

HUDSON, NH BOARD OF SELECTMEN
Minutes of the January 8, 2013 Meeting

1. CALL TO ORDER - by Chairman Coutu the meeting of January 8, 2013 at 7:00 p.m. in the Selectmen's Meeting Room at Town Hall.
2. PLEDGE OF ALLEGIANCE - led by Representative Shawn Jasper.
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; Patti Barry, TC/TC; Lt. Kevin DiNapoli; John Cashell, Town Planner

Chairman Coutu asked everyone to rise for a moment of silence. I'm asking you to rise for two purposes. Inasmuch as we haven't had an open meeting in 2013, I want the Town of Hudson and its town representatives to hold their holds down in prayer or thought for the victims of the elementary school shooting in New Town, Connecticut.

Also, Chairman Coutu wanted to bring to mind for those of you who didn't know that Catherine Valley, a long time member of the Sewer and Water Utilities passed away recently. If you will in prayer or in thought for those two that I have mentioned. Just as a sideline because I can't hold myself back, I wanted to tell everyone a very short and funny story about Catherine Valley. I first met Catherine Valley approximately 12 years ago at a welcome home to Catholics at St. Kathryn's. Father Gary had spoken with Doris and me and invited us to go and we went. That's where I first met Catherine Valley. How I met her is we were standing upstairs during an intermission that Father Gary had called. There was coffee, juice and a lot of pastries laid out there. I had just finished eating a cookie and I saw Catherine heading over to the platter and she was going to pick up a cookie. I said, "Catherine I wouldn't eat those if I were you they were horrible." She said, "Really, I baked those." So be careful what you say. Believe it or not, we've been friends ever since but she did remind me many times that I didn't like her cookies.

4. PUBLIC INPUT

Chairman Coutu indicated that we have public input. I will ask anyone in the audience who wishes to step forward to do so and in the process as you sit down, please state your name and address for the record. I know that Shawn Jasper is recorded to want to speak on the Train Station. We will hear him first.

Thank you Mr. Chairman and members of the Board. Shawn Jasper indicated that it was his pleasure to be back here and this is my first time back before the Board since March. I'm sure it's no surprise to most of you that I'm here about a subject that is near and dear to my heart and that being Benson Park. Also I do appear here in the capacity as the individual who you asked to continue to be Liaison to the State in regard to the grant that we've been working on for some years now. It was with a great deal of concern that I heard and saw what was going on relative to the latest contract. I don't mean this as a way of questioning the Board's decision because I share most of your concerns. I'm trying to give you a little bit more understanding and background perhaps. I understand that a total amount of engineering and whether its \$130,000, \$2,000, or \$120,000 whatever the number may because I know we've paid some out and there's more to go. It's an outrageous amount and I will not attempt to defend that. I think this is part of the problem where our federal government is so badly in debt. The federal government spends money in my opinion very unwisely.

With that being said, Shawn Jasper said he knows one of the things you wanted was for someone from the Department of Transportation to come in here and explain to you why this is happening. I don't know if you've had a response and I haven't spoken to anybody from the State but I suspect you probably won't have anyone come in here because in fact they administer a federal program. My understanding is that they are paid a fee to administer these types of programs and they have to follow the federal guidelines in coming up with the contracts and seeing that this happens. They really have their hands tied to a certain degree as well and are unable to do what I think they would probably like to do as well but are simply unable to do because it's not State of New Hampshire money. The 75 percent match is federal money. The State is really not in a position to change the criteria. Frankly, I don't think that the State really cares to be quite blunt whether the Town of Hudson gets this money or if you turn down the grant and choose not to proceed that they can administer that money and give it to another town. They've been working on this for a long while. I certainly have spoken with the Assistant Commissioner and understand his great frustration in how long this has taken. I think we're on the same page. I've spoken with Bernie Manor. I understand his concern and we all share the same concern. The reality is this is a 75 percent match from the federal government. If they choose to throw away \$80,000 on engineering and we have to match that with another \$30,000 and we get the job done, the taxpayers of Hudson come out ahead of the game. This project is still going to cost no matter how you do it far more than we have available. Understand that with certain add ons and what no, we may be looking in total to asking the taxpayers down the road as we complete this whole project which will be sometime down the road for perhaps an additional \$40,000 at most.

If we turn back this grant, we're turning back something like \$350,000 or more and there's no way that we can do the project for the money that our share is allocated even if you did no engineering. Mr. Jasper indicated that Mr. Manor has outlined a process of getting the train station moved for the money that we have and put on a foundation. That's as far as that really goes. He talks about volunteers doing the work but does not address the issue of to do this project the materials to build the deck, materials for the fascia, the furnace, all the infrastructure that goes in the building. You can't have volunteers do many of these things. You have windows that are all broken up that are going to have to have craftsmen with the right machines to remill those parts and put those back together. There's the electrical work. I think one of the things that we risk doing at this point is burning out our volunteers. When you start saying we're going to send \$350,000 back to the federal government on principle and now we're going to ask you to supply materials and your expertise labor, I don't think you're going to get too far quite frankly. It's not like the federal government is going to take that \$350,000 or whatever the number is and say okay we're going to send it back to some taxpayer some place. It's going to go to another project. I

think given the fact that we're obligated under the deed to do this project to the Secretary of Interior Standards which is still going to put us to some very rigid standards, this is the best bang for our buck at a 75/25 match. We are not going to do any better. We can all be very frustrated. I think we can all understand that the federal government is running a \$1.4 trillion or \$1.2 trillion deficit exactly because of these types of things. It's not a huge amount of money in the grand scheme of things but they all add up. Hudson is going to suffer if we don't do this. We've been working on it and we've known maybe not that it was \$120,000 of engineering but certainly we've known it was a lot for a long time. I would really encourage the Board to sign the contract, get this moving on because there's a lot that can't happen in that park with that train station sitting there. There's a lot of things that need to happen. The whole entrance to the park frankly continues to be I think an embarrassment. People can't see the beauty of the park. Rather they see a mess right now. We need to work forward to clean that up and to get that done. I would highly encourage you and ask you to sign the contract, accept the grant, and move on. I'll be glad to answer any questions if I can.

Chairman Coutu said to Representative Jasper that we've always shared the same concerns about DOT. No one has been more vociferous over the years than Selectman Maddox about the acronym and the pace in which they move. You mentioned in your remarks that you've spoken with the Assistant Commissioner. Have they at any point given you any idea of a time frame that we could get moving on this once we sign the contract?

Shawn Jasper said that is up to us at that point. Once we sign the contract and the funds are available, WarrenStreet can get all the proposals out. This is the ideal time to get it done so that we can get this done in the spring and it's going to give us the whole summer to start doing the work that we need to. This can forward immediately much later and again we're going to start to run into some real problems. If we start now, I think the estimate has been in the past that once we get the subcontract signed, we can get the contracts out very quickly or the RFPs very quickly. I would imagine we would be in a position if we do this in January when the frost comes out of the ground, not that it looks like there's going to be very much this year, we can start doing the work and have this move along very quickly.

Chairman Coutu said he can't speak for other members of the Board but I will speak for myself and anybody else can join in afterwards. I vented a lot of frustration and made statements like we're being held hostage for money. I realize full well at the end of the day we have a significant investment in this project right now. To back away would be absolutely insane. It has not been brought to my attention by any individual member of this Board that that's their intention to try to scuttlebutt the project. I share with you a concern that we need to do whatever we can to enhance - especially the entrance to the park and once we move the train station and we get some work done around that area, I think it's going to be a tremendous enhancement for the park. The plans as you have suggested previously I think would serve as a great educational opportunity for students at Alvirne High School and other opportunities as well for that train station. If anyone else has anything.

Selectman Maddox thought he made the motion - I was the chief rabble-rouser. I know we're going to have to do this. I think our question was much like we dealt with the Pelham Road situation, we had somebody come down from DOT that could answer some questions. We were about to spend another \$100,000 on that project if we had listened to all of the meetings, e-mails, and whatever. By simply having somebody come down and say no that's not what you should be doing, do this we got it moving and didn't have to spend \$100,000 taxpayer dollars. Knowing Mr. Jasper as I do from this Board, the Budget Committee and whatever. When we asked the people on the other side of those cameras for another \$30,000 - \$40,000, have we exhausted every avenue we can to keep that number down? We had not yet hired the Town Engineer so we did not know where we were going to be, we now have a Town Engineer with a PE stamp. If that person simply said we could utilize our Town Engineer and his PE stamp so we don't have to pay that \$130,000 worth of engineering for someone to drive down from Portsmouth to say yes that's a hole in the ground. That's what we're looking for. We all know we're going to have to do this. It's just a function of before we go - because we don't have the \$30,000, is there a way that we could utilize Town staff to offset some of those costs? Again, \$120,000 to engineer a building the size of a single-wide mobile home from here to the fire station never is going to make sense to me but I understand and I don't disagree with you Mr. Jasper. We need to do it but are there things that we can do. That's what we were looking for someone to say you've already done the archeological in that area. You don't have to do it again. You've saved the \$40,000 we don't have, off we move. I think that's what we were looking for. We were never looking to stop the program. It was simply to do what we should be doing to cost contain.

Shawn Jasper said he didn't think you're going to get that kind of an answer because, again, we've been negotiating this contract and these ideas and Gary Webster has been a very strong advocate for the town in using town resources for the past two years. The problem I assume in part and it is to a large degree an assumption is that the problem with using town forces to verify the work is that that's like having the fox watching the hen house. That's a conflict of interest. It's in the Town's best interest for the Town Engineer to say okay the Town's done everything right. It's also a problem if you as a selectman who are trying to save money are then upset with the engineer because you don't get the answer you want. There needs to be independent verification. I want to make clear that the moving process which is Phase II, Phase I is already done, is about \$21,000 of engineering. The bulk of the engineering is architectural review. It's not engineering something that a Civil Engineer or a Professional Engineer do. It's Architectural Engineering. It's the structural parts of the building. Once we get it on the ground that first \$21,000 and have it set there, the rest of it is not that type of engineering. I think that's where the problem comes in. Even in the first phase to have the Town verify its own work is really a conflict. Again, they have certain standards they have to go by for the feds. I think at this point and I'm very confident that if there was any way that Gary Webster could have got that into the contract and WarrenStreet could have and I've met with them in the past that would have been done. I don't think the State has an interest in coming down here. There's a great deal of frustration in Concord with how long this has taken. From Concord's view right or wrong, much of that delay in their opinion belongs to the Town of Hudson. That could be all right. It could be all wrong but that is their view of things and that's all I'm relaying to you is what's been relayed to me. They want to get this done. They want to get it off this table. They have a contract that you can sign and can be approved and that we have negotiated. That's the best you're going to do right now and I would urge you to accept that fact.

Chairman Coutu thanked Mr. Jasper. I hope that you'll continue to apprise us of any more action that may be taken relative to this contract as well as any legislation that might affect the Town in the near future. Shawn Jasper said he certainly will.

5. NOMINATIONS AND APPOINTMENTS

A. Interviews and Appointments

- 1) Conservation Commission - (5 vacancies, 2 member terms to expire 4/30/16; 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 - did not show for interview

6. CONSENT ITEMS

Chairman Coutu asked if any Board member wished to remove any item for separate 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 211, Lot 021; Map 174, Lot 064, w/recommendation to approve
- 2) Disabled Veteran Tax Credit - Map 246, Lot 063, Sub 002, w/recommendation to approve
- 3) 2012 Tax Abatement - rescission and re-approval - Map 176, Lot 24, w/recommendation to approve

a. Motion to rescind the December 11, 2012 abatement for Map 176, Lot 24, 204 Central Street, as recommended by the Assistant Assessor

b. Motion to approve the granting of an abatement to Map 176, Lot 24, 204 Central Street, as per attached abatement form dated January 8, 2013, as recommended by the Assistant Assessor.

- 4) 2012 Tax Abatement - Map 214, Lot 4, w/recommendation to approve
- 5) Supplemental Bill/Elderly Exemption - Map 184, Lot 027, w/recommendation to approve
- 6) 2012 Tax Abatement - Map 198, Lot 26, w/recommendation to approve

a. Motion to approve the granting of a Residence in a Commercial/Industrial zone classification for the property located at Map 198, Lot 26, as recommended by the Assistant Assessor.

b. Motion to approve the granting of an abatement to Map 198, Lot 26, 70 Lowell Road, as per attached abatement form as recommended by the Assistant Assessor.

- 7) 2012 Tax Abatement - Map 198, Lot 17, w/recommendation to approve

a. Motion to approve the granting of a Residence in a Commercial/Industrial zone classification (Business) for the property located at Map 198, Lot 17, 89 Lowell Road as recommended by the Assistant Assessor.

b. Motion to approve the granting of an abatement to Map 198, Lot 17, 89 Lowell Road, as per attached abatement form as recommended by the Assistant Assessor.

B. Water/Sewer Items

- 1) Water Abatements - W-UTL-12-16; W-UTL-12-17, w/recommendation to approve
- 2) Sewer Abatements - S-UTL-13-07; W-UTL-13-08, w/recommendation to approve

C. Licenses & Permits

- 1) Outdoor Gathering Permit - Kiwanis Fishing Tournament
- 2) Request to Solicit Funds - Teen Challenge New England

D. Acceptance of Minutes

- 1) Minutes of the November 13, 2012 meeting
- 2) Minutes of the November 27, 2012 meeting
- 3) Minutes of the December 4, 2012 meeting
- 4) Minutes of the December 27, 2012 meeting

E. Calendar

1/09 7:00 Planning Board - Buxton CD Meeting Room
1/09 7:00 Budget Cte - BOS Meeting Room
1/10 2:30 Trustees of Trust Fund - Buxton CD Meeting Room
1/10 5:00 Sewer Utility Committee - BOS Meeting Room
1/10 7:00 Budget Cte - Public Hearing - Community Center
1/10 7:30 Zoning Board of Adjustment - Buxton CD Meeting Room
1/14 7:00 Conservation Commission - Buxton CD Meeting Room
1/15 7:00 Special Board of Selectmen - BOS Meeting Room
1/15 7:00 Budget Cte - Public Hearing if needed - Community Center
1/15 7:00 Cable Utility Cte - HCTV studio
1/16 5:00 Water Utility Cte - BOS Meeting Room
1/16 7:00 Senior Affairs Cte - Buxton CD Meeting Room
1/17 7:00 Benson Park Cte - BOS Meeting Room
1/17 7:30 Budget Cte - Buxton CD Meeting Room
1/21 MARTIN LUTHER KING, JR. DAY - TOWN HALL CLOSED
1/22 7:00 Board of Selectmen - BOS Meeting Room
1/23 7:00 Planning Board - Buxton CD Meeting Room
1/24 7:30 Zoning Board of Adjustment - Buxton CD Meeting Room
1/28 7:00 Recycling Cte - BOS Meeting Room

7. OLD BUSINESS

A. Votes taken after Nonpublic Session on December 11, 2012

- 1) *Motion by Selectman Brucker, seconded by Selectman Maddox, to hire Patrick Colburn as the Town Engineer within Community Development beginning on January 7, 2013. This assignment will be an exempt position and in accordance with the Hudson Police, Fire and Town Supervisors Association Contract with a starting salary of \$74,334 and then to Step 2 \$77,418 at the completion of probation, carried 4-1. Selectman Luszey in opposition.*
- 2) *Motion by Selectman Maddox, seconded by Selectman Luszey, to hire Gary Webster as the Part-Time Civil Engineer, 24 hours a week, at an hourly rate of \$30.11 per hour starting January 1, 2013, carried 5-0.*
- 3) *Motion by Selectman Luszey, seconded by Selectman Nadeau, to grant Chief Lavoie's request to buy out 720 hours of his earned time at his current rate of pay, carried 4-0-1. Selectman Brucker abstained.*
- 4) *Motion by Selectman Luszey, seconded by Selectman Nadeau, to forward the Hudson Support Staff Contract to the Fiscal Year 2014 Warrant, carried 5-0.*
- 5) *Motion by Selectman Luszey, seconded by Selectman Maddox, to forward the Hudson Police, Fire and Town Supervisors Association Contract to the Fiscal Year 2014 Warrant Article, carried 5-0.*
- 6) *Motion to adjourn at 12:55 a.m. by Selectman Luszey, seconded by Selectman Maddox, carried 5-0.*

B. Votes taken after Nonpublic Session on December 27, 2012

- 1) *Motion by Selectman Brucker, seconded by Selectman Nadeau, to forward the IAFF Contract to the Fiscal Year 2014 Warrant, carried 3-0.*
- 2) *Motion by Selectman Brucker, seconded by Selectman Nadeau, to forward the Police Employee Contract to the Fiscal Year 2014 Warrant, carried 3-0.*
- 3) *Motion to adjourn at 9:21 a.m. by Selectman Nadeau, seconded by Selectman Brucker, carried 3-0.*

C. Petitioned Warrant Article for Land Transfer Map 253, Lots 67 & 66

Chairman Coutu recognized Town Administrator Steve Malizia.

At your meeting on the 11th, Steve Malizia indicated that the Board received a Petition Warrant Article to relocate a property line for property line readjustment on Map 253, Lot 66 and 67. Our Attorney had advised that there was better language for that petitioned article. The Petitioners through that petition has resubmitted a petition using the Attorney's recommended language. That's what you have in front of you right now. It has the valid signatures so it will go on the warrant for Fiscal 2014 as it must be approved by the voters. What I would recommend is you vote in the affirmative for this. It's certainly your choice but I would recommend it and it will correct a problem.

Motion by Selectman Luszey, seconded by Selectman Maddox, to recommend the petitioned warrant article for a land swap of property located at Map 253, Lot 67, owned by David and Kristine Melanson and Map 253, Lot 66, owned by the Town of Hudson, carried 5-0.

- D. 2012 Tax Abatements - Map 182, Lot 021; Map 216, Lot 018, Sub 010; Map 165, Lot 139; Map 168, Lot 041; Map 191, Lot 043; Map 216, Lot 018, Sub 042; Map 165, Lot 138; Map 191, Lot 134; Map 175, Lot 053; Map 148, Lot 017; Map 190, Lot 163; Map 174, Lot 138; Map 147, Lot 018; Map 222, Lot 053; Map 190, Lot 179; Map 156, Lot 063, Sub 027; Map 183, Lot 022; Map 167, Lot 019; Map 175, Lot 116; Map 182, Lot 151; Map 138, Lot 031; Map 197, Lot 110; Map 147, Lot 017, Sub 034; Map 175, Lot 041; Map 198, Lot 066; Map 183, Lot 059; Map 136, Lot 015, Sub 001; Map 173, Lot 025, Sub 054; Map 190, Lot 032; Map 116, Lot 024; Map 151, Lot 010; Map 156, Lot 063, Sub 118; Map 142, Lot 007, Sub 021; Map 207, Lot 008; Map 218, Lot 004; Map 167, Lot 010; Map 147, Lot 022, Sub 007; Map 182, Lot 150; Map 178, Lot 013, Sub 002; Map 168, Lot 098; Map 197, Lot 077; Map 203, Lot 109; Map 216, Lot 018, Sub 051; Map 229, Lot 012; Map 156, Lot 063, Sub 120; Map 174, Lot 196; Map 174, Lot 177; Map 160, Lot 094, Sub 002; Map 204, Lot 006, Sub 927; Map 204, Lot 006, Sub 517; Map 204, Lot 006, Sub 838; Map 182, Lot 200; Map 204, Lot 006, Sub 922; Map 156, Lot 063, Sub 116; Map 156, Lot 008, Sub 013; Map 197, Lot 147; Map 241, Lot 006; Map 174, Lot 205; Map 174, Lot 202; Map 168, Lot 002, Sub 003; Map 197, Lot 181; Map 168, Lot 117; Map 182, Lot 196; Map 178, Lot 013, Sub 043; Map 193, Lot 018; Map 168, Lot 002, Sub 021; Map 111, Lot 047, Sub 002; Map 216, Lot 018, Sub 027; Map 198, Lot 040; Map 133, Lot 045; Map 183, Lot 122; Map 191, Lot 099; Map 178, Lot 013, Sub 109; Map 178, Lot 013, Sub 080; Map 156, Lot 063, Sub 068; Map 165, Lot 141, Sub 328; Map 168, Lot 002, Sub 022; Map 175, Lot 059; Map 204, Lot 006, Sub 327; Map 174, Lot 230, w/recommendation to approve

Chairman Coutu recognized Town Clerk/Tax Collector Patti Barry.

Good evening. Patti Barry indicated at the last Board meeting the Assistant Assessor submitted a large group of parcels for a request for tax abatements for them. These are all properties that have exemptions and/or Veterans credits. With the revaluation last summer, they have now been over billed property taxes for the year 2012 and are due refunds. At the time I had given Jim a report from our software company and I did not realize that there was a glitch in the first column. The column said net bill with credits however those numbers that were being pulled for that column were actually the numbers without the Veterans credits added in. The math has the Veterans credits added in there. I went through all of the properties again and did a new worksheet that separates out the total bill, Veterans credits, what their net bill is and what their refund should be. The last numbers of all the refunds are still the correct numbers. It was the first column that was incorrect on that report.

Motion by Selectman Brucker, seconded by Selectman Maddox, to approve the 2012 property tax abatements as listed on Jim Michaud's Memo dated December 11, 2012, carried 5-0.

8. NEW BUSINESS

- A. Acceptance of a donation of \$100 from the Hudson Sno Men

Chairman Coutu recognized Town Administrator Steve Malizia.

Steve Malizia said this is an annual donation from the Hudson Sno Men. I believe they meet occasionally at the Oakwood facility. So in gratitude, they're donating \$100. I recommend the Board accept it with the Board's thanks and appreciation.

Motion by Selectman Nadeau, seconded by Selectman Luszey, to accept the donation of \$100 from the Hudson Sno Men to be put into the Recreation Donation Account with the Board's thanks and appreciation, carried 5-0.

- B. Public Hearing - Acceptance of a donation of five (5) Motorola Single Band APX 7000 portable radios from the US Department of Homeland Security valued at \$17,689.20

Chairman Coutu recognized Lieutenant Kevin DiNapoli.

Good evening. Lieutenant DiNapoli said he was here on behalf of Chief Lavoie. Again respectfully as you've already noted, requesting permission to accept a Homeland Security grant for the department to be able to purchase 5 more portable radios at a total value of \$17,689.20. Chairman Coutu asked it if was without a match. Lt. DiNapoli said that was correct.

Chairman Coutu opened the public hearing at 7:27 p.m. Anyone in the audience who wishes to speak on this item please step forward and state your name and address for the record. Seeing none, I will close the public hearing at 7:28 p.m.

Motion by Selectman Brucker, seconded by Selectman Maddox, to accept a donation of five (5) Motorola Single Band APX 7000 portable radios from the US Department of Homeland Security valued at a cost of \$17,689.20, carried 5-0.

- C. Vacancy for Position of Secretary in the Community Development Department

Chairman Coutu recognized Town Administrator Steve Malizia.

Steve Malizia indicated this is the vacancy created a few months ago when the incumbent in the position moved on to the school district. This position has been filled continuously since then by a temp. employee from a temp. agency I believe and now we're requesting to post for the hire of this position.

Chairman Coutu recognized the Town Planner John Cashell.

Thank you. John Cashell indicated this was a request by the department for reconsideration of the previous action of the Board of Selectmen to postpone that hiring I believe in regard to the new flow chart that was being developed. Just wanted to let the Board know we do have a temp. in place. She's learned the job very well and very quickly. She works very well with the staff and she could be a possible permanent hire with the consideration of this Board of Selectmen. We do have to go out to advertise hopefully eventually but we do have a person in place and she's doing a good job working for us.

Chairman Coutu asked what we were presently paying this temp. Mr. Cashell said the agency's cost is roughly \$17 an hour. Chairman Coutu asked the length of the contract. Mr. Cashell said it was an open contract on a per day basis.

Selectman Luszey indicated that we're scheduled to talk about the work flow analysis on February 5th. I'm just curious on why this has come forward for the second time prior to that meeting. John Cashell stated this was brought to my attention again by Ms. Graham as an item to be discussed. The department really doesn't mind if the Board of Selectmen goes along with continuing the present situation until the work flow issue has been resolved one way or the other. I'd like to make sure that everybody is aware that we are still really trying to get this position filled on a permanent basis. It would be ultimately to the...Chairman Coutu said he certainly can understand your concerns. However in light of the fact that the Board had agreed that we would look at workflow analysis and the various positions that are presently open, the need for those positions or other positions will take place on February 5th. Selectman Luszey I know that you've taken charge on this project and you've been doing the bulk of the leg work on this project. When you make this presentation on February 5th are you going to be ready at that time to make recommendations on the basis of some of the requests that we have received.

Selectman Luszey said he personally won't. For me, the workshop is just that. It's a workshop for this group as a Board to take a look at all the positions, all the work that needs to be done, and how best to utilize all those positions. If it were up to me, I could do that by myself today and I wouldn't have a problem but that's not for me to do. It is for us to do with the input from the department heads. Chairman Coutu said he understood that but I just didn't know which approach you were going to take whether you were going to make personally an observation and recommendations or we're going to evaluate the work product and we're going to make a decision on the basis of that work product. Selectman Luszey said he had hoped that this Board would do it in a collaborative manner with the department heads.

Selectman Brucker said if this full time person came in would it be at the Step 1. It looks like its \$15.44. John Cashell said most likely. Steve Malizia said the answer is yes.

If there's no objection, Chairman Coutu said we will move the item from the agenda subsequent to the February 5th meeting. Without objection? Selectman Nadeau said yes. Chairman Coutu indicated that we're going to do the workflow analysis and evaluate that and then the vote may not be 5 to 0 to hire, or not hire, it could be 3 to 2, 4 to 1 but we'll make a decision collectively as a team. That's the plan. We will continue the position in its existing course and we will do the study of the work flow analysis that's being conducted if it isn't already done and then we'll look at that particular position at that time or shortly after that time.

John Cashell said he'd like to make an announcement. Bill Oleksak, a long time employee Zoning Enforcement Officer, Building Inspector, Health Officer for the Town successfully had his operation today for a hip replacement. If anybody has any questions regarding the rezoning petitions this year, I did put that map up earlier. Chairman Coutu thanked Mr. Cashell for his presentation and we will certainly take what you presented to us under advisement. I'd like to have an opportunity to see the analysis.

Selectman Luszey said that we also have the work that we have the Fire Chief doing with the Building Inspector. That's all going to dovetail in together all into that. Chairman Coutu indicated that's all going to be presented at the same time isn't it. Selectman Luszey said that's coming in this month. Steve Malizia indicated that was asked for on the 22nd. Chairman Coutu said he has an employee temporarily and until we make a decision we're fine. I think he understands that.

D. Mileage Reimbursement Rate

Chairman Coutu recognized Town Administrator Steve Malizia.

Steve Malizia indicated that the Finance Director has prepared this Memo. She asked me just to speak to it. It's basically the IRS's optional standard mileage rate. It's up a penny from last year. To put it in context, last year we spent about \$2,900 on mileage. That's for reimbursement of personal vehicle use either via employee or elected officials should they choose to put in for mileage. It would add possibly another \$80 for the year when I figured out the mileage. The IRS has gone from \$.555 to \$.565. It is your prerogative, your choice if you'd like to bump that rate up per her recommendation.

Motion by Selectman Nadeau, seconded by Selectman Luszey, to amend the Personnel Policies, Section VIII Training, subsection B. Travel, to increase the mileage reimbursement rate from \$.555 per mile to \$.565 per mile, effective January 1, 2013, carried 5-0.

E. Oakridge Condo Betterment Fee Process

Chairman Coutu recognized Town Administrator Steve Malizia.

As you are aware, Steve Malizia said there's a project going on right now for approximately 100 age qualified I believe residences in Hudson. The parcel was part of what we called the "Belknap Betterment District" which some number of years ago was paid for by the other folks who had sewer extended. This lot had sewer available but because it was not in development no money was assessed because it was a pretty healthy chunk of \$212,000. The process to collect that money was originally set up that upon permit they would pay it but from a logistical perspective, the Sewer Utility's recommending that when the developer pays, the sewer impact fee would just be easier to collect the money at the same time on the same form by the same department. That's all they're saying is they want to collect it at that point in time. Hence, that's why they have this Memo. They believe it would be more efficient and collected by the Sewer Utility Clerk. Chairman Coutu asked if this was requested by the Sewer Utility Committee. Steve Malizia said that was his understanding.

Motion by Selectman Brucker, seconded by Selectman Luszey, to accept the Sewer Utility Committee's December 13, 2012 recommendation "to change the method of collecting the betterment fee for the Oakridge development project from at the time of building permit application to at the time of the sewer capital assessment fee is paid".

Selectman Luszey said it was unclear for him is how is the fees calculated today is it a lump sum up front? Chairman Coutu said it was done at the time of the application. Steve Malizia said there was a cost for the Belknap Drive Betterment District. Selectman Maddox thought he know what it was from the Planning Board. That parcel had sewer but they did not pay anything. It was a number of years and I think it was interest charged over all those years. That's how it got to the \$212,000. I think it was like in the 70s.

Mr. Malizia said some number of years ago sewer was extended to the Belknap Road area and a District was established called the "Belknap Road Betterment District". So the existing residences that hooked up paid a betterment fee and they paid it over time. They have a payment plan they make. They make a payment every year. There was this undeveloped tract of land that had it been assessed to the original owner who didn't have any buildings or any structures on it would have been over \$100,000. At the time, the decision was made - this was before all of our time - to not charge that but to put it when that property got developed as a charge for that property. Now the property is being developed. It's gone through the approval process. There are 100 units going in. With interest calculated, it's a \$212,000 assessment for them to hook up to sewer. It's part of the original district that was never paid.

Selectman Luszey asked if that was the same and if it's the one I was thinking of, didn't the developer do a lot of upgrades to the sewer? Mr. Malizia believed there was some cross country water I think that they ran over to that property. The sewer was already there. The water was run cross country which the developer paid for separately. Bottom line, this is the cost to hook into the sewer system for this development which was contemplated when the district was originally set up but not paid for at the time because it would have been onerous for some property owner who didn't have anything on the property to pay some what we would consider exorbitant fee for the ability to access sewer. Selectman Maddox said that was deferred with interest until the lot was developed. Steve Malizia indicated they get it in the end one way or the other.

Vote: Motion carried 5-0.

F. Budget Committee Legal Request

Chairman Coutu recognized Town Administrator Steve Malizia.

Steve Malizia said it was his understanding at the December 18th Budget Committee meeting, the Budget Committee unanimously made a motion to request the Board of Selectmen' permission to consult with the Town Attorney to determine if the School Board violated RSA 91-A in determining their, the School Board's, proposed budget cuts. I've attached the minutes where they made that motion and I bring it in front of you because that's what's been directed or asked of by the Budget Committee. What I believe the Budget Committee is asking for is a legal review, a legal opinion about the School Board's action relative to budget cuts that they were going to make or have made.

In light of the fact that Shawn Jasper who's a member of the Budget Committee is present this evening and having watched that meeting, Chairman Coutu said he's aware that he's the one that brought this to the floor. With that if you wish to speak on this and give us further clarification before we make a motion, you're welcome to do so.

Shawn Jasper thanked the Chairman. I appreciate the opportunity and in fact I have been asked by the Chairman of the Budget Committee to represent the Committee tonight. Just by way of brief background, when we got to the end of the Budget presentation by the School Board, I asked the question how many members were prepared to support the budget as it had gone through the budget process. That was a vote of 3 in favor of supporting and 7 against supporting. There's a question of where do we go from there. We talked about various scenarios and tax rates. Ultimately the School Board Representative offered to go back to the School Board and see if they could agree on some cuts rather than us just making random cuts totaling some amount. When that happened, the statement was made to the School Board that the desire was to review those proposed cuts in nonpublic because they were reviewing and affecting the operation of the school and possibly personnel. That was somewhat surprising to me that anyone would even think that you could discuss a budget in nonpublic. One of her concerns later, and we probably read some thumbs down against me in the paper, was that they'd be talking about personnel. As this Board well knows, for as long as anyone can remember at this point this

Board has talked about the Training Captain. The Board never talked about the individual's performance. They talked about the position. Due to contracts and bumping rights, you're never really talking about an individual because if you were to eliminate a position as we all know, it wouldn't necessarily be that person. Regardless even if it was only one person if you're talking about the need for a position and not the performance of the person, you can't do that in nonpublic.

At a subsequent meeting, Shawn Jasper said the School Board did go into nonpublic under RSA 91-A relative to disciplining or hiring and firing people. They came out at the end of the meeting and had some suggested cuts. Even later on, they did do more in public but the point being that nothing should have ever happened in nonpublic relative to the budget. I think that's a very clear violation of RSA 91-A. At this point had the School Board come out and recognized that and assured us that it would never happen again, I probably wouldn't be here tonight. There does not appear to be that recognition although they have appeared to be a little more sensitive to it. I don't believe that anyone and certainly not myself, I don't want to cause a court case and take the School Board to court for violation of RSA 91-A. What the Budget Committee would like is a review of those tapes and those minutes and makes a determination as to whether there is a belief that there were procedures that were wrong. Perhaps at that time talk to the School Board or whatever the Attorney would feel appropriate. What we want assurance of is that we're never going to see anything like this happen again if as I full well know, there is no ability to talk about budgets in nonpublic. Since we don't have a budget for legal, we're here asking you to allow us to seek the Town Attorney's opinion. The School Board Rep. did suggest that well we could use the School Board's attorney. That did not quite seem to be kosher as, again, that sort of looks like the fox watching the hen house and that have a disinterested attorney do the review would be more appropriate. Ultimately, the motion passed unanimously on the Budget Committee including the School Rep.

Motion by Selectman Luszey, seconded by Selectman Maddox, to direct the Town Administrator to consult with the Town Attorney to determine if the School Board violated RSA 91-A in determining their proposed budget cuts.

Selectman Luszey stated he was in full agreement with Representative Jasper. I think we should at least ask our counsel if they believe there was any misinterpretation of RSA 91-A.

Selectman Maddox said he had a slightly different approach. I think that this is no different than the Planning Board coming and asking to be able to use the attorney, the conservation. I think this should be the Budget Committee. I don't think the Board of Selectmen needs to be directing this. I think it really is a question by the Budget Committee to ask this. I don't think we need to get into this contest with the School Board. As a Board for the Town, they have requested legal services and I have no problem. As I said just like any other board that would utilize legal but I don't think that motion really is the way we want to go.

Chairman Coutu said he'd accept a friendly amendment.

Selectman Luszey indicated that the Budget Committee asked us to use our attorney. I think that's what this motion is...Steve Malizia said it's directing me to do it though as opposed to the Budget Committee. Selectman Maddox thought it said the Board of Selectmen. It's really answering a question for the Budget Committee Mr. Chairman. Even though the Town Administrator is going to do it, I guess we have to have somebody do it. Mr. Malizia asked if he was working with documents, evidence. That's my concern. What do I have in front of me to say here attorney go do this. Selectman Luszey said you'd need to have him watch the tape of the two meetings. There's two meetings of the School Board that the attorney would need to watch to see if when they entered in, and when they came out, and what they talked about was inappropriate. Chairman Coutu stated a lot would depend on whether or not they sealed the minutes too. We won't know any of that stuff unless we make a request.

Shawn Jasper stated that was part of the issue. I think the tape is very telling but then there is one meeting, and I don't have the meeting in my head right now. They came out of nonpublic and talked about the proposed cuts that they had made. That indicated to me a very clear violation because the discussions actually took place in nonpublic about what cuts to make. Then there was a subsequent meeting when I think that one probably was after our discussion of the Budget Committee. They did everything at that point in public. So that probably wasn't a problem. There was the one meeting and our request really was to meet with the Town Attorney. I certainly don't see any harm in the Town Administrator being present. I really think it does need to be a representative of the Budget Committee at least taking part in that so that we can get our questions answered clearly so that there's no miscommunication by having a middle man in that process.

Selectman Maddox said the attorney would meet with the Budget Committee in attorney/client. Shawn Jasper said or a representative. I don't know that we need to have the Chairman probably that would need...Selectman Luszey said it would be up to the Chairman of the Budget Committee to assign. Chairman Coutu stated it would either be the Budget Committee and/or her designee.

Because I don't know how these things affect...Selectman Brucker asked if they violate it, will that affect their budget or it's just a violation and they need to...As Shawn Jasper said he tried to make clear, it certainly wouldn't affect their budget. Ultimately the changes that were made to the budget were approved by the Budget Committee regardless of how they got there. We're looking at this as more of a clarification because they believe any time they talk about a position that has a person in it, they can go into nonpublic because you might be able to identify who that person was therefore you can't talk about that in public. That clearly is not something that RSA 91-A in my opinion allows. Why would you talk about the performance? Why would you talk about firing a person because essentially you're talking about something that might happen through attrition? In this case, six months down the road. As I pointed out, the Board of Selectmen does that quite appropriately even though I'm sure it is quite painful for the person who is in that position to have to listen to talk about his or her position. That is the law because you're not talking about how they have performed their job. The intent and the hope would be that we would be able to resolve this through a friendly discussion but having not just my opinion or the opinion of

someone else - actually a legal opinion and then the School Board could take whatever action they want but they would certainly be on notice and hopefully we would never have this discussion again.

Chairman Coutu was willing to modify the motion if it's agreeable to the person who made the motion and the seconder that we allow our Town Attorney to work with the Budget Committee to determine if the School Board violated RSA 91-A in determining their proposed budget costs.

Motion by Selectman Luszey, seconded by Selectman Maddox, that the Board of Selectmen allow our Town Attorney to work with the Budget Committee to determine if the School Board violated RSA 91-A in determining their proposed budget costs, carried 5-0.

G. Petitioned Warrant Articles

Chairman Coutu recognized Town Administrator Steve Malizia.

Steve Malizia indicated this was a placeholder. Today was the last day to submit Petitioned Warrant Articles. We had the one from before that came in but we took care of that separately. There have been no other Petitioned Warrant Articles received therefore there's no action needed on this item. When we put the agenda together, we had until today to do it.

H. Budget v. Actual

Chairman Coutu recognized Town Administrator Steve Malizia.

Steve Malizia said we are half way through the year - 50 percent. Obviously we've been looking at things as we've looked through the budget for the budget process. There's nothing significant to report. I believe for the most part all of our items are where we would expect them to be. Obviously as we've talked before, we encumber items which sometimes throw the percentage off or things don't always happen in a 1/12th, 1/12th, 1/12th fashion. In general, I think our budget looks reasonable. Regarding the motor vehicles, I believe we are at 48.3 percent of the budget which is almost \$1.8 million worth of motor vehicles received through the first six months. Interest remains non-existent.

Chairman Coutu asked about the billable hours on EMS services. Mr. Malizia said it was a one month lag if you don't forget. We're always a month behind on that one there. We've pulled in \$252,000 for 5 months basically. Again, we looked at some of these numbers through the budget process so at this point in time; it's been a fairly mild winter. Not too bad.

I. Elephant Barn - asbestos mitigation plan

Chairman Coutu recognized Selectman Nadeau. This should help us respond to another item we had in our box from last week from Lynn Ober I believe relative to this issue. We got a notice about the plan and that you were going to present it. Selectman Nadeau said he had that but I didn't get the item from Lynn Ober. Selectman Maddox indicated it came as an e-mail and in writing. Chairman Coutu said she was basically stating if I'm not mistaken and you can correct me, she was confused because we were talking about the elephant barn and that they had already talked about it at the Benson Committee meeting. You were going to come forward with their mitigation plan. She wanted to know why it wasn't done. She had questions at the end of the memo. When I saw this was on the agenda, I knew you were coming in with something.

Selectman Nadeau started by the Benson Park Committee. They were a little confused when this was brought before them. This was probably three meetings ago. Per the direction of the Board of Selectmen, this was to go to the Benson's Committee and then they were supposed to bring it on to us. I asked the Friends of Benson's to get us the mitigation plan, which they have here which they had submitted to the Benson Park Committee. They in return gave it to us. This is the mitigation plan with 3 options. The Friends of Benson's members are here that have been involved with this. If we have any questions, concerns I talked to Bill Oleksak before he went out. He said that he had looked at this and talked to the gentlemen about this. If we have any questions, here's the mitigation plan that we have.

As Chairman Coutu remembered the notes that I read relative to this particular project - the options, at one point we know that you can cover it. I think you entered the discussion at that point at the Benson Committee meeting that if they were going to cover it, which is an acceptable procedure, you expressed some concerns and I would have relative to how would that wall be identified as being the wall with the contaminant behind it. If somebody is going to start driving nails and we start getting exposure again. Were those questions answered?

Selectman Nadeau indicated they're shown on the report on what's allowed to be done and what will be done.

Selectman Luszey had one question. This was reviewed with Mr. Oleksak. Selectman Nadeau answered yes. Selectman Luszey asked which option did he recommend. Selectman Nadeau said he meant to ask him that yesterday morning when I talked to him. I do not remember...Selectman Luszey said he would look for him to say this is what we should be doing.

Chairman Coutu asked Mr. Tassi if Mr. Oleksak talked with him directly about this because you're the one who's...Richard Tassi said yes. We had talked way back in May. As a matter of fact this gentleman over here did a walk through with Mr. Oleksak. He looked at

everything, we told him what our plan was, and he was okay with it at that time. Chairman Coutu asked what plan was it though. There's 3 of them here. Mr. Tassi said it was basically the first option which was to encase the interior of the building.

Selectman Maddox indicated that these are nice options but has an assessment been done of where all the asbestos is in that structure. To the best of our knowledge, Mr. Tassi said all the asbestos in the ceilings have been removed. This refers to only the first section, Phase 1, the front section of the building. As far as the rear of the building, to the best of our knowledge, we think it's all removed. Selectman Maddox said we're getting back to my question. Who is the best of our knowledge? Is this an asbestos abatement company or is this you as the people from the Friends of Benson's? Mr. Tassi said this was the contractor who came and did a walk through to give us a quote. The reason we had the asbestos removed in the ceiling. Selectman Maddox stated he's done a number of projects where asbestos was and they bring somebody in and they clearly delineate where the asbestos is whether they mark it with paint or some sort of marking tape. It's clearly delineated. This as best we understand is not the kind of option we want to be looking at here. We want to know from somebody that has a licensed to do this where the asbestos is and how you're going to abate it. This is you want to put a wall up in front of it but if there's still asbestos up in the ceiling and nobody knows about it, what good is that do us? I think this is a nice idea but again this is asbestos we're talking about. As far as the ceiling goes, Mr. Tassi said we know that there's nothing up in the ceiling now. It's just in the walls. I don't know if you have the one with the pictures in there. As you see in the picture there, the asbestos is only in the upper part of the wall in the front section. The three options talk about removing it all, including the tile because it is behind the tile. It's in the front section as well. If that's one of the options that you people would prefer, then we'd have to remove the tile as well.

Selectman Maddox said he just wanted to know where all the asbestos is. You keep on saying as best of our knowledge. I just want to know who that knowledge is by from. Is it an asbestos abatement company? Mr. Tassi said yes. He's licensed to remove it. I don't know if you'd call it an abatement company. He's licensed to remove it the contractor that we had. Selectman Maddox was just trying to get a handle on it. Most times they delineate it where it is so that you won't touch it. We won't do any construction near it. This is as vague as I can see.

As best as Chairman Coutu can recollect, and you can correct me if I'm wrong Mr. Tassi, the company that you hired to remove the asbestos I thought he had forwarded a letter to you stating that he had removed all of the asbestos in the area in which you wanted the asbestos removed and I understood that to be the ceiling. So all we have left the contaminant area that we know - Selectman Nadeau and I certainly know where most of it is and it is on the walls that have been delineated. Whether or not there's any behind the tile, you can remove one tile and ascertain that. You don't have to remove the whole thing if there's none behind it, there's no sense taking it all done if you're going to cover it up.

To Selectman Maddox's point, Chairman Coutu hated to think that someone came in and spot checked and said there's asbestos there. There's some over there but the rest of the place looks all right without actually doing any kind of borings to ascertain whether or not there's another subwall behind it. What assurances do we have if we were to say okay you can proceed with Option 1 so we can get you in there and clean it up that it's going to be completely removed and all identified? You're just going to cover it up according to Section 1. I have no problem doing that but I would certainly want Mr. Oleksak totally involved from day one in making sure that it was properly covered and that you've identified all other areas of asbestos in that building especially in Phase 1, which is the interior of the main barn. From what I know about the rear, and initially we all remember how difficult it was to get back there with that roof collapsed in between the joints, to my knowledge there is no asbestos in the back. I didn't see any. I saw a lot in the front but there could be. You're not going into the back right now to do any work. That's going to be another phase? Mr. Tassi said yes.

Personally, Chairman Coutu said he didn't have an objection. Once I had received notice that in Option 1 that you were going to cover it, that's totally permissible by federal and state standards. It's actually federal standards that applies. That is the least expensive way of doing it. You have enough talent in your volunteer staff to get that done. I share the concern that Selectman Maddox is that is this going to be it? Richard Tassi said as far as...Chairman Coutu said asbestos. You have to be able to cover it all up and say it's done. We don't have any more asbestos showing. Mr. Tassi said as far as Phase 1, yes. Chairman Coutu said it would be the outside, the main entrance to the barn. Mr. Tassi took that back. As far as the interior, yes. As far as the exterior, there's asbestos if you pull the siding off then that's an unknown at that this point. Chairman Coutu understood that. I'm talking about the interior of the building. Mr. Tassi said the interior would be completely encased. Chairman Coutu said whatever you use for a covering there you're going to do all the walls the same. Mr. Tassi indicated that they intend to build a 2 X 4 petition all the way around in which to run our utilities as well as insulate. It's completely independent of the asbestos.

Chairman Coutu reiterated what Richard Tassi said in that there's going to be a 3 ¼ inch gap between the new wall and the new wall and that will give you room to put in your utilities and whatever you're going to do around the walls. That satisfies me. It also satisfies his question and it also satisfies what I had read relative to Selectman Nadeau's concern about banging a nail into the wall. Somebody has a 4 inch nail and wants to try it, then good luck to them. I'm satisfied and I would certainly want to direct if it were me now, I'm not speaking for the Board, I would want to direct that Mr. Oleksak be advised of the project, when it's going to start so that he can do inspections on whatever he feels is necessary to make sure that work is being done to cover the asbestos properly, and that upon completion he's satisfied that the work was done thoroughly and that no asbestos is exposed on the inside of the front portion of the building. Phase 1.

Selectman Maddox indicated that they were all Phase 1. It's Phase 1 d., 1. c. They're all Phase 1. Chairman Coutu said those were all options for the Phase 1 project. They're going to come in with a Phase 2 I'm sure. They're going to want to tackle a Phase 2 of the project because there's ongoing projects in that building to get it to the point where they want to be able to use it to exhibit the

memorabilia. What they do in Phase 1 isn't going to be enough to do that. At least it will give them an opportunity to cover it up, have plenty of room to put in all of their plugs, outlets, light switches, and whatever else they need.

Selectman Luszey thought what might help is if Mr. Tassi actually would draw the footprint of the entire building. I believe this is just Phase 1. It's not the whole building. Chairman Coutu said the second page is the...Selectman Luszey indicated he was okay with it. To Selectman Maddox, rename your Phase 1 b, c, and d to just future and we're talking about your Phase 1 in this document. Mr. Tassi indicated where Phase 1 was and the rear of the building down the road is Phase 2. Selectman Luszey clarified by saying all the Phase 1D, 1C, 1B is the real Phase 1. Phase 1A is future. Mr. Tassi agreed with the exception of I believe the garage door in the rear was part of Phase 1. Selectman Luszey was trying to help him to get this down to a Phase 1. Selectman Nadeau said they're just saying they're going to put a door in the back to get rid of the garage door. If they're putting a door there, Selectman Luszey said we're back to the point of what's in this area that's asbestos that needs to be contained.

So we can get further clarification and again we're going to be spending an hour on Benson's, Chairman Coutu indicated that Mr. Leone is here who is also a member of the Benson Committee and is involved with the Friends of Benson's as well. Mr. Leone and Mr. Tassi could you please state your name and address for the record. Richard Tassi, 20 Frenette Drive.

John Leone, 30 Flying Rock Road. I think everyone knows I've been a member of the Benson Park Committee for a number of years now and one of the board members on the Friends of Benson Park. For clarification, all of the things marked on this drawing as 1A, B, C, D are part of Phase 1. As Mr. Tassi indicated, the right third of that drawing is the Phase 1 of the museum where we're trying to focus our attention on that front part of the building when you come in off of the sliding doors from the parking lot. As you can see highlighted, we do need to install a garage door at the rear of the building just to get access. That's also part of Phase 1 but it's simply removing a plywood wall and installing a garage door. There's no other demolition involved in that. Installing a door between Phase 1 and Phase 2 is marked here - remove door Phase 1A. It's sort of that space between the two spaces. To try to be clearer, the whole back part of the building is definitely long range. It's the front half of it that we're talking about primarily with a couple of doors and exterior kind of things that need to be done in the meantime.

Let me try another way. Selectman Maddox said you can draw this to a full scale to a D size drawing. Mr. Leone said sure. Selectman Maddox asked if somebody could put on that drawing where the remaining asbestos is but much more detail than an 8 1/2 X 11 that just says remaining transite. Something that if someone went in there to put in HVAC, they're coming in with metal ductwork and they're not paying attention. At least there's something for those people to understand that there's asbestos still there that you have covered up for the most part. If you're going to put the new door and you haven't checked that, doing the framework for that you don't know what you're losing up. All we're trying to do is protect you and the people that visit there that work there. This plan in my opinion doesn't cut that inasmuch that no one is clearly delineating where the asbestos still exists. That is my problem. I understand you can cover it but if you don't know where it is, you can't cover it.

John Leone said they believe they do know where it is. On the color copies of that document, which you don't have unfortunately, it is indicated on the drawing. We could certainly have a larger copy on file and document it. Selectman Maddox indicated that it says, "remaining transite asbestos". It doesn't say it's up 4 feet from the ground. Mr. Leone believed it's the full height to the ceiling in that case. Selectman Maddox said that was fine but I'm just trying to give something Mr. Chairman that has delineation so that we have on record that someone said this is where it is rather than these bits and pieces that don't make any sense. If you're going to remove that door as Phase 1A, you're going to have people that's unable to go back in there. So you're going to have to at some point assess that part of the building for asbestos.

As Selectman Luszey looks at the colored photo, the red line is the only asbestos remaining. Mr. Tassi said yes. Selectman Luszey indicated which would say that in the future there are no asbestos issues for anything future. Again based on the contractor's assessment, Mr. Leone said yes they believe that's true. Selectman Maddox said they could get a copy of that and attach it to this drawing that he's saying that that's where the asbestos is but not just we think that's where it is. I think somebody needs to say that is where it is and this is my license or something. Again, you want to be able to protect you and anybody working in that building. That's all I'm trying to do here is if you know where it is...it just seems funny that they put it all in that part of the building and nothing out here. Selectman Nadeau said the back part is a newer addition. Chairman Coutu didn't think there was any back there from what I've seen. John Leone said when they paid for the initial removal, there was asbestos in the rear of the building that was removed that was part of our original attempt to try to remove what we thought needed to be removed from the building. So there was some but it's gone now.

Selectman Luszey thought there were two actions out of the conversation we just had. I think the first one is if we're okay with them encapsulating. Basically that's what they're doing. They're covering...Chairman Coutu said if they're going to encapsulate it the way they say they're going to with a petitioned wall...Selectman Luszey said option 1, to approve them to go ahead with that. The second item is to come back, and I agree, with a full size - D size drawing that shows where all the asbestos was, which included this section that you say there's nothing there because if there was you took it out. The second drawing that says where it is today. So there's what you started with and where it is today. When you put up the walls, there's still going to be asbestos there but it's going to be basically encapsulated and we would have that as a future reference for any work and the Building Inspector and Town Engineer both have a copy. Chairman Coutu wanted ongoing inspections by Mr. Oleksak to make sure that they're doing the job as they stated they were going to do.

Again, Selectman Maddox said some preplanning. If that whole back wall has asbestos and you're going to need to run water out, or you're going to be running plugs or lights, you're going to have to think about that. That's what I'm looking for so that some poor soul isn't just drilling holes in the wall to run the electric out to the outside and not realize that there's asbestos there. That's what we're

trying to resolve here. If there is a detailed plan that somebody is signing off that that's where it is, this color or this shading has been removed, and this is existing that will be encapsulated that's fine. More detail than an 8 ½ X 11.

Chairman Coutu asked John Leone if the building was still padlocked. Mr. Leone said as far as he knew. We haven't tried to get into the building since December 18th when it was locked. Chairman Coutu asked if they should remove the locks and allow them to start going in. They can't do it blindly. Selectman Luszey said that was his intent of the two actions.

Motion by Selectman Nadeau, seconded by Selectman Luszey, to allow the Friends of Benson Park access to the elephant barn, carried 5-0.

Chairman Coutu asked who had the keys to the padlocks. Mr. Malizia said the Highway Department. You directed the Highway Department. Chairman Coutu indicated that we will direct the Highway Department to remove them. What I would do is I would ask Mr. Burns not to do anything until a member of Friends of Benson Park gets a hold of him so that there is a coordinated effort where he removes the Town padlocks and you want to put your own on. You had some there before. Obviously you lock it up when you leave. Selectman Nadeau could you coordinate that with Mr. Burns so that they can padlock it and have their own keys and their own locks. They probably already have some. It is our intention to assist you. We want to see you move along too. As Selectman Maddox eloquently stated, it's the same concern that I had, the same concerns that Selectman Nadeau shared with the Benson Park Committee and shared with us originally and in a Memo that I read is that we're concerned about the safety of the volunteers who go in there, and the public who's going to have access to that building, and any future work that's going to go on in that building if we have a document attached to this whole plan as Selectman Maddox stated delineating every area of asbestos. If somebody wants to do something further down the road, we may be long gone but you're going to have other members of the Friends that are going to want to do work there. It would be nice for them to know where the asbestos is. I don't think that's difficult to do. Richard you're an engineer. It's not difficult for you to do this. We're going to give you access to the building as quickly as we possibly can. If you guys can arrange it all tomorrow, all the better off you're going to be and we're going to be. I'd like to wash my hands of this and see you guys move along. You know that gentlemen. We've had this conversation before. We're not here to hinder your want and desire to occupy the building. We're here to try to accommodate you with care and concern for everyone else, future visitors as well as present volunteers and visitors.

Chairman Coutu didn't think there was a need for any other motion. Selectman Maddox thought just a gentleman's understanding that we will see this drawing sooner rather than later. Chairman Coutu indicated they should drop the drawing off at the Selectmen's office whenever it's ready John. Mr. Leone said they didn't have immediate plans to do any of this construction work. We certainly will be documenting before any of that happens and working with the departments. Chairman Coutu indicated that they have Mr. Leone's word on that and we'll take you at your word. Thank you gentlemen I appreciate your presentation and your time. Selectman Nadeau said he'd tell Mr. Burns that you will be dropping off a padlock to them to swap them out.

J. Rezoning Parcel on Groves Farm Road

Chairman Coutu recognized Selectman Maddox.

Thank you Mr. Chairman. Selectman Maddox indicated that tomorrow night at the Planning Board this is going to be before the Planning Board. As you Representative, I wanted to get some input from this Board as to their thoughts. I know you're not going to be able to hear the presentation but it's been a couple of times in the last several months. Its 139 acres behind St. Kathryn's off of Groves Farm Road that wants to go from R2 which is 2 acre residential to G. I'm looking for any questions, input that the Board might have for their Representative to the Planning Board.

Chairman Coutu said it's quite an extensive piece of property. I think it's in the form of the letter "L". It's up on the map. I'm going to express my opinion because I'm well aware of this project. What he's asking for is he's restricted by the zoning that it presently is which is R2. For the record what does R2 mean Selectman Maddox. Selectman Maddox indicated it means 2 acre housing lots. Its residential 2 acre lots. On the basis of what he has for property presently, Chairman Coutu stated he would be under R2 restricted to how many building lots does he have. At 139 acres with the slopes and roads, Selectman Maddox said probably 50 or 55 houses. Chairman Coutu indicated that's what he's restricted to. What the gentleman who's presenting the petition who owns the parcel is asking that we go to G1. G1 is unlimited use of that property. In other words, he can put in 500 apartments. You have to recognize that this is near the intersection of Lowell Road, Dracut Road, River Road right behind St. Kathryn's Church. It's a large parcel of land and I'm going to state personally and for the record that I would recommend that you vote no on changing it from R2 to G1 until such time as we see a definitive plan proposed for this property. For the past 12 years, we've heard we're going to put condos back there. I've seen advertisements trying to solicit a hospital, a college, and he's done extensive advertising. I don't blame him. He owns a large parcel of land. I don't want to see him not make money on the property. Mr. Monahan represents himself very well at the Planning Board meetings. His intentions are well meaning. I think the time to discuss whether or not we want to change from R2 to G1 would be at a time when we realize exactly what he wants to put in there. If we were just to recommend changing it to G1 and it went on the ballot and the voters voted for it and they see it's being recommended, I think we're asking for a lot of trouble back there. That's my personal opinion and I would rather see a more definitive plan before the Planning Board could come back and say to us he has a great plan here and we recommend it be redistricted on the basis of this particular plan. It's going to bring X number of tax dollars into the Town. He's going to mediate the traffic problems or whatever you guys come to an agreement with. That's my personal opinion. What Selectman Maddox is here asking is that he has to make a decision before the Planning Board and he needs a consensus from us. My vote is for Selectman Maddox not to vote to redistrict to G1. Please make your observations and your recommendations. That's what he's waiting for.

Selectman Luszey said he actually was of the same mind that you are until we understand what the impact is. Right now based on what could go there, we kind of know what that would mean for school, fire, police, and infrastructure. Going to a G1, I'm not sure how we would be able to plan accordingly until we saw what it is and then it might be too late.

Selectman Nadeau has always been of the mindset of it's the landowner's property and they can do what they want with it as long as it meets the criteria of the Town. I don't mind getting this on the ballot for them to rezone it as long as 1 - we have a plan of what they want to do with it and 2 - like Selectman Luszey said, right now we know what the impact is for the school, fire, police, and library. The unknown is if they put a college in, if they put a hospital in, if they put a strip mall in what the impact could be to us. Until we have a definitive plan, I would like to have our Representative vote no on rezoning. Once we have a plan and we know where we can go with this and we know what the impact will be to the Town, then I would be much more amenable to changing the zoning.

Selectman Brucker thought and Selectman Maddox maybe you can help me out. I think he came before the Planning Board before and said it would be mixed use. He envisioned houses, shops and that sort of thing. He was not definite about what he thought he would use the land for. I agree. Until he's definite about what he's going to do with it, I would not agree with it.

Selectman Maddox said that's what he was asking. Thank you members. Again, it goes both ways. I think it would be great to have development but those people that are abutting that that are R2 and thought they were going to have just single family houses, I think until you know it's there...personally, Chairman Coutu wished Mr. Monahan well. I hope he's very successful. I hope it's something we can all agree to because it's certainly going to enhance our tax base. If he's willing to pay for the mediation on the traffic flow, I'm even that much more happier.

Donna Graham asked to go back to the train station for a moment. I have the contract in front of me. If the Board wants to proceed with this, you need to do a motion.

Motion by Selectman Nadeau, seconded by Selectman Luszey, to award a contract to WarrenStreet Architects in the amount of \$122,500 for the design, build and construction administration of the Hudson Train Station project at Benson Park, NH DOT project #14408, carried 4-1. Selectman Maddox in opposition.

Selectman Maddox stated Mr. Jasper did a great story but I'm still not willing to pay that much money to move a mobile home.

Selectman Luszey believed they were obligated to do this based on the deed. Chairman Coutu said no. We're obligated to maintain it in no less a condition than what we received it in. It's in much better condition than when we received it which means we don't have to move it. Selectman Luszey said we don't have to move it but we're going to continue to maintain it where it is if we don't do anything. Mr. Malizia said we cannot allow it to deteriorate it beyond...Selectman Luszey said that's even a worse...Chairman Coutu said unless a natural disaster should occur.

9. OTHER BUSINESS/REMARKS BY THE SELECTMEN

Selectman Nadeau - I have a couple of things. Speaking of Benson's, on January 27th Mal's Pals will be doing the cardboard sled race there. I'm hoping that you're all working on your sled for the race. You can use cardboard, duct tape, liquid nail. Registration starts at 10 a.m. and the race starts around 11 a.m. All the proceeds of this will be going to the Mal's Pals amphitheater down by the pond or across from the gorilla house. I look forward to seeing everybody there and have their sleds ready for then. Chairman Coutu asked Selectman Nadeau if he was at the last presentation of where they were with this project, how much money is still needed to complete this project. Selectman Nadeau said it was asked and they wanted to put it in the Town Report of projects that are happening at Benson's. They did not know the answer to that so they did not put it in the Town Report. Chairman Coutu didn't think they reached their goal yet. Selectman Nadeau said they have not reached their goal. They still have some fundraising to do. It's getting close. Chairman Coutu asked if anyone had any extra money, please help Mal's Pals so that we can build the gazebo and have free concerts at Benson Park by Swan Lake on Friday and Saturday nights. Selectman Nadeau said that would be an excellent use of it.

Selectman Nadeau said another thing that came up about Benson's was having the area plowed down to the pond. The Committee decided against that, which there's a lot of people in there snowshoeing and cross country skiing. This would affect how they got across the trails. I'm very happy that as much as I've always wanted to do that, seeing the pros and cons of it, the maintenance headaches and nightmares that could occur, and liability issues.

The other thing is luckily we have had a mild winter but the parking ban is still in effect until April. People that are getting tickets and getting very excited, Selectman Nadeau indicated there is a parking ban and the police are still enforcing it until April 1st. Just be aware of that. It is on the screen and it is on the Town website. It's out there and posted. That's all I have this evening.

Selectman Luszey - Just a couple of quick things. Prior to our holiday break, and I hope everyone had a great holiday because I know I did. London was wet as usual. Moving on with the senior center. The current warrant article shows \$177,000 to be appropriated by general taxation. It was either the day after or two days after our budget meeting we finally got our final bill back from WarrenStreet and we were pleasantly surprised that the monies that we thought we would have excess in that account from the current design will be so that number will be coming down to around the \$40,000 range. During the budget meeting, and it's actually in your notes that there's a Memo from the Town Administrator dated December 27th. It's attached to the legal request. There's a couple of motions that the Budget Committee made. In the new cost center, we took out \$24,000 which was basically the first year's operating expense for the

facility. That money needs to be added to the warrant article. Within the next week or so, I'll be talking with the Finance Director to get what our final numbers should be in that general taxation number to cover not only this motion but also to take into account the monies that are left over from the design cycle so that we can make that change on the floor of the Deliberative Session. Steve Malizia indicated he was going to double check it but I believe because the...Chairman Coutu said we'd have the motion for Deliberative Session. Selectman Luszey said that was actually goodness there. The other line item that was modified in the new cost center and dealt with ongoing...we had a lot of debate on that one. Basically the monies to maintain programming that we started this year with our new committee is intact and going forward. All said, I think we did well.

Selectman Maddox - Earlier this evening you denoted the votes taken after nonpublic session on December 27, 2012. It was 3 to nothing for both the Fire and Police contracts. I just want to say only because it was at 9 a.m. and I actually was working. I totally support the contracts that this Board has spent arduous amounts of time grinding through just on our end before we even got to the respective unions. I think that we've done a job that when we explain it to the voters I think they'll understand why it took so long and hopefully agree with us that these are packages that are worthy of their vote. That's all I have this evening.

Chairman Coutu indicated that Selectman Luszey also wasn't here. You were on vacation. Both of you will have an opportunity at Deliberative Session to vote with us if you want. Selectman Luszey said he's been selling these packages already to the folks that I've been running into and why it would be beneficial to approve them.

Selectman Brucker - It's nice to have all of us back together after a great holiday. I have been going to the Budget Committee meetings which have been frequent and many. I'll have to say that the Budget Committee was very pleased with these contracts. I'm especially impressed with the changes in the healthcare and the expectation that we'll have some savings in the future in that regard. I'll have to say a lot of hard work was done I know individually with the unions but also that the Budget Committee worked very hard at looking these things over and appreciating the contracts and what's involved. It was unanimous support for those contracts in the Budget Committee.

I'm happy to hear that our Building Inspector Bill Oleksak has come out of his surgery fine. I'm sure he's not watching TV tonight but we'll welcome him back. That's my report.

Selectman Coutu - I didn't have any remarks but I do have one. I don't want to catch everybody by surprise. Selectman Maddox and I have had some discussion for at least 6 months. We've discussed this many times our wish to be able to - we knew that you Selectman Nadeau would have a contract just like that. We figured between the other two contracts a lot of work had been done on it. You had worked on yours last year. Selectman Brucker this was your first go around. The three of you were very successful with your contracts. Selectman Maddox and I were hoping beyond hope that we could convince our team with the Fire and Police that we could work together and come to a contract that was palatable to not just both negotiating teams but something we thought we could sell to the voters. To that end, Selectman Maddox and I have talked about different approaches and so have other people who have stepped forward like the Fire Union President and the Fire Chief. They wanted to go on TV. I had made it very clear to both the Police and Fire - I had an e-mail exchange with Matt at the Police Department and told them to get to the table. You guys could work this out. That was the extent of my conversation on contracts. I think I kept you apprised of my not wanting to be involved in the Police as I had enough problems with Fire. You had sat in on a couple of those fire negotiations Selectman Luszey.

Chairman Coutu indicated that we reached the contracts. It's across the board this year. It was a difficult task. I thought for sure near the end that we would not have a contract with Police and Fire again this year. I was disheartened by the thought that we had 3 successful contracts and we couldn't take care of all of our employees. To my surprise, we have Police and Fire contracts. People have said to me in light of the economic times could I really vote for and support any or all of these contracts. We're in a unique situation being members of the Board of Selectmen inasmuch as we get to know these people. We see these people every day. We see their work performance. We read the letters and the accolades that they get. They've gone a long time in some cases without a raise. Yes I can look anyone straight in the face and say that I will vote for all 5 of these contracts. Wholeheartedly support these contracts. These people deserve a raise. In light of the fact that we're going to have out cost savings on insurance, which in some cases pretty much covers the cost of the raise. It's a damn good deal for the Town of Hudson and the voters of Hudson. I expressed to all of the unions...I've certainly expressed it directly to the Fire union...I shouldn't say all the unions. I've expressed it to the Fire union and I'll cease upon this opportunity to hopefully get the message out to the other unions that are being represented. They need to do some of the legwork this year. They need to go out there and they need to promote their contracts. They need to get some signs printed and find out what number on the ballot it's going to be. They need to go out and talk to people. I don't want them to shy away from their work and run around and campaign during working hours, but on their own time certainly do what you can to move your contracts along.

For our part, Chairman Coutu indicated that Selectman Maddox and I have had the discussion and we feel we should participate all 5 of us in a negotiation/recommendation session. How Selectman Maddox presented it to me because we had a couple of plans. We were going to do a show together but this is the work of this Board. This is a product of this Board. I had set February 5 is a workshop and what I was going to do...or what Selectman Maddox had recommended we do and I had mentioned it to Donna and she put it on the agenda for that workshop...we will have approximately a 15 minute discussion about each of our individual contracts. It gives you an opportunity to get some notes. I think we should each talk about our individual contracts, what the value of having that contract is in terms of insurance returns and the value of our work force, and why we feel so strongly about our commitment to these contracts. As Selectman Maddox recommended what we would do then is I would ask Mr. O'Keefe, Chairman of the Cable Committee, if he would extract that session from that meeting, play it alone with a presentation up front, some verbiage about Selectmen promote contracts. We'll come up with something. Then we'll show that 15 minutes repeatedly so that I know on any given Tuesday night if we have 6 or 7

dozen viewers, we're doing well. I'm sure we get 600 or 700 viewers. I haven't see the ratings yet and if they're high, we want more money. Continuous replay on cable TV will do a great deal of justice to these contracts. I would love to be able to walk away election night knowing whether I win or lose re-election knowing that our employees were rewarded for their outstanding work. In some cases, some that have not received a raise for quite some time. In some of the cases the raises they're going to receive is going to be eaten up by the insurance they've given away anyways. They're not really going to see that much if any and with the new tax rates in place on the federal level, all of us have had a cut in pay.

With that, Chairman Coutu indicated that concludes my remarks other than to say I agree with you Selectman Brucker that I'm so pleased that Mr. Oleksak came out of his operation successfully. I know what it's like to have successful operations and not so successful operations. I can't wait for him to come back and we can ascertain his needs after we do our review and we'll work on that area. The other thing is because this is the first meeting of the year, we haven't had much opportunity to express town wide our sincere wishes to everyone for a healthy, happy, and a very prosperous New Year.

10. NONPUBLIC SESSION

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

Chairman Coutu indicated that Nonpublic Session is being entered at 8:45 p.m., thus ending the televised portion of the meeting. Any votes taken upon entering open session will be listed on the Board's next agenda. The public is asked to leave the room. Open session was entered at 9:17 p.m.

Motion by Selectman Luszey, seconded by Selectman Nadeau, to hire William F. Condra as a Temporary Part-Time Building Inspector at the rate of \$28.00 per hour, Monday through Thursday from 1:00 p.m. to 4:30 p.m. and Friday from 8:00 a.m. to 4:30 p.m. (16 to 20 hours a week to be determined by workload). Employment shall commence on January 9, 2013 and shall terminate on or about February 28, 2013 and can be extended for an additional two weeks if needed, carried 5-0.

11. ADJOURNMENT

Chairman Coutu adjourned the meeting at 9:22 p.m.

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