

HUDSON, NH BOARD OF SELECTMEN
Minutes of the June 5, 2012 Meeting

1. CALL TO ORDER - by Chairman Coutu the meeting of June 5, 2012 at 7:05 p.m. in the Selectmen's Meeting Room at Town Hall.
2. PLEDGE OF ALLEGIANCE - led by Steve Malizia, Town Administrator.
3. ATTENDANCE
Board of Selectmen: Roger Coutu, Rick Maddox, Ben Nadeau, Ted Luszey (arrived at 7:13 p.m.), Nancy Brucker
Staff/Others: Steve Malizia, Town Administrator; Chief Jason Lavoie, Gary Webster, Town Engineer; John Byatt, CLD; Brian Defosses, NH DES
4. DISCUSSION ITEMS
 - A. Request to advertise for a Part Time Animal Control Officer

Chairman Coutu deferred to the Town Administrator Steve Malizia.

At the request of Selectman Maddox, Mr. Malizia indicated that this item is on the agenda from a timing perspective. The part time or weekend Animal Control Officer will be retiring sometime I believe in July. Selectman Maddox asked that this be placed on the agenda so that the Police Department could get a start on advertising and possibly hiring a replacement for that part time position.

Selectman Maddox stated that this person covers basically the weekends - manning the animal control facility as well as any calls that come in on the weekend. Without this, we'll be paying officers to do animal control. I thought it was prudent to get it onto the schedule so we can hopefully get somebody before the existing part time person leaves.

In order to get it on the table, Chairman Coutu would accept a motion.

Motion by Selectman Maddox, seconded by Selectman Nadeau, to approve the Police Chief's request to advertise for a Part Time Animal Control Officer, carried 4-0.

- B. Pelham Road Bridge/Dam Project

Chairman Coutu recognized Town Engineer Gary Webster and deferred for a briefing and an opening statement to our Town Administrator.

Mr. Malizia indicated that this is the project that's been going on for quite a while. I believe the voters actually originally approved an expenditure back in 2008 to rectify a problem we have at Pelham Road which I believe it's over Second Brook. During some of the more recent flooding event, we've had some issues with that particular situation. As you all recall, our previous Town Engineer Tom Sommers identified this as a hazard. We actually registered this as a dam. The structure that's currently there culvert is functioning as a dam. We've been through several iterations of solutions to the problem including redesigning a dam at that particular location and had gone to the Dam Bureau and registered it as a dam. At some point in time during the design phase, we were ready to go. We were basically going out to bid. We were ready to execute a contract when all of a sudden it was put on hold because the proposed solution did not meet I believe the criteria set by I believe the DES Dam Bureau. If I'm misspeaking, there's someone here to correct me I'm sure.

Back to the drawing board. Mr. Malizia said back to the drawing board meant a much larger structure that would be classified as a high hazard dam with a cost to the town greater than we have appropriated for that solution. So after some discussion with the Town Engineer, Mr. Byatt from CLD we met with the Dam Bureau. Another solution that was identified a while ago was to put a bridge in. A bridge would basically let the water pass underneath it. With that solution we went to the DOT, moved forward in the bridge program so there'd be a share between the town and the DOT. I believe 80/20 correct me if I'm wrong giving us enough money here in the town from our appropriation to do the 20 percent. DOT was going to pony up the rest. So we're at a crossroads. We need to decide what we're going to do here. Basically we have 2 choices as we see them. Doing nothing is no longer a choice. Usually we say we can do nothing, that's not a choice here. We either have to build a dam that could withstand 250 percent of the 100 year storm, which is a pretty good size dam or in lieu of doing a dam, we build a bridge. Water flows and will still

continue to flood some folks downstream. However if we go with the dam option, I'm sure Gary will speak to this Mr. Byatt perhaps, if you look upstream we're going to affect more people if we build a dam and we're still not going to solve all the problems downstream. So you basically have to pick one or the other. The reason why it's become somewhat critical is because our money runs out. We have our auditors to take a look at it. The auditors that do our books said we'll let it go one more year but you have to do something because we've carried that money now for 4 or 5 years because we've been through these reiterations. At some point, that money will lapse and you won't have the money to even do the bridge. That's why we're here tonight to talk about the options and get a clear direction as to what we're going to do for this problem. I think that sets the scenario. Again I don't want to get overly wordy but that's just to give us a general view. With that, Gary Webster is here, John Byatt from CLD who's worked as a Consultant Engineer to us, and Brian Defosses from the Dam Bureau at the State. Between these gentlemen, they should know all the facts and be able to answer any questions you. Gary you've put some stuff on the wall. You might want to briefly...

Mr. Webster said what's happened with the dam that we just talked about and the notes we had, we're proposing to put a dam here at Pelham Road - 5 feet higher than Pelham Road. That's the 2 ½ times the 100 year flood which is 172. The road right now is 266. I have the flood maps. It says 266 on the flood map which is existing today. Now this dam would...Mr. Webster was showing on the map where the dam was on Pelham Road, whole water back would spill over and then eventually it's going to go downstream when it happens. What happened last year and I received this e-mail, I said we have to look up stream here what the affect we could do. This is the elevation - the dam elevation of 172 how it affects...this is the 172 contour how it affects all of property. I just counted them. This is it right here. This is the regular water going down. The flood elevation is 169. Now we're talking 172. So what happens it starts flooding all these people's property. We can flood people's property like that because it never flooded before. There's 22 pieces of property that it strikes right now if that dam was built. Some of it kind of gets up there. During the 2006 flood, we didn't have this problem upstream. It was always downstream and we'll always have the problem downstream to resolve the Lowell Road under T-Bones and in that area. That's a future item but that's the problem we have right now. The flood is 169 and almost goes up to Bush Hill Road. If you have this 172, it should be gaining. It should be higher. I didn't get into doing the all the properties further upstream. I just did this here because the brook is here and the dark blue is the actual water. I had my intern yesterday just do this just to shade in how much movable water would be up stream with the dam. That it in a nutshell. As far as affecting all these people's property upstream, we never had that problem before. That's if we build a dam.

Mr. Webster said if we just build the bridge without the dam and the 2006 flooding, we had 5 houses that flooded upstream from County Road. I asked the Fire Department and those got flooded. The most recent was 2010. One Belknap Road always gets flooded no matter what we do up here. Dam or no dam, this house will always be affected because it's in the 100 year flood. It's in the zone. It's a walkout basement. There's probably a couple feet difference between the brook and the basement of the house. This house here was in the 2006 mother's day flood. The last high water we had, none of these reported any flooding except One Belknap.

Chairman Coutu asked on that particular piece of property where you just pointed out was going to get flooded regardless...Gary you and I spent some time on all of this this week...if we were to address the other problem further down the road would that alleviate that problem for that house? I know that's a serious problem because of the altitude he's at. Mr. Webster said that the water is still going to come up. One thing it won't be as severe as the flood he had in 2006. The problem is I don't know how much water was in the basement in 2006. I wish I would have known if it was 8 inches. It's a possibility that if we take care of this problem downstream and we have a 100 year flood, there's a possibility that he might get flooded but not as severe as anytime today. In 2010 we had all that rain and nobody got affected except this house here. I know we've had a couple of other times and there's no real records of it but I know that Fire had to put sand bags out there. That's the house. It's right by County Road. That's on our bridge list to replace down the road. We took that off the list on Melendy Road to concentrate on doing this on Pelham Road. Across the street at 7 Birch Street, the house got affected. T-Bones didn't get affected Suzie's Restaurant didn't get affected; Cumberland's didn't get affected. There was some water where the old existing house where the pizza place is right now. They don't seem to get it. That one is the only records I find - the history of One Belknap Road seems to get the brunt because it's a walkout in the back. There's only a couple feet difference between the brook right now and the basement. It's in the flood zone. This whole area is in the 100 year flood zone. Obviously they have to have flood insurance on these properties because they are in the flood zone.

Mr. Webster said he and CLD did maps on how it affects these houses with or without the dam. It just expands a little bit more. That's what it comes down. Mr. Malizia and myself and John visited with the Dam Bureau and we sat down and said what are we going to do here? We have a problem. What happened was when I got that e-mail, which you have copies of it, and saw another \$100,000 and saw the height of the dam I stopped. That's when we started doing this map here and how it affects upstream what about downstream. Nobody really looked at that. It's a hard decision to make but down the road, we alleviate this problem by building this bridge we could start that ASAP as far as design goes or try to figure out how we're going to do this dam because the dam requires a flooding 2 ½ times the (inaudible). Brian and I sat down and I sat down and talked about this. It's a tough decision for everybody. I think I

hit it in a nutshell for now and I'm going to let Brian and John speak on this as far as the designing and so forth. Brian if you want to add to what I've said and how you feel about what's happening out there and what we...we're trying to find out what direction we need to go here.

I'm Brian Defosses. I work for the Dam Bureau for the State of New Hampshire. It's part of DES. Basically I deal with hydraulic calculations, dam inspections, etc. things such as those throughout the State. Obviously I can appreciate the substantial amount of money and resources that the Town has put into coming up with the current plan as we are in. I really don't want the Town to spend any more additional funds more than it needs to. Gary had approached us in light of that trying to come to some kind of agreement or resolution along with Steve. I have an inundation map that perhaps I can perhaps I can share with you a little bit. It may give you an appreciation for what would happen during a dam breach as well. One of the things we have to appreciate is that dams are basically a very dangerous thing by their nature. By replacing the structure that's there with a true dam and actually under the existing condition, you're basically kind of playing with fire if you will. In the event that the dam were to fail down the road especially the full pond in back, you're potentially creating a flooding situation for many more properties downstream that you otherwise would have if you didn't have a dam. What's shown here is basically what would happen with or without a dam downstream but it doesn't necessarily include what would happen if the dam were to fail, especially in a full condition. You would see a much larger blob and many more homes potentially impacted. That's what those plans have on them.

Basically Mr. Defosses said the first go around with the plan, the engineer had basically designed a dam such that it would overtop and put some large boulders in the downstream side of that dam to kind of prevent that from eroding. It didn't really didn't meet the criteria that we have at the State. You have to basically design it to such a point that you're not flooding adjacent properties. That wasn't ever looked at. There's a driveway on the downstream left side if any of you are familiar with the site. You'll see that if that road overtops, you're going to be directing flow right at somebody's house basically which is not really a good situation.

On the upstream side, Mr. Defosses thought on the upstream right side, there's also an issue with property that the Town doesn't own. When Gary had approached us with Steve, we looked at some alternatives and looked back at the report that was done by the consultant that the Town had hired. This report is dated 2008 when you first started this. It basically goes through and to be honest, I don't necessarily agree with what they're calling different flood events. Just for your information what they're calling the 10 year flood is effectively the 2007 storm or something like that. So if you all remember the April 2007 storm, they're calling that basically a 10 year flood, which I would call more of like a 50 year flood or a 100 year flood in this part of that State that's shown where it was. By throwing those numbers out basically that's a 50 year flood would be a flood that could occur, it's got a 2 percent chance of occurring in any given year. A 100 year flood would be a flood that has a 1 percent chance of occurring in any given year. Generally in this part of the State like I said, that 2007 flood was between a 50 and a 100 year.

Basically Mr. Defosses is saying is that through this report that dam is mitigating the impacts of rain and flow going downstream up to about the 10 year storm. After that, dam or no dam it doesn't really matter. All these properties are getting impacted and actually in smaller storms there's still some flooding that happens. I think if you kind of look at that area downstream you'll see there's a lot of property that was kind of built right next to where that brook is. It's kind of a tough situation but by the town putting the dam in you may get a little bit less flooding during those smaller storm events but during the bigger storm events, you actually may be making it worse because you may actually be directing more flow downstream. You also may be creating a liability for the town wherein if there were a problem with the dam if something fails, if something goes wrong suddenly you may be impacting many more properties that otherwise would have. The Dam Bureau's take on this generally is that having no dam on much safer condition than having a dam. Like I said when you have a dam, now you have a lot of water behind that dam and you have a lot of water behind that dam and you have the potentially for issues to occur.

Selectman Maddox was trying to wonder why we're here. Three years ago we awarded a contract to put in a bridge and no? Mr. Webster said no. Three years ago was to establish a reaffirm the headwall on the downside. So the concern was what the Town Engineer was worried about the headwall falling in. It was a reinforcement type thing. It wasn't a dam. It was just to reinforce the wall from falling into the brook. At that time, that's when the Dam Bureau it's a high hazard dam because of the flooding that happened. They designed so it was a cantilever type thing - \$167,000 to do that and we had the money to do it. Selectman Maddox thought they were designing a bridge and then somebody said change it. Mr. Webster indicated the bridge came after the fact because we didn't know how we were going to handle this because the dam and the bridge so we took it and put it in the bridge program which we got approved for. We went through the steps. It's approved. It's been approved and actually to build. The dam is completely separate from the bridge. They wanted a dam upstream over top into the bridge and that was the idea of it. What Brian is saying is it's a high hazard and it's our responsibility...we're making a worse situation by putting a dam in. That's what we're trying to say and that's how we've been doing all this evaluation. It was just a cantilever just to hold the headwall. He was worried about the whole thing falling into the brook and losing Pelham Road at that time.

Chairman Coutu thought where Selectman Maddox is going is that we had pretty much made up our mind that we were going to go with a bridge. Selectman Maddox said, "Thank you Sir". I guess I'm trying to find out if we want to put that...Chairman Coutu said if we want to put that on the table, we can put that on the table.

Selectman Luszey was with Selectman Maddox. I'm not sure what decision you're looking for us to come up with other than the conclusion of...just to bring you up to date, Chairman Coutu said this is our last extension on the money. If we don't spend it we lose it. We have to make a decision and I'd rather it be done sooner rather than later. We either proceed with the bridge or we build a dam. The dam is not advantageous obviously. Selectman Maddox said it doesn't sound like what the question is. Do you make a motion now and say let's go build a bridge? Chairman Coutu said we could do that. Selectman Maddox felt we're going to get there soon I have a feeling. Again, somebody at the State said stop building a bridge even though we've designed it and put in a dam. We're stuck in this endless loop of...

If I can help you, Mr. Malizia said originally we were going to build a bridge. It was not sufficient enough. The bridge that they wanted to build was much bigger, would hold more water back and become much more of a hazard. When this bridge was built, I think there was some damming structure underneath it.

John Byatt. I'm with CLD Engineers. This has been going on for quite a long time as Brian pointed out. Originally during the mother's day storm the wall that was holding up the road it started to fail. Under the guidelines/specifications of the Dam Bureau, that undersized culvert that goes under the embankment with a wall downstream technically qualifies as a dam correct? Mr. Webster said yes. Mr. Byatt stated that in order to fix that wall if that wall had failed by the way...technically it would have been a dam bridge correct? Mr. Byatt said it was decided to rebuild it but it had to be built to dam specifications. The design that was done still did not meet the dam specifications. The idea then became well what if we built a bridge with a smallish dam in front of it to control the flow during the high flows. That's pictured over here. At the time we hadn't run all the hydraulic numbers to really get a good look at how big this structure in front of the bridge would need to be. The idea was if it was a bridge, they would have kind of wing walls and an embankment. Part of that bridge would act as the dam but there would be a small structure...I think we had it like 6 foot by 16 foot that would act as kind of a water control. It would basically act to make the embankment behave like it does now with that 3 to 4 foot culvert there. The problem was when Mr. Stevens ran the numbers that small inlet turned into being a 70 foot long by...I forget what the dimensions are...but a much, much larger structure. He also found that to again meet the dam's criteria for 2 ½ times the cue 100, it had to go up to an elevation of 172, which Gary said was 5 feet above the road.

In a sense, Mr. Byatt said the idea was to build a bridge but it would still have some kind of flood control on it. Now that bridge with the dam attached has turned into a much larger structure unfortunately based on the flow that was analyzed for that. Originally we did the study to look at what would happen if we just built a bridge, got rid of the dam, and just built a bridge so like Gary said the water would just flow straight through. The problem was the study showed that there were (inaudible) downstream and Brian just kind of touched on that study and then in fact that study may have been a little conservative based on the flow. They would generally state like you said that what he calls the 2007 flood was really more like a 10 year flood as opposed to a...

Mr. Defosses said he assessed it as a 10 year flood. I think it was closer to a 50.

Mr. Byatt so maybe the study was a little conservative but we presented the results in the study which showed increase affects during the 5 and 10 year storm to the properties downstream, which I think caused someone to say maybe we do need some kind of dam or flood controlled structure up stream. That's where we left it I believe.

Selectman Maddox said isn't the real problem the culvert that goes under Lowell Road. So we're deciding on Pelham Road whether to put a dam or a bridge and the real problem is downstream. We could fix all this by putting in a bridge at Pelham Road and fixing the issue that we know is existing trying to get all the water under Lowell Road. If that was a bigger culvert, that would solve 97 percent of the problem and would help build a bridge? Why don't we do that rather than trying to build a dam that is going to cost us no money, be a maintenance headache, and still impact people on both sides in a negative way.

Chairman Coutu spent a considerable amount of time one day with Mr. Webster and I had some conversation with the Town Administrator. Relative to what you're proposing, that was the observation that I made and somewhere along the line, maybe Mr. Webster can clear it up, that there was a proximate cost estimate to fixing the problem and there are alternatives. One of the ones I suggested Mr. Webster said made the most sense to him because that's one he had proposed we do. We're looking at almost \$1 million to correct that problem because of the location of the existing pipe. If we could come off of the existing downward flow on the west side of Lowell Road flowing under the road towards - instead of going underneath the parking lot - diverting that flow with a new pipe and go down Birch Street and then beyond T-Bones then have it exit into the flow area where all the water is going. Rather than having to dig

up that whole parking lot and god knows what we're going to find underneath that parking lot when we get there because that's where the pipe is. The existing pipe goes under the parking lot and underneath T-Bones.

Selectman Maddox said the other option that I talked to the Town Engineer about is going to the right of T-Bones plaza and going at a 45 because if you go down Birch Street, you're going to have to make a 90° turn into that stream. Again, the real problem isn't this dam or this bridge. It is downstream. Why don't we just put in a bridge which you seem to be almost agreeing with and fix the issue? Yes we know it's going to be more money but we're spending so much money on engineering and studies when we really see that there's only a bridge really necessary and then go after the real problem which is I guess from what I've been told a steel stovepipe that runs underneath Lowell Road. It's a smoke stack that has rusted out on the bottom. It is going to fail one of these days. We could have the nicest dam on Pelham Road and it's still not going to do us any good. I vote for a bridge.

Mr. Webster said the problem with T-Bones is we have no easements with that existing smokestack there. You mentioned that to me about going through the parking lot. We have to acquire an easement. Obviously I think they would love for us to do all that work on their property. They're responsible if something happens to that pipe. My intention was to try to make this simple by coming down Birch Street and back in. I guarantee that the little easement that we need to get back into the brook is one of the ways. We discussed this when we first brought this dam this up. Mr. Massey was here and we talked about the downstream was always a problem. We had to look at it. We're forced into it now. Part of Lowell Road is in the bridge program. It's not funded yet but it was \$1 million to do that Lowell Road bridge not doing what we planned to do. Maybe there's a way to do a study and find out what it will cost to do either one or the other down the road. We haven't done anything. Mr. Webster said he put something together with the interns last year just to get a quick cost of about \$1 million. I might be off but it's just the idea we need some way to think about how to take care of the problem. Like you said that culvert out there is acting like a dam except we don't have the distance.

Selectman Luszey asked whose responsibility is that ours or is that the State. Isn't that State property Lowell Road? Mr. Webster said it was our property. We own it. It's in the bridge program but we own the bridge. Technically Chairman Coutu said the State will claim 3A from beginning to end but we maintain certain parts of Lowell Road. That happens to be one of the areas that come under our purview.

Brian Defosses asked to add one final thing. The reason we kind of all got in the same room and decided it was best to come and talk to you is because there is a little bit of low level flooding that may occur as a result of removing this and putting the bridge in. It's limited to depths of less than 2 feet according to this report. Again, it's only in those very small floods. Up until you get to a larger flood basically, it is helping a little bit. After you get past the 10 year flood, all bets are off. Everything is pretty much the same. It doesn't really make a difference. I felt that you at least needed to have an appreciation for the fact that there may be a very small affect downstream during the smaller floods. Also it's a natural occurrence. It's not that the town is adding more flow necessarily; you're just basically not restricting it up stream and also not creating a potential hazard up stream.

From Chairman Coutu's perspective, I understand that obviously if we put the bridge and obviously we're going to be doing some work there and it might increase the flow slightly. We may have a more positive flow going downstream and of course the heavier the rainfall the greater the flow. I'm more concerned with the depth of the dam being an additional 6 feet above ground level at that level and the backup that takes to the other properties that Mr. Webster and I looked at and how it would affect them, the lesser of those two evils is to have slightly more flow going down stream even though the elevation might be at its peak two feet, much less damage than what it would cause otherwise. I think there's a consensus and I'd certainly like to see a motion be put on the table to have Mr. Webster proceed with the plans to build a bridge.

Motion by Selectman Luszey, seconded by Selectman Maddox, to have Gary Webster proceed with the plans to build a bridge.

Chairman Coutu asked if any member of the Board of Selectmen wished to discuss this any further or have any questions. I want to give both of you a last shot before we take a vote.

Selectman Nadeau was around during all those storms from 2006 to current. Even today the flow going down through the corridor by Birch Street, Lowell Road...it was pretty heavy today. I think part of it is if we do some preventative maintenance and making sure that the culverts are cleaned out and there's no debris in it and if we put the new bridge in, I think that will definitely help out a lot better with the flow of the water. If you allow more water to flow through at the beginning, I've always thought the bridge was the way to go versus the dam. The problem with the house on Birch Street has pretty much been alleviated now by the work that the Highway Department did during the last storm. 2006 was the mother's day flood; 2007 and 2008 is when they worked on it and tweaked different things over there. That one particular property is pretty much all set now. I think just by doing the bridge is the way to go. I think we should go forward with the bridge.

Gentlemen, and that includes you Mr. Webster, Chairman Coutu said if you have anything you'd like to chime in on, please before we take a formal vote. Mr. Webster thought they were making the right decision. As Brian said, we build that dam 5 feet higher and that thing lets go, we'd be like another Alton. We'd really be in trouble because it affects every house downstream, across from T-Bones, all the way down to the river. We would be in such a quagmire; I don't know how we'd handle it. You're talking probably 20 something feet tall that dam would be from the bottom of the brook to the top. Selectman Luszey stated we could lose Lowell Road. Mr. Webster said we definitely would lose Lowell Road and T-Bones.

Just to add a final thought to that, Mr. Defosses said you'd also be saving the town \$1,500 a year in dam registration fee and you'd save the town from having me come in and inspect it every other year and harass Gary about doing maintenance. All those things that come with owning a dam. Chairman Coutu was unaware of the fee until Mr. Webster apprised me of that the other day. On top of the additional costs that we would incur in building it that we don't have money for, we would have to find somewhere else.

Vote: Motion carried 5-0.

Mr. Chairman while we're in this mood, Selectman Maddox said maybe we should have the Town Engineer, Town Planner, and myself talk to the owner of T-Bones. Let's see what the next steps might be because it's only a matter of time. If we can start working on it at the pace this kind of stuff takes...Chairman Coutu said it's not T-Bones. It's an LLC...Selectman Maddox thought it was a Mr. Cohen that owns...the nice thing is he owns the bank that's next to it; he owns both buildings. From the Planning Board days, I know that he did own both of those facilities. If we could cut through that parking lot and put a new culvert in and fix the problem of capacity, we'd be in much better shape and then waiting until the collapse and then dealing with it.

Chairman Coutu indicated obviously we want to get this dam project under way but I would like to see us study this and come to a resolve and see where we can go with it. If you will agree Mr. Webster, I'll have Selectman Maddox and you coordinate and then he can feed back to us as you progress through that process. Mr. Webster thought that they should have a meeting with them and sit down with them and maybe after we do that we do a cheap preliminary design to see what the cost is going to be to get an idea after we meet with them and work with them on where it could. He probably would be very palatable to it because of his situation right now.

Just to let you know, Brian Defosses said he does have a model that actually goes all the way down there at this point. I could make that available to you if you think that would be helpful. Chairman Coutu appreciated that. Thank you gentlemen. Gary I appreciate the time you've given us to the matter as well.

5. OTHER BUSINESS/REMARKS BY THE SELECTMEN

Selectman Nadeau - I'd like to thank everybody who came out for the parade on Memorial Day and for all the support that we had from the local bands, choral groups, American Legion, and VFW. There were a lot of comments on the stone finally getting engraved by Hudson Monument. I'm glad to see that was done and so were other people that were at the ceremony.

We had a father/daughter dance at the Rec. Committee that turned out to be very good. We haven't had one of those in about 2 years. They do it about 2 years. The Chili Fest of course was rained out but it was still held. It was quite the rain event out in the field. Again, the chili was good and it was a lot of fun. They're going to continue to do it again hopefully next year. I'm sure Selectman Coutu will talk about the Memorial Day service at Benson's so I won't go into that. That's it this evening.

Selectman Luszey - Just two things. I'm sure most of you have read the Hudson/Litchfield News and received a letter from a very close relative and friend of mine via e-mail. I don't have it with me tonight because I was in a rush getting here this evening. I happen to be a property owner in Nashua. I will bring a copy of a letter that I received in my tax bill that explains how Nashua spends their money and what each rate is. I'll also bring a copy of my current tax bill from Hudson. I will show you the vast difference. I don't think we're a bunch of drunken sailors spending all of our hard earned money from our taxpayers. I think we do a very good job at stewardship of that money. I did speak to the creator of the article and suggested that he give the same amount of time and space to the School Board on how they handle their unexpended funds so that the taxpayers have a true comparison on what we do and how we manage the town. I'll bring a little more on that next week.

If you would allow me. Mr. Manor just popped in. There was a meeting with the seniors and the architect to update the drawings. We could get a hot off the press update on how that is going. Chairman Coutu told Mr. Manor how concerned he was about how they're progressing. I hope to hear what you said might happen when I spoke to you last. Mr. Manor said they came to an agreement. That's what Chairman Coutu wanted to hear. You promised. I'll

volunteer you for other things. Mr. Manor said they'd have another set of plans in our hands by the end of next week and we should start getting numbers after that. Moving forward, everybody is happy...at least I think they are. Selectman Luszey said it sounded like they're still on target for the July 10th meeting. Chairman Coutu said he couldn't express on behalf of the Board our sincere appreciation. We're going to have to double your salary. For the record, Mr. Manor is a volunteer and because he cares about our community. We greatly appreciate it Bernie. Thank you ever so much.

Chairman Coutu wanted to comment on one thing you said Selectman Luszey relative to the article that was in the paper. You and I had a discussion about this and I think I mentioned it to you Selectman Maddox is that I was misquoted. It said that I would not vote to expend any further of the surplus money. That is not what I said. What I said was that the Board of Selectmen was going to establish a list of priorities and until such time as that list was established and decisions were made, I was not going to vote to spend any money because it was a matter that the Board needed to decide on. So I wanted to straighten that out as well. Thank you for asking Mr. Manor to come in.

Selectman Brucker - The two committees that I'm liaison with did not meet since our last meeting. So there's nothing really to report out of that.

I did want to thank the American Legion for their organization of the Memorial Day events. They were really very well done.

Also a comment on that article. I think that we've always been very careful about how we expend the money and that safety issues come very high on the list. There were a couple of safety issues that we voted to spend the money on. Also any legal obligations that we have to keep documents and that sort of thing is important. That was one of the expenditures for the data storage. I don't think that there's much merit to those comments in that article.

Selectman Maddox - Well as long as we're going to go around round robin on that issue, the math was wrong. If we took all of that \$473,000, it would add \$.16 to the tax rate times the formula, it would be \$48.90 and not the number that was in the paper which was almost \$500. So that was the first thing. I did receive an e-mail from your relative. I don't think he liked my answer. Selectman Luszey said he didn't like his either. Selectman Maddox said one other citizen called me and said understood that you were level funding, and you asked department heads to come in, and you hopefully will make a decision. You hopefully will make a decision. I don't see us spending all that money but again, it's not \$498 it is \$48.90. Sometimes mistakes are made on all sides.

Next, I will say here that the decision of this Board to remove the meeting room from the cable facility concerns me. I think that at the very least if you put that room in so that it is available at a future date makes more sense. At some point, this Town Hall is going to have a problem and we're going to need to do something. So even if the Board does not televise from there, at least putting that room in place would make sense to be able to bail out when we need to do something here. I would hope that you would reconsider in taking that space out and doing whatever they were going to do with it at the cable level. I know you said you got some letter from the lawyer saying we couldn't do that. I just didn't see it in the general read Mr. Chairman.

Chairman Coutu said it was a communication between the attorney and I. We didn't make a copy. I can make this available. I had posed a couple of questions and asked the Town Administrator to pass it down to our attorney. Steve Buckley responded. "Question #2 posted by Selectman Coutu questions whether the construction of a permanent selectmen's meeting room in the proposed cable television facility would be a permissible expenditure. In 2001, the Town Meeting adopted Warrant Article #33 establishing a capital reserve fund for cable television access center. The purpose of that capital reserve fund was to purchase land and/or buildings to create a cable television access center. Based upon this language, it would not appear that the construction of a permanent selectmen's meeting room would be permissible expenditure from the capital reserve fund for cable television access center." That's the opinion that he's rendered. The reason why I asked is because I questioned, and we did talk about this Selectman Maddox, whether or not using subscribers' monies to put in what in essence be a governmental space to be occupied by government is permissible. I felt that in the realm of things, it was something that all of the taxpayers would have to fund as opposed to just cable access monies to do that or we would have to charge that portion or percentage of the building to the taxpayers in general. I just felt it was a needless expense because we have a meeting room.

Selectman Maddox said the taxpayers are going to have to put money into this. There's already been \$300,000 so there is taxpayer money involved in building this structure whether it's the senior center or the cable facility number one. Number two, it could be a meeting room. It wouldn't have to be just the selectmen's. It could be utilized by any number of other entities. Again, I'm just trying to say that even if we don't fit it up if it is put in place so that if we need to make changes in this building, and I think we all think that at some point we're going to have to make some changes in this building, we have some place else to televise from. So I'm not saying put cameras in, I'm just saying

at least build that room this size and if they have cooking being done in it until we decide at a future date some other board says we want to do something in Town Hall, we have a place to do it would make sense Mr. Chairman.

Selectman Luszey's thought on that is I think taking it out is actually the best decision. The voters approved spending money for a senior center, which is the upper floor. The voters approved spending the capital reserve and building a cable center. That's the lower floor. They have not in no shape or manor have given us any indication or approved us to go and build any additional government space. I think as long as we keep it separate and true to the way the voters directed us, the better off we will be down the road long term. If the Cable Committee wants to leave at some point and give that space back to the Town, then I think it would be up to the voters on whether or not they want to renovate that for town office/government use. For me it's clean the way it right now.

If it came to needing that space, Selectman Brucker asked if it would be proper for the Town to rent it from the cable...who owns the cable space...the studio? Selectman Coutu said Hudson Cable Television. The subscribers who pay the fees to...it belongs to the people. The subscribers are paying for it. Selectman Brucker indicated if we needed the space...Chairman Coutu said that takes us now another road we'd have to discuss that with our attorney if it was possible. I think Selectman Luszey summed it up quite properly when he said that what we have decided and what we proposed to do is the cleanest way to get this done without having to have any legal ramifications later on. I think that Selectman Luszey also point out the last time we discussed this that with fitting up with old Hills Library across the street with a full camera outfit to be able to do production and programming if necessary, one of the alternatives that I had thought of since that meeting was that we could pick either this side or the Buxton room side to conduct meetings and have a limited number of committees have those meetings, and we could ask all of the other committees to meet across the street. That would free up one of these two sides if we really sit down and start taking a good look at what we need for expansion and one of these becomes necessary. In order to adequately provide comfort and better working environment for our employees, we can limit the number of people who meet in this building and have other committees that are occupying some of this space occupy the Hills Library instead of putting in another television studio for governmental use. It's something to think about at a future date.

Selectman Coutu - I don't have much. I will touch upon what you said Selectman Nadeau. Like my peers, I want to extend my sincere appreciation to the Legion. Of course we're bias Selectman Nadeau as we're members of the Sons of the American Legion, for again another outstanding Memorial Day Parade and gave the people an opportunity to come out and see the Fire Department and all of the people who take part in that regalia. First and foremost on our minds obviously was the service that has been provided to this country by all of the servicemen who presently serve and those who have served in the past and also those who have given their lives for the protection and safety of our country. Again, a great deal of thanks go out to Dave Cote from Hudson Monument who updated our stone and did so at no cost. Also, I want to thank Dave for the monument that we erected at the 9/11 Memorial on Memorial Day to honor all of our servicemen. Again, the stone and all of the emblems of all of the services that provide safety to our country was done at no profit to him. I'm sure when I saw how much we paid for that stone. I want to thank all of the people who came to that dedication and certainly to all the people who showed up on Memorial Day for the parade and give honor to our servicemen. With that I have nothing more.

6. NONPUBLIC SESSION

Motion by Selectman Luszey, seconded by Selectman Brucker, to enter into Nonpublic Session under RSA 91-A:3 II (a) The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, unless the employee affected (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted; and RSA 91-A:2 (a) Strategy or negotiations with respect to collective bargaining, 4-1 by roll call. Selectman Maddox in opposition.

Nonpublic Session is being entered at 8:10 p.m., thus ending the televised portion of the meeting. Any votes taken upon entering open session will be listed on the Board's next agenda. The public is asked to leave the room.

Open session is being entered at 10:00 p.m.

Motion by Selectman Brucker, seconded by Selectman Nadeau, to seal the minutes, carried 5-0.

11. ADJOURNMENT

Motion to adjourn at 10:03 p.m. by Selectman Luszey, 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