was going to leave it at this. I think that maybe at some point we need to talk to Cable Utility about hiring non kids that go off to college and whatever that have more...Selectman Luszey indicated that we've done that. Selectman Nadeau said we've said that before and we've told them to hire seniors. Chairman Coutu said he would prefer that we reach out to the senior committee and I think there's a reluctance to do that. I think we need to reinforce it. Selectman Maddox said they'd still be hiring kids every 3 months but maybe times flies by when you're having fun.

Vote: Motion carried 5-0.

11. ADJOURNMENT

Motion to adjourn at 10:33 p.m. by Selectman Brucker, seconded by Selectman Nadeau, carried 5-0.

Recorded by HGTV and transcribed by Donna Graham, Recorder.

HUDSON BOARD OF SELECTMEN

Roger E. Coutu, Chairman

Benjamin Nadeau, Vice Chairman

Richard J. Maddox, Selectman

Ted Luszey, Selectman

Nancy Brucker, Selectman