

HUDSON, NH BOARD OF SELECTMEN
Minutes of the October 25, 2011 Meeting

1. CALL TO ORDER - by Chairman Jasper the meeting of October 25, 2011 at 7:02 p.m. in the Selectmen's Meeting Room at Town Hall.

2. PLEDGE OF ALLEGIANCE - led by Selectman Nadeau.

3. ATTENDANCE

Board of Selectmen: Shawn Jasper, Roger Coutu, Rick Maddox, Ben Nadeau, Ted Luszey

Staff/Others: Steve Malizia, Town Administrator; Donna Graham, Executive Assistant; Mark Pearson, Assistant Town Administrator; Gary Webster, Town Engineer; Linda Kipnes; Berard Martel

4. PUBLIC INPUT

Chairman Jasper asked if there was anyone in the audience wish to address the Board on any issue over which we have jurisdiction.

Leo Bernard - 3 Bungalow Avenue. I have a question for the Board. At one time, the Recycling Committee had a budget of \$500 I was told. It was made by Doug Robinson. Now I'm told that there is no \$500 budget for the Recycling Committee - no such line item, no such anything. I was wondering. It hasn't been a problem that Kevin's been giving us what we need but I was wondering what ever happened to it.

Chairman Jasper had no recollection whatsoever.

Selectman Coutu indicated that if they have a need, they can submit a request for a budget.

Selectman Nadeau thought they've always had one. I did not notice that it wasn't in this year's budget. I see Selectman Maddox has the book that's over there. They always use it to get pamphlets and stuff that they needed.

Selectman Luszey indicated it used to be in the Highway Department's budget.

Selectman Nadeau said they had a line in the budget. I do remember that.

Mr. Bernard said it was there at one time and then suddenly I'm told it's not there.

Chairman Jasper said if Mr. Bernard wanted to submit a request for Thursday, it would be pretty simple. You can work with the Finance Director and we can consider a tab under Recycling Committee just as we do with the other committees. If the Committee has a request and want to come, come in Thursday and we'll consider that. You don't actually need to come in. I'm sure you can just submit through Kathy. It sounds like Selectman Nadeau is ready, willing, and able to advocate for that cause. Thank you.

Chairman Jasper asked if there was anyone else who wished to address the Board. If not, we'll move on to Nominations and Appointments.

5. NOMINATIONS & APPOINTMENTS

a) Resignation of Bob Friedburg, member of the Conservation Commission, effective 10/10/2011

Motion by Selectman Coutu, seconded by Selectman Maddox, to accept the resignation of Bob Friedburg, a member of the Conservation Commission, effective October 10, 2011 with the Board's thanks and appreciation, carried 5-0.

6. CONSENT ITEMS

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

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

A. Assessing Items - NONE

B. Water/Sewer Items -

- 1) Sewer Abatement, S-UTL-12-05, 2 Harvest View Circle, M/L 137-004-000; S-UTL-12-06, 5 Pelham Road, M/L 204-069-000; S-UTL-12-07, 112 Belknap Road, M/L 184-004-000, w/recommendation to approve

C. Licenses & Permits

- 1) Raffle Permit by Hudson Dog Park
- 2) Raffle Permit by Alvirne High School Friends of Music
- 3) Request to Solicit Funds by Hudson Dog Park

D. Acceptance of Minutes

- 1) Minutes of the October 11, 2011 Meeting

E. Calendar

10/26	7:00	Benson Park Committee - Landscape Subcte - BOS Mtg Room
10/26	7:00	Planning Board - Buxton Community Development Mtg Room - CANCELLED
10/27	3:30	Trustees of the Trust Fund - CANCELLED
10/27	7:00	BOS Budget Review - BOS Mtg Room
10/27	7:30	Zoning Board of Adjustment - Buxton Community Development Mtg Room
10/31		HALLOWEEN - TRICK OR TREAT 6-8 p.m.
11/01	7:00	Board of Selectmen Workshop - BOS Meeting Room
11/02	7:00	Planning Board - Buxton Community Development Mtg Room
11/03	7:00	Benson Park - Buxton Community Development Mtg Room
11/03	6:30	Recreation Committee - BOS Meeting Room
11/08	7:00	Board of Selectmen - BOS Meeting Room
11/09	7:00	Benson Park - Landscape Cte - BOS Meeting Room
11/09	7:00	Planning Board - Buxton Community Development Mtg Room
11/10	3:30	Trustees of the Trust Fund - Buxton Community Development Mtg Room
11/10	6:00	Sewer Utility Cte - BOS Meeting Room
11/10	7:00	Zoning Board of Adjustment - Buxton Community Development Mtg Room
11/11		TOWN HALL CLOSED - VETERAN'S DAY

7. OLD BUSINESS

A. Votes taken after Nonpublic Session on October 11, 2011

1. Motion by Selectman Coutu, seconded by Selectman Maddox, to hire Catherine Brown as the HCTV Production Assistant at the rate of \$11.00 per hour and will be classified as a "Regular Special Shift Employee" for 20 hours per month, carried 5-0.
2. Motion by Selectman Coutu, seconded by Selectman Maddox, to hire Christopher McIntosh as an HCTV Camera Operator at the rate of \$11.00 per hour and will be classified as a "Regular Special Shift Employee", carried 5-0.
3. Motion by Selectman Luszey, seconded by Selectman Nadeau, to seal the minutes, carried 4-1. Selectman Maddox in opposition.
4. Motion to adjourn at 10:25 p.m. by Selectman Coutu, seconded by Selectman Maddox, carried 5-0.

B. Regional Cooperative Energy Initiative

Chairman Jasper recognized Assistant Town Administrator Mark Pearson and Linda Kipnes. This is a follow up to our last meeting. They were to come back with some information and Selectman Luszey had some homework to do as well.

Thank you Mr. Chairmen and members of the Board. Mr. Pearson quickly noted that Selectman Luszey and I went over to meet with the SAU and I will let him speak to that. Linda wasn't at that meeting but I kept her abreast of that meeting. The Board had asked her to come back at this meeting relative to that discussion. I would defer to Selectman Luszey because he has some valuable information.

Selectman Luszey said they did invite Linda but wasn't able to attend. The deal that the SAU has is actually much better than the deal that the NRPC has submitted. What I ask is for the Facilities Manager for the school to get in contact with them to find out if we could. They had a two year contract as the NRPC was looking for us to do. Their contract comes up at the end of 2012. We would be looking to get on with them to combine our kilowatts. That's as far as I got. I know I asked the Assistant Administrator to follow up with the Facilities Manager. I'm not sure where we are right now.

Mr. Pearson talked to John today because he was asked to put a phone into the broker and to the source. He has not heard back. I asked him that should he hear back before tonight's meeting that he would contact me. He said he hasn't. I will follow up with that.

Just an overview. Mr. Pearson indicated that the school uses 4 million kilowatt hours a year. The Town uses about 830,000. So they are a big user and we're a small user. The difference in price is that they're essentially able to get a rate that is \$.07 per kilowatt hour and what we were looking at the NRPC was a rate of approximately \$.09 per kilowatt hour but it was going to be a savings of not less than 7 percent. In clear terms, there's about a 25 percent greater advantage to go with the school supplier than it would be to go with NRPC.

Just as an aside, Ms. Kipnes said the 7 percent that NRPC was aiming at was the absolute minimum. They certainly hope and expect to get a much better rate than that. The more people who join in their cooperative the better rate they think they can get. They said they would not even entertain a bid less than 7 percent but they were hoping and they do expect to get better rates than that.

Selectman Coutu had one question to Selectman Luszey. Selectman Luszey you said that we might be able to piggy back on the school side at the end of 2012. I just want to know if that is calendar year or the fiscal year. Selectman Luszey said it is the fiscal year wasn't it? In Mr. Pearson's mind he thought it was the calendar year - December. I will look through my notes. Selectman Luszey said he'd have to go check. I thought everything was based on the fiscal year. We did bring up the question on how they were able to enter a two year commitment like that whereas we had a legal opinion that said we can't. We're checking that also.

As some people have said, Chairman Jasper said anything is legal until you get caught.

Selectman Luszey indicated that that's where we are at right now. I will follow up with the Assistant Administrator and the school this week to make sure we get the final answer back. We owe NRPC a decision.

Ms. Kipnes indicated that November 7th is when the Letter of Commitment needs to be signed. There is another week and a half.

Chairman Jasper asked if you would say there is the potential that they would just accept us on now during the contract that they have now. Selectman Luszey said they can't. No. We asked that if we could get on now. Just like waste contracts and everything, you can't come in on the middle. We'd have to time it so that whatever we do we come in when they do the new contract. Chairman Jasper indicated that it sounded like a real problem.

If that be their case that we signed on for January 1st with NRPC and save 7 percent, Selectman Maddox stated that's better than nothing. At the end of the 31st, we jump on the schools. I think the other problem with NRPC has probably done a poor job of is 7 percent of what? Some school districts may not have or some groups may not have the same rates. Ms. Kipnes indicated 7 percent of the published PSNH rate, which is published for 6 months at a time I believe. Selectman Maddox said 7 percent is better than nothing.

Chairman Jasper said exactly. Seven percent over a year is a lot better than 9 or 10 percent over 6 months. If theirs does go at the end of the year what was...Mr. Pearson said it is December of 2012. Selectman Maddox said why should we wait 18 months to get us possible savings if we can get something now and only enter a one year contract.

Ms. Kipnes did also speak with the SAU once their contract is up possibly joining in with NRPC if they can't do anything until their contract is up. If the NRPC contract ends at a similar time to the SAU, they might be able to join which might make it even more of a savings because they would bring a heavy load.

The only question Selectman Luszey had if NRPC would let us write a contract that's not 24 months it's 12 months at a whack. Mr. Pearson said the answer is that they haven't determined what the length of the contract would be. They talked about 12, 18 and 24 months but they had not definitive time frame. That was just looking out to see what type of contracts.

Chairman Jasper thought it was clear to this Board that we can only go 12 months.

Mr. Kipnes said that several towns had brought up the issue of only being able to commit for 12 months. It is an issue NRPC is aware of. We'll have to word the contract somehow to make that.

Chairman Jasper stated it does bring up an interesting point because we do trash contracts. It's always about non-appropriation clause. I think I guess that's the problem because obviously we cannot non appropriate for electricity. There seems to be an issue there that doesn't make sense and perhaps that's something for a piece of legislation dealing with contracts in the future. There's nothing we can do about that currently. Do you need anything else from us this evening at all? Ms. Kipnes said no. Chairman Jasper said that they'd expect to see you back at the next meeting and we should have - or you don't need to come back to the next meeting. Ms. Kipnes said the next meeting is I believe after November. Chairman Jasper indicated that we do need something. We need a letter to be signed by November 7th. Ms. Kipnes said that they needed to decide if you want to sign the Letter of Commitment and get it to NRPC by November 7th. Chairman Jasper indicated that they would need to do that this evening.

Selectman Maddox said the Workshop we're going to meet on the first, right? That way there our lawyer could take a look at it. We could have something in writing. Mr. Malizia said they had something in writing. There's a Draft Commitment Letter the third page in. It's pretty simple. I'm not sure you need a lawyer to look at it. Selectman Coutu said it was an Agreement but it's a nonbinding agreement I believe. Selectman Luszey indicated that it states 12 to 24 months. Selectman Maddox said they'd just circle 12.

Motion by Selectman Coutu, seconded by Selectman Luszey, to authorize the Chairman to sign the Letter of Commitment, carried 5-0.

C. Architect RFP for the Senior Center/Hudson HCTV building at Benson Park

Chairman Jasper recognized Assistant Town Administrator Mark Pearson.

Mr. Chairman and members of the Board, Mr. Pearson asked to be put on the agenda tonight to speak about the Hudson Senior Center RFP. As you know, the Board directed me to draft an RFP with respect to the perspective proposed Hudson Senior Center/HCTV Facility at Benson Park. Having done the research brings me here tonight because there's several things that I need to get a consensus from the Board. There's some timeline issues and I wanted the Board to be aware of those and what can and can't be done in order to meet the statutory requirements. In your packet you do have a package from Conestco out of Raymond, Maine, a Bruce Sanford. I was referred to him by Warren Street. I was asked by Selectman Maddox to contact Warren Street. Warren Street asked me to call Conestco. Basically it's just a design build type estimate that he could come back with a very cursory cost estimate that could go out to RFP for a design build. Design build was discussed in the discussion in your minutes.

Mr. Pearson further contacted Lee Berard from Berard Martel who had previously done the conceptual design for the senior center. I asked him to be here tonight because I sat down with him today. I went over the timeline. I went over what the possibilities are. The timelines are very tight. It does not appear at this point, and I will ask Lee to come to the table and answer any questions the Board may have, that you can go with a full scale RFP for a design engineer and scope of work and cost estimate to have in time for a warrant article for January 10th. However in talking with him, there are other alternatives. One is design build and the other one is a cost management approach. Of course he can speak to those and where it can get us.

Just briefly for your information relative to this discussion, Mr. Pearson said on the table in front of you is the letter that was included for the warrant article preceding the warrant article from last year. It was from the Hudson Senior Building Committee and it articulated 5 points relative to what they wanted to see for an RFP. There is no design build in those 5 points. It's talking about a full set of plans. As a side, I've been in discussions with Selectman Luszey and we're trying to pull together a meeting with the Senior Center Committee. The problem has been that I asked for the list of people on that committee, and there was no list. So we have been trying to find out who in fact is on that list and we're getting close now. Selectman Luszey, in fact, supplied me with some names today that I didn't even know. We plan on having a meeting. They are part of this discussion. I will move forward with that.

Before you is also the original cost estimate that came in from Berard Martel relative to what they thought would be the cost for this facility when they sent it out to a contractor. It comes up to roughly \$2.9 million. I had the discussion with Lee Berard today about and to use his words, he said, "There are ways to skin the cat to bring that number down". He's here with me today and he's willing to answer some questions relative to this. I think the big question is in what fashion do you want me to proceed? What RFP do you want me to get for the Board? What is it you want me to have by January 10th, which is the first day for the Board to hear the warrant article? If it is for a full scale senior building, then we need to have a cost estimate to put on that warrant article to go before the voters. Any RFP is going to take a minimum of 3 weeks possibly 4 weeks - 3 weeks for the bidding time and a week probably on either side for that RFP. It's a time crunch here. I'm willing to do whatever the Board tells me that they want done. I don't think

there's time for 2 RFPs is what I'm getting at. If you wanted a full set of plans, you might be able to accomplish that but it wouldn't be on the warrant for this year. It would be on a warrant for next year. If you want something less than a full set of plans, then that is possible and to come up with a cost estimate but it would be more of some hard costs and some soft costs would be some variables in there. Lee can speak to those points there on what you could get for a warrant article for January 10th, the first day for you to hear that. With that, Mr. Pearson would like to ask Mr. Lee Berard to introduce himself and expand on what I said. I'm not an engineer obviously and he is.

Chairman Jasper, Selectmen - Mr. Berard is familiar and we've been down here before as this has moved from one site to another and has morphed into a facility like this. The main issue at hand is how to get a number, and obviously wanting to get the right number, that the voters would agree and abide by January 10th. For a traditional public funded bid delivery process. Its 12 weeks all the time. It's common to the municipal projects that we're working on the cities of Concord, Manchester, Pelham, Milford and a few others. At the same time in working with those towns on their projects, they're bumping up against some of the same kind of issues that need to be addressed here. What I would offer is that there's a way to get a secure number for your warrant for January 10 without going through the complete process. It would be about 50 percent of the complete process. We would bring back our estimator who put together the estimate the first time around. What we would need to do is just make sure there's a tiny bit of a cushion for the fact that 4 months hence to March and what not and with what's happening in spring and construction. There's obviously a tiny bit of a growth margin on the different construction products on the way through there. When in March the voters may vote for the project.

[Lee Berard] The final execution of the work would be the construction drawings. Then it would go out to bid to either a select list of contractors or to an open bid to all contractors. There's a way that, and we've done this in the Town of Pelham and with a couple of other projects like this, been able to get about half way through the process, have enough engineering and architecture done so that the number is good and qualified, and put that on the warrant and when the warrant gets approved, then finish off the rest of the construction drawings while engaging the contractors. You would still have the choice to either go a construction manager delivery, which is selecting which contractors you'd like to have on a short list, or you could go open bid. You have that flexibility and you can still do that.

Chairman Jasper asked if there were any questions or comments.

Selectman Maddox said this would be the same gentleman that came out and gave us the bid the last time? Ms. Berard said yes. Selectman Maddox didn't think we should go anywhere with him. He was unflexible. He wanted to put in \$300,000 worth of concrete work to put in a system that we don't want to fund. His price was outrageously high for what we're looking to get. This was the guy that was pushing concrete walls all the way up to the eaves so that there would be an envelope to hold the radiant heated floors. That's not what we're looking for. So if this is the guy you're going to use, we're going down the wrong path.

Mr. Berard would suggest only that he answers to the program he would be given. However that program didn't get established. That was what he did answer to. One of the considerations I wanted to bring to the table is that there's a lot of assemblies and there's a lot of - let's call them moving parts right now through this whole project - that are much more known than they were back earlier then. Whether it's site work and where the site work is coming from, whether it's the HCTV fit up and how that may be addressed whether it is inside of the whole bond structure or not. The kind of things that I'd like to offer up would be an opportunity for dragging down the pricing on this project. One of them was to move back to conventional construction - wood frame standard material like that. Even to the extent of the exterior being a synthetic hardy plank type siding that's specified right now. Moving to a fir - a natural wood product. With our experience, top quality fir with back priming and proper sealing is a good long-term product. It knocks down those different price parts for all these different pieces more, and more, and more.

Just another note about that particular assembly that is suggested. Mr. Berard said with all the fire stations, ambulance service buildings, and other municipalities that we're servicing, they are picking this as the absolute number one choice for a system. Part of it is because they're deciding that a lot of these buildings need to be a central service buildings, points of refuge. This particular assembly type is the closest to making a building a most survivable. We've brought out tests and testimony about survivability of hurricanes, ballistics, and all these things. So whether or not that was even part of the consideration for this building, that's some of what has been prompting people to really consider this system.

Selectman Maddox said that was all fine and well and you've made those points. When we asked him to get rid of all of that, he said no. He made me look like very easy going. So why do we want to go down that path. You're probably not the problem but I think the guy that you're going to bring in is going to tell us that we need all this stuff that we don't need. He was intractable when we tried to say we need to get this number down. So why do we want to go over that same cliff again.

To that end, Mr. Berard would bring in another estimator as opposed to asking him to...Selectman Maddox thought that was a first start. Again, I just thought that...Mr. Berard said there's only a few people in the State that are truly independent and not working for a contractor. I think that's an important part of the criteria.

Chairman Jasper asked if there were any questions or comments. Where do we want to go gentlemen?

Selectman Luszey had a comment. I was responsible for a fitting and maybe the way government and towns do it is totally different but I do find this very strange. The last building I did I called a couple of contractors and told them I need a price to retrofit a building. Within a week, I had a number that I could go to my management with. I'm sitting here kind of wondering what is the huge task? We know the look of the building. We know the square footage of the building. I believe a good contractor knows the per square foot cost to put a structure like that up given some basic input. I'm thinking \$200 a square foot is probably on the high end for that type of building which comes to \$1.6 million. Explain to me what is the real gotcha here? Why does it take 12 weeks to get a cost estimate for a scope of work of putting that type of building up which would include the architectural drawings, the site work, and the actual construction of the building?

Mr. Berard said only because of the public process requirement that the contract's number be backed up in all ways. We need to really complete the set of drawings. While in fact part of what I was talking about was getting to a point where the contractor, or in this case the estimator who actually thinks, works and was a contractor or inside of a contractor's staff for a long time, they can put together numbers very quickly that can qualify the building. However when you're having the contractors publicly bid against each other, the crossed Ts, the dotted Is, the legality of all the backup paper is the crunch and the issue. They have to have that fully, fully vetted in order to make competitive numbers. If someone is giving a contract to a contractor who believes that he was wronged by his number being lower and the higher number got awarded somehow, he by rights and legal moves can contest your giving that contract to one contractor over the other.

Selectman Luszey thought they were saying two different things here. Chairman Jasper wasn't sure that you really are. What you can't do and you are doing is looking at what a private business that does not have to be concerned with anything. They can spend their money however they want on whomever they want with no interference. When you're spending the public's money, you have a whole different set of responsibility. Maybe in a business you're responsible to the stockholders, but it's not the stockholder's money. In this case, it is the taxpayer's money. We have a whole different set of criteria. What I'm hearing is that he is answering your question but it's not what you want to hear because he's answering it talking about what the public process is to get where we need to get. It's not a compatible system with what you're used to.

Mr. Berard wanted to clarify. We do a lot of private work. A lot of it does go exactly how you were able to really expedite some work and you get your early number. Then as plans and specs come out even further, the early numbers are double checked again, you advance it towards a not to exceed cost. Mr. Luszey said exactly. I'm wondering why we can't do that on this. Chairman Jasper indicated when you go into a bond, you don't go to a not to exceed bond. You go out and you have a bond. So you have to have the number. Sure you can come under but you're not going to go out to bid and ask the people on a not to exceed. When you go for a bond, and we don't go for many bonds in this Town, you go for a hard number.

If Mr. Berard could, if we had more time, which there's really 8 working weeks from now to January 10 - 8 and no more. My working weeks are going to be 10 or 11. When you have engineers and all that come together to push this pile of paper through the pipe, everybody has an odd holiday or some such and we only have 8 weeks. If we had 12 weeks, what we could do then is another process a CM, construction manage deliver process, where we pick say 4 contractors that are of the right size, qualified, we prequalify them so it's all appropriate to the public deliver process and get those early numbers from the 4 contractors through 1, 2, 3 steps to the end. When it may have to go out open market, we just can't have all the contractors all get interested early and then go through a 2 or 3 step process. We could do that if we had say up to 4 contractors in a CM process.

Selectman Maddox said we don't have that time frame.

Chairman Jasper thought they had to be realistic here. I've been warning right from the get go that this was probably a two year process because of what we had to go through with DOT. We have to look that this building is a building that will stand long after all of us are gone. If we rush this and we go to warrant and we don't have all our I's dotted and our T's crossed and we lose this, we may never get it back again. I think of that great deal of that house right behind here for \$40,000 that we could have bought but the Selectmen at the time didn't do their due diligence - there was asbestos and how much was that going to cost? Well we don't know. How many parking spots can you get? The Town Planner was sitting there on the floor at Town Meeting trying to figure it out and everyone went no. It's \$40,000 for a house in the '90s. It was a great deal but we didn't do it right. I'm afraid here if we don't go through this process and make sure that everybody is comfortable, that we don't have a plan that shows every closet in every

utility and everything done, people are going to go you've rushed this project. You don't know what you're getting and you're asking me for a bond for \$2 million or whatever it is, the answer is going to be no because we haven't done our due diligence. We can't just say we need it this year so therefore we have to throw out all the good practices. I'm sorry to say that but I think we need the next year to do all the proper planning and to know everything there is to know to get this approved. I know that's not what the seniors want to hear. It's what I've been warning. I'll tell you what I'm hearing tonight, the Budget Committee is not going to be happy because this comes right up to the last moment. Everything is looking rushed to me and it's going to look rushed to everybody else. It's nobody's fault. Nobody wanted to see us get to this point. That's what happened because we had to go through the approval for this site. This Board can do whatever it wants but I think you're going to be making a huge mistake if you rush this to warrant. We don't know all the answers to all the questions. Without going through the full process, we're not going to know that. We have an exterior. We've seen an interior based on an old plan that won't really work on that plan because of the locations of the doors and everything.

Selectman Maddox said the plan Chairman Jasper saw was based on that drawing.

Chairman Jasper said that they don't have anything for downstairs. Selectman Maddox said yes we do. Chairman Jasper hasn't seen anything for downstairs. Selectman Maddox said Cable gave their input and that was all laid out. Chairman Jasper didn't think you're going to have enough. Selectman Maddox indicated that they're not going to have enough time to make the magic work is what you're basically telling everybody.

Mr. Berard said it was tight. That's your schematic of the HCTV layout/senior layout. Just enough to get the basic description going. Actually on the private level would be enough for...Selectman Luszey said then they'd go and ask for bids. Mr. Berard said he needs a value.

Chairman Jasper said the problem is we need a final number. In business you can go out and you can solicit those numbers and approve them. In eight weeks, we don't have enough time to get everything out there to the people who would be bidding to come back to evaluate that and then make a responsible recommendation. There's just not enough time to do that in a responsible manner.

Mr. Berard detected that the desire of the delivery method that the Town would adhere to would be an open public bid or a bid after all design would be done. That has been the standard. Chairman Jasper thought in this Town that's realistically the only way you're going to get a bond passed. Bonds don't pass very easily. The last bond that we went out for was the police station. If anybody remembers that process, we did not end up with the final product that we wanted. I wasn't on the board that did it but it was a rushed thing. We should have had the mezzanine. Now we're talking we need an expansion of the police department because they pulled out the money to do the storage mezzanine up on the top floor. A lot of issues that didn't come out right. The Board was sitting around pulling out things, pulling out things, pulling out things. Frankly, we did not do ourselves any favors as a Town with the process that we used for the police station because it ended up being a rushed project as it were. That was a bond but it was just not a good process at all and it was rushed. The last bond before that was to close the West Road Landfill, and that failed the first time. Mr. Malizia indicated that we bonded some water projects. We had another one that failed because it was too large of a scope. It was a \$4.7 million bond. Chairman Jasper thought of that as a whole separate thing of the water company. Mr. Malizia believed it's also a 3/5 standard. So it's not just a simple majority. You have to get a greater standard than that too. Depending on the economic times, it's not always easy to attain.

Selectman Luszey had a question/comment. I guess our next step is to get the architectural drawings done right? Chairman Jasper said we have money approved to do that and that's where I would like to see us go. Again whatever this Board wants to do. What Selectman Luszey is hearing is we have to do that in order to get to the next step of getting a price to go out to bid, right? Chairman Jasper thought under a design build you might not need to do that. You still don't have enough time to do that. That's the problem. My feeling is that if we don't have enough time to get it on the warrant for this year anyhow. We went with design build on the highway garage. That was pretty simple and pretty straight forward. This is a lot different and we might want to consider whether that is the way to go. My feeling is on a building like this I would rather have the full set of drawings and go out to bid.

Selectman Luszey asked to help him understand what the distinction is between design build and the two step process then.

Mr. Berard said even a third one. Design build, total public bid, and in the middle CM. Design build - the architect and the contractor just like an attorney and accountant, you have agents and vendors. The architect, the accountant, and a lawyer are your agent fiduciary, directly connected only to your best interests. Contractor just by default and half the time wished they weren't, they're a vendor. They provide parts, and guts, materials, and they make money on the tiny little margins that are all aggrieved in the contract. When you take the agents out of your purview and put them under the vendor in design build, you've given away your checks and balances. When you're doing repetitive projects, a bunch of Burger Kings, after you get done the first one, design build is beautiful. You know the quantities,

you know the prices, and you know exactly what the next one is going to cost. Design build can make it very fast and moving very well.

Selectman Luszey asked how do you get to the number to go get a bond on design build if you're creating it as you go. Chairman Jasper said that was the point. You don't. You go out there and get proposals for design build and everybody comes in. It may be based on the same floor but it's not your specifications. They're going to come in with their own specifications for material, quality and things like that. Whereas if you go out with an architectural drawing and you have your specifications, they bid based on exactly what you want as the final product.

To that end, Mr. Berard said says its lock sets. Your specification says Schlage burnished in metal, etc. Deep down are more specifications whether its Schlage level 1, 2, or 3 depending on the anticipation of hard industrial use and what not. Did you get the right kind of lock sets and what not? That's very difficult to see if your specs and what not are just a little undefined. There are some Town Managers that I can tell you about later that did go design build for a unique one off kind of a building and now are going a different delivery because it just didn't work the way they wanted it to work.

Chairman Jasper said the highway garage was different. Everybody builds highway garages. There's nothing fancy about that building. Its bays and some offices. Nobody builds a building like that. There's no building exactly like that or even similar to that anywhere around. I think a design build would not be in our best interest for all of those reasons and more.

Mr. Berard said there are other parts to the equation. Design build or traditional bid delivery or CM in the middle, they have different risk exposures for all the parties involved. Depending on how much risk you want to sacrifice for the need for speed, the need for other dynamics, sometimes it's appropriate. For a highway garage, it's beautiful. The steel building is a very basic shell. A few fit ups at so many dollars a square foot, wham bam, it's great. Not advised. CM I would wish to talk about more but for the sake of time, the traditional bid and build delivery, even design build still needs all that design time to really get the number right so that they can have that number be defensible in front of any town agency or persons. As much as that traditional bid build delivery, the same amount of time is needed to get the drawings and everything else done. Design build is sometimes an advantage when the owner has so much trust in the contractor that he then lets the contractor jump start the site work as a separate contract while they're still negotiating out how the building is getting built and all of that. They initiate going down that road like that.

Selectman Coutu thought we can debate this for another 2 hours and not get too far. I think we need to deal with realities. No doubt that you had warned us that if we rush into this, it may be very difficult to proceed and get it done right. I am very much concerned that perhaps that's the route that we were taking and it would be ill advised at this point for us to proceed in a hurried or rushed manner. Selectman Luszey you represent this Board on the Senior Council. You have advocated as I have all along that we would like to get this done this year but I don't want to see us get into a situation where we're going to provide something that is not adequate, certainly not safe, and certainly not rushed. I think it behooves us to take the advice of someone who's a professional in the field and as sad as it may be to explain to the seniors that perhaps we are going to have to wait an additional year. I didn't want to do that because we want to provide to them a building that is quality; a building that is safe; a building that meets the specification and criteria we presented to the State in terms of replicating the barn that was there, and we have to and they have to understand the nuances that are involved in the detail that needs to go on each of the floors that are going to be constructed. This isn't a stand alone, single type operation building. This is a dual purpose, two floor, two completely non contiguous uses that we're going to apply in this building.

Selectman Coutu thought that we can act this evening in requesting that we do a full set of plans with all of the requirements that are necessary in order for us to have a firm number with all of the fittings that need to be done to accomplish this, and we need to give up on the idea. We need to be realistic. We need to give up on the idea that this is going to be on the ballot this year. I think to do so, to rush to get this on the ballot is doing an injustice to our community, to the taxpayers, and certainly to the seniors. I think that we need to heed this evening Chairman Jasper's advice, dot our I's, cross our T's, and let's get it done right. That would be what I would support at this moment. I've heard enough and I think that that's the advice pretty much you're giving out. If I'm not hearing you right, then say so. I want the seniors - the senior community has been waiting an awful long time for this. This is a big disappointment. I can hear it now. It's a big disappointment but it's as simple as wanting to take a bus ride to go to a casino on a trip planned by the seniors. I want to make sure they get me in a safe bus and not just rush it and get some rinky dinky bus down here just to get me there because that's all they can find. I don't want to give them a building that we're just going to slap together because that's all we can get in the short time that we get to put this together. I want to give them something that's quality and something that we can sell to the voters and it gives us another year. Economic times such as they may be, it's going to be very tough to pass this. Another year gives us a chance to build our reserves to probably not have to go to bond. Time will tell. I think if we go to bond, it's going to be a tough sell this year though I think that the seniors can certainly campaign hard. I think you're right Mr. Chairman, I think it's time that we take a step back and we do this out of due diligence. As I said Sir if I'm mishearing you, please

tell me so and please help us out here so the seniors understand why we need to take the approach your recommending.

If Mr. Berard could, I think it is a wise decision for sure especially since this one is real important. If I could even go further. I grew up in town. My family is 3 generations deep and coming back here to be able to help as this may go forward if that could be the case, I would only want to make sure that we're doing the right thing. I totally agree with your position.

Selectman Coutu would entertain a motion that would advance this project in terms of what we would need to get a full set of plans.

Chairman Jasper said he was looking for some guidance from you as to what you think our next proper step should be to move this forward and make sure that we get it done right, what should we be looking to do now with the monies that we have available in the current warrant article.

Mr. Berard said most definitely the full architectural and engineering plan set. Please with the knowledge that what will occur through the process is there would be a minimum of 3 if not 4 pricing checks starting from the very beginning. What's the number that makes sense and how do we structure that before we start going down the full road of designing all the engineering and architecture.

Chairman Jasper asked how do we get to that point. Mr. Berard put together a proposal and I've put it on your desk and we look at a time line. Could it be 16 weeks of a timeline? 20 weeks of a timeline? That would feel like it's moving pretty fast. Chairman Jasper said you will come back with that proposal. I think that's what the Board would like you to do and you will come back to us with that proposal so that we can go to the next step.

As long as we're going to throw monkeys with the wrenches, Selectman Maddox said by the bid number that we got from that other gentleman, design is \$195,000. Chairman Jasper indicated that he would be coming back with a proposal which will include...Mr. Berard said right. He would be coming back with a proposal that is different from that. All Selectman Maddox was getting at is we probably should look at going out to bid. We're not going to come in with one gentleman's nice proposal if it's going to be in the hundred and some odd thousand dollar range. Chairman Jasper didn't know what that normal process is. This is the gentleman that we had gone with. He'll come in with a proposal and obviously if we don't like the proposal we'll go out. If you're suggesting we solicit proposals for the proposals, I guess we could do that. Selectman Maddox said when you have \$195,000, and that's probably high I don't disagree, but if we're in that range, and we're not going to take this at chunk speed, we might as well step back and look at...Mr. Malizia said the warrant only allows you to spend \$150,000. Traditionally that kind of number usually warrants some sort of bid/RFP. It's certainly up for discussion. Chairman Jasper said whatever the Board's pleasure is.

Selectman Coutu spoke to Mr. Pearson in saying that he's been dealing with this gentleman. In terms of what's before us relative to his company proceeding, do we need to enter into a contract with you? Mr. Berard said yes. Selectman Coutu asked if he saw something in front of him that they had a dollar value to that. Selectman Luszey said 2250. Selectman Nadeau said that was a different company. Chairman Jasper said that had nothing to do with it. Selectman Coutu said we need to know what this is going to cost us this first step. Chairman Jasper said that's what the proposal would do and we could solicit several proposals and perhaps for that type of money, I don't know what our requirements are, I think we have the ability based on the warrant article.

Mr. Malizia said there was a letter that was put on your desks dated the 3rd of December. It was from the Senior Building Committee outlining what the deliverables for this warrant article were. I think you're looking for something along those lines. When the Board contemplated this warrant article last year for \$150,000 combine a dual use senior center/Hudson cable TV facility, these were the deliverable elements right here. In the interim if we're asking him to do something now, Selectman Coutu asked if he was doing it for free. Mr. Malizia indicated he was here tonight for free. Chairman Jasper said what we're asking Mr. Berard to do would be to bring us a proposal that meets these deliverables. The question is do we put that out.

When Mr. Webster heard the RFP was going to go and what you're saying is, we don't have a contract and the seniors did. I thought the RFP was going to be to hire an architect. That's what I was on the assumption. The seniors hired him and did all the renderings and the floor plans. I sent him the site plan today. I thought that was what it was going to be. The RFP is to go out for a consultant, interview them, and find out who the best person was. I thought that's what it was.

Chairman Jasper said it was certainly appropriate for us to go out for an RFP for these deliverables. It sounds like Gary is willing to work with Mark to put that RFP together to go out for a proposal for the architectural. What's the Board's pleasure?

Selectman Coutu said the next step is to proceed with an RFP, that's the direction we go in.

Motion by Selectman Maddox, seconded by Selectman Coutu, to have the Town Engineer and Assistant Town Administrator to take and move this to meet the 5 points listed in the Memo dated 12/23/2010.

Since we're now taking it off of warp speed, Selectman Maddox thought maybe we back up just one more step and say maybe put this out to cable once again, to the seniors once again to make sure that - again we were racing last year to get this to the budget. Step back and say is this what everybody now understands we were going to go. Once these drawings are done, that's it.

Chairman Jasper thought what we're doing here is just getting a proposal for the RFP. If we do that, we can take the RFP with how many other people and we can take those to the committees and say here's where we're going and that can be reviewed. I think that's the proper way to do it.

Selectman Coutu said as long as the process allows for the modifications if there are going to be any. Chairman Jasper said they'd look at whatever people are coming in and proposing based on these deliverables. We either find somebody who is going to do what we expect to be done or we say our RFP didn't accomplish that and we go out again, or we say well this guy is the best and let's work with him to modify. Selectman Coutu said they could reject the RFP. Mr. Malizia said this is a starting point. Selectman Coutu said they have plenty of time. We can always start over.

The one thing that stuck in Selectman Maddox's mind is everybody got that 40 foot wide number in their head but that was the outside. This guy was putting in 12 inch thick concrete walls on both sides. They designed all those rooms based on 40 feet. That's the kind of thing that I was trying to make sure.

Selectman Luszey's only point was that the whole purpose of trying to bring the Building Committee back together is to engage them into this process. I think that's what the intent is. Chairman Jasper said we'll go for the RFP. Once it comes back, the Building Committee can certainly review all the proposals and make a recommendation to this Board. That would probably be appropriate.

One last comment and this on behalf of the seniors. Selectman Luszey heard a couple of times that we're going to slow this way down. We're going take it off of warp speed and everything like that. I'm still advocating we try to get this work done in time to get the numbers. The reason I say that, I look at that rendering of that building and I don't see 12 weeks of engineering that goes into it. With the CAD systems that the engineers use today, they could have a set of drawings done in a week and a half.

Chairman Jasper told Selectman Luszey what he has to understand is we now have our team putting an RFP together. That's going to be two weeks. At minimum, they'll be back at the next regular meeting and then that has to go out. You probably have to give a minimum of 3 weeks for that RFP for people to look at it. I don't know what the normal time would be. Mr. Berard said that would be about right to have a deadline for remittal. At that point, Chairman Jasper indicated that you're already at the beginning of December. Selectman Luszey said he doesn't like it but I hear you. Chairman Jasper said it was unfortunate. If we could have moved the DOT and if we had been having this discussion when I had hoped we'd been having it, which was the first of September, then I think we probably could have been there if we'd been at the first of September. Unfortunately, everything didn't work out the way that we had hoped it would. Having been in government 31 years almost 32 years, I sort of expected that that's what was going to happen. Government is not business. There are too many roadblocks. Selectman Luszey said now we know why stuff costs so much. Chairman Jasper said that's true. Just be glad we're not Chicago where it costs 10 times what it should cost.

Vote: Motion carried 5-0.

Chairman Jasper thanked Mr. Berard and we look forward to your proposal.

Selectman Luszey had a memo from the seniors which was put in everybody's packet I believe. What this is hopefully it is the beginning of a Memo of Understanding between the seniors and the Board of Selectmen on the use of the building. That's one of the things we've been trying to get done. What I'd like to do is have everyone take a look at it. If they have comments get them back to me and I'll ask Donna to consolidate them all into one and I can bring them back to the seniors. Once we do that, hopefully we can have this reviewed by our legal counsel to make it official document.

Chairman Jasper said he was going to make a comment right now. On the last bullet point, "When not needed by the Hudson Seniors, the Senior Center will be available for other Town senior activities." That certainly is going to have to be defined. In my mind, that gets defined in part by how much private money gets put in and how much public money gets put in. I think it gives us time to talk about once we have a permanent home, do we have as we have talked in the past of having

a more formalized senior group to provide town senior functions and work that in to make sure that there is a day or two per week for town. It has to be something that's defined. I know that the seniors have money that they're going to put in here. What I'm suspecting is we're probably going to find that the Town is going to be putting as much money in and want to make sure that we don't say that now this private organization gets 90 percent of the time. We have to be flexible to realize that as we do move on, sort of like as Benson Park has developed, the more you have the more people there are. I think a lot of this is the stuff - I don't want to put the cart before the horse too much. We have to really know more about what we've got. It's a good time to start the conversation and start working on this.

When Selectman Luszey met with him the other night, the way I explained to them as to what my expectation was for this document, it is a transition period. When the Senior Council on Aging goes from a private entity if you will to a town operation whether it's under Rec. or somebody else begins to do the senior programming and they fold into that? It's not 2 groups. It's not a private group and then everyone else. They do recognize that. It's kind of what we're up to.

Selectman Coutu didn't want to lose sight of what we had originally agreed to and where we had originally thought we were going. If everybody forgot, then I'll try to remind everybody. Though we're dealing with a private group, we had said that we would support the construction of this building providing it is available to all seniors of the community. It was my understanding that the private group agreed to that. They can still use the building and do their little thing but if another 4 or 5 seniors want to go in there that are not members of that group and they want to sit at a table and play cribbage, they won't be...Selectman Luszey used square dancing because he couldn't think of anything differently.

When Chairman Jasper looks at the bullet, "When not needed by the Hudson seniors, the senior center will be available for other Town senior activities." It doesn't matter. Whatever I say, somebody is going to take it the wrong way. It doesn't matter. I'll just say it. The senior group can say well we need this building 7 days a week from 5 a.m. until 10 p.m. Obviously that's not reasonable. Obviously that's not the intent. I'm just saying that needs to be defined. I think perhaps there needs to be some number of hours set in. No use other than for seniors in the town. None. I have no problem with that. That's the expectation but it can't be controlled because you don't know who may be elected as officers of the seniors and they could just say well we need it all the time so everybody else too bad. You can have it from midnight until 3.

Selectman Luszey was with Chairman Jasper. That's why I requested we start putting it down on paper and we start that back and forth dialog and get it worked out.

Selectman Maddox thought that maybe we need to put this on the ballot. One of the things they're asking for is the life of the building for their use. I think that's probably going to fall to the voters and not to this Board to be able to...Chairman Jasper said what we'll have to do is develop the long term agreement much like we've done with Zach's field. Selectman Coutu said we could do a one year and then anything beyond that has to go on the ballot.

Selectman Luszey had the problem of what you just stated and it is something that we will have to get verbiage on. When they talk about Hudson seniors in the context of the building, they're talking about all Hudson seniors. What they're trying to state there is that the building won't at some point in time go to a softball organization or something like that. The expectation is this is a Hudson senior center. Selectman Coutu said dedicated for seniors. Ted when you look at this particular sentence, Chairman Jasper said it doesn't say will be available for other town activities. It says, "When not needed by the Hudson seniors." I take that to mean the organization. It will be available for other town senior activities. If it had town activities, I would understand that that was talking about senior citizens within the Town of Hudson. That I take to mean the organization itself, which is contrary to what you just stated.

For me, Selectman Luszey said they're the Council on Aging which is different than Hudson seniors. That's what I'm saying. The verbiage in this thing has to get cleaned up. Selectman Coutu said they'd have to have definitions.

Selectman Maddox told Chairman Jasper if he read the first sentence it says, "The Hudson Seniors, which is a private organization..." then its reflected in three 7 different ways - Hudson Seniors, senior Hudson...they need to clearly define which is which. Finally Mr. Chairman, I think we all believe that this is what it is going to be. If in 20 years you as a Hudson senior aren't using this building, it can't be left as an empty building. I think that the line there that says it will continue the use - who knows - the train station isn't the train station any more.

Chairman Jasper didn't want to create a situation like the library. Selectman Maddox said that the train station isn't the train station any more. Selectman Luszey said that this will not be a timeless document. There will be a time frame. Like I said, it's a transition document. Because they are going to donate some money to the Town to help establish this, there's some expectations on their part. That expectation comes to an end at some point given the value that they give us. It is what it is. Chairman Jasper thought that's probably more reasonable whether you say this is a 25 year agreement and at the end of the 25 we re-evaluate the needs. Selectman Luszey's request is send your comments to Donna and I and we'll get them together and I'll bring them back to the seniors.

8. NEW BUSINESS

- A. Acceptance of a \$200.00 donation from Merrimack Valley Beekeepers

Chairman Jasper recognized Town Administrator Steve Malizia.

Mr. Malizia indicated that the beekeepers use the Oakwood recreation facility for their meetings. So they've generously donated \$200 and I recommend that the Board accept it with thanks.

Motion by Selectman Nadeau, seconded by Selectman Luszey, to accept a \$200 donation from the Merrimack Valley Beekeepers to be put into the Recreation Donation Account, carried 5-0.

B. Weinstein Well Replacement

Chairman Jasper recognized Town Engineer Gary Webster and Town Administrator Steve Malizia.

Mr. Webster reiterated what he just said before. The reason why I said about the RFP was dealing with one consultant. Sometimes you deal with other consultants so whoever interviews them, you have a different idea that maybe they can do something different. That's why I was trying to open up the field. I deal with them. Sometimes it's nice to hear another one when we interview. We did that with the train station and it worked out very well. That's the reason why I kind of said that. I didn't want to put a monkey wrench in this but I'm part of that committee.

Weinstein Well. Mr. Webster has a little bit of history. The well was put in 1981. It had a 24 inch casing that was put in and is producing about 800 gallons per minute. It's a high producing well. In 2009 when they refurbished the well, they put a camera down there and found out about the screening and there was sand that was starting to come up. They cleaned the well and Weston and Sampson started making recommendations. A couple alternatives was to put a liner in and by doing that, you're cutting 30 to 40 percent of the yield. Right now, the well is 1.15 million rated for. It would bring it down to 560 gallons per minute or 470 to 560 gallons a minute compared to the 800. Right now it's at 700 gallons per minute that it's operating at. There is some failure in that. Mr. Malizia and I have been talking about this and they had the alternate which was to put a new well in. To be proactive, Weston & Sampson gave us a proposal to do some test wells. I finally got a plot plan today of the property that we own out there. We're going to try to put a well close to the existing well, do the test wells, and see what the yield is to make sure it matches the 800 gallons per minute. Obviously it's going to be close enough that it should, and then put another 24 inch casing down the road. This will be to get all the permitting through DES to make sure that we can do it, which we can. As a permitting process and doing the test wells, it's just like how we did Alvirne. We did test wells to see what the yield was. This is what this is going to do and then into the design of the well system itself.

Mr. Webster indicated that Mr. Malizia has put some money in the budget for next year to actually put the well in. Like you said if this well goes down, we're buying everything from Pennichuck. It's important that we're proactive. By getting the well probably in the next year or the year after, we get that well in. If something happens, the well is there and ready to go and we don't have to shut down for months and decide how we're going to get the money to do it. It's a 2-year cycle that we can do. If something does happen obviously we'd have to come back and figure out how we put that well in. I think this is a good way to do it at the beginning. It's a high producer. It's the one that we don't want to lose.

Chairman Jasper asked if Mr. Webster needed anything from the Board this evening or is this informational.

For the lay person out there as you are well aware, Mr. Malizia said we're looking for other wells inside of Hudson. This is the backbone of our water utility. This well produces pretty much the most. It's steady. As Gary said, the yield has been diminished because of some issues with some of the in ground casing and what not. If it goes, we're going to have a problem.

If Selectman Luszey read the drawings right, you're going to locate another well. Mr. Webster said yes right next to the existing one. Chairman Jasper indicated that you don't have a lot of options as to where you can go. After the second well is in, Selectman Luszey asked if you can redo the existing well. Mr. Webster said we'd have to take that off line because DES wouldn't let us run two wells.

Mr. Malizia stated that you're running into an aquifer. You're putting in another well and you're going to use the existing well house and all the chemistry and everything that goes with that. When you do that, you've permitted for that well. You can't have two wells drawing out of the same. Mr. Webster said we'd have to decommission it. Mr. Malizia said what we're proposing to do is in phases. Obviously there's some cost and you have to take some time. This particular task, which we have money in the budget for, is to do the first basic three tasks of this to get this ball moving. From the water utility budget that you just saw, we have two more tasks which will get us to basically a production well type of thing. One more year out, we'll get the well on line, decommission this well, and then we'll secure this source of water for the foreseeable future. If for some reason something starts to slide on this - in other words Gary and I have talked about this, we do have money in a repair fund that if we had to if we caught it in time, make a band aid fix to this. This will make sure that we're doing something in the interim. We need to keep this well. We already have the water. It's already permitted. We're looking now for other water. We have this. We have to

protect this particular source. We're trying to get you to approve a not to exceed contract so it can move along on that process.

Motion by Selectman Coutu, seconded by Selectman Maddox, to approve a not-to-exceed contract in the amount of \$31,165 with Weston & Sampson for Tasks #1, 2 & 3 as outlined in their letter dated October 13, 2011 with the funds to come from Water Utility Account #5593-252.

Selectman Maddox had a question. You're saying that you're going to put it in the same building. Mr. Malizia said the mechanicals are in the same building. The well is actually in the well. Mr. Webster said we're going to use the same well house. Selectman Maddox said the well boring is going to be within 20 feet of the existing based on what land we have. Why would we need to drill another test well? I'm just fascinated. Mr. Webster didn't want to spend all that money and say we only have 500 gallons per minute. Chairman Jasper said you might not hit the right spot. Mr. Webster said we might own a little more land in this new one here. I have the deeds and I haven't researched it since I've been busy with everything else. We might own that piece right next door. I haven't gotten that far. Chairman Jasper asked which piece. Mr. Webster said right in between Page Road and our land. Chairman Jasper said we do own that but the problem is if you move the radius any more, you're going to run into Rodonis. Mr. Webster said we have a little going south bound. That radius can move a little bit. You can see it's not touching where Rotterdam is and go that way. I just sent this plan to him. That's the direction we're going to have to into. The original plot plan, we didn't even have that piece.

Chairman Jasper said the only other question was who actually owns the right of way for Albuquerque extension. Mr. Webster said it was not ours obviously because it is a dedicated right of way. The first plan I gave you was in June and this was in July of the same year. They went from Hudson Water to Southern NH Water. I was at the Registry most of the afternoon getting this stuff. It says they had a subdivision and Albuquerque Highway was there. A month before, it was never shown on the first plan I gave you. We do have room for the 400 feet. One thing with Weston & Sampson, they'll ask them because sometimes in a well radius you can overlap on somebody's property. When you do a well and a septic system, I can go 10 feet on the other side of the property if we had to. We have room in there to do it. It's not going to be too far from that existing well. This is not a scale plan. Chairman Jasper indicated that it was a scale plan. Mr. Webster said he reduced it down. I have the scale plan in my office. Chairman Jasper indicated that you have a good 50 feet there just by eyeballing it.

Vote: Motion carried 5-0.

C. Sale of 47 Ferry Street, Hudson, NH

Chairman Jasper recognized Town Administrator Steve Malizia.

Mr. Malizia conducted a sealed bid process. I advertised on the internet, advertised in the Thursday edition because that's the foreclosure week - the distressed property - the week that you see this type of property in the Union Leader. I had an open house. I did have one attendee. We received a sealed bid from Mr. Tate that was bidding \$60,000 if no lead paint inspection. In other words sight unseen, whatever you want to call it with no financing, or if we want to try to certify that it is lead free, he'll give us \$70,000. Given that it was built in the 50s, it probably has lead paint in there somewhere. Chairman Jasper thought we ought to go back to bid. I think we have a better chance of getting more than \$60,000. Selectman Coutu agreed. Selectman Luszey agreed.

Motion by Selectman Coutu, seconded by Selectman Luszey, to reject the bid of \$60,000 and to contract with St. Jean Auctioneers for a public auction of the property.

Chairman Jasper asked if the Board wanted to put a minimum bid on it.

Selectman Coutu said the last time we went to auction, we didn't put in an amount and we got \$118,000.

Selectman Luszey asked what would be the time frame you'd want to do that. Chairman Jasper said as soon as we can.

Mr. Malizia said he would contact St. Jean within the next day or two and see what their availability is and what their schedule is. Basically whatever they can work it out. Your other choice is to wait to the spring. I don't know if the market is going to be any better. Selectman Nadeau asked if there was a reason why we're saying St. Jean and not any other auctioneer. Mr. Malizia thought he is the recognized leader in the industry in this area. I can certainly try and put an RFP but it would just delay it. I have to find somebody else who does it. Chairman Jasper said that we used him before. There's no reason not to. The only reason why Selectman Nadeau says that is if you look in Thursday's Union Leader, there's probably 4 maybe 5 that do strictly houses in large quantities. St. Jean yes has

quite a few of them. There is probably 4 others that are just as big just don't do as many. Chairman Jasper said that St. Jean has a good reputation. We've used them. Let's just try to get it out of there before the heating season.

Just so you know. Mr. Malizia indicated on these types of bid packages when there's a winning bid, the winning bidder pays a premium to St. Jean over and above what we get. So we're not really negotiating a commission with him per say. It's not like he's getting 3 and this guy is getting 10 or vice versa. What happened in the past is we get a number. He gets off the top from the winning bidder. Chairman Jasper said we must have paid him something last time. Mr. Malizia said we paid \$250 to bail out.

Selectman Maddox said he was going to vote in opposition. We have a bird in the hand. Waiting for something else to come in for an auction when there's 20 other houses with a list of things that are bad. With this guy, we know his money. I think we're just delaying the inevitable.

Selectman Luszey thought we should go back out to bid. We did get an offer a little over twice that but it didn't bind. Chairman Jasper said because we said no. Selectman Nadeau indicated this isn't the guy that we tried selling it to.

Mr. Malizia said we've been through 3 or 4 iterations with this property. The very first iteration was going to St. Jean. He secured this bid and the Board rejected it. We went out for an RFP for a realtor. We got a bid. That bid fell through. We went to another RFP for another realtor and that languished. Then we took that off and went to an RFP for rental. At the last minute, we decided to go sell it again. So now I've done this and we're back to where we started.

To be fair Mr. Chairman, Selectman Coutu said we didn't just decide at the last minute. When we went out to rental to do this, there were serious issues we'd have to deal with financially in order to rent it. Mr. Malizia wasn't trying to imply you didn't anything...Selectman Coutu understood. I just want to make sure everybody is aware of that. I seriously think we can get more than \$60,000. At the end of the day if we don't, Chairman Jasper said he was pretty sure that Mr. Tate would still offer us the \$60,000.

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

Chairman Jasper thought hopefully we can get rid of this white elephant soon.

Selectman Luszey had a question on this white elephant. I know that there was a warrant on either last year or the year before ballot about the proceeds from the eventual sale of this property going to offset the fit up of the new Rodger's Memorial Library. Should this property be sold prior to us going to the ballot, can we still put a question on the ballot to ask voters to release that money or move that money from the library to the town? Chairman Jasper said no. That would be retrospective. We can't do that retrospectively. When we sell this, the money less our expenses is going to go to the Trustees. You can't then put a warrant on there to take it back from the Trustees. I don't think we want to sit on there. By the time we get done, we have a number of expenses in here for the mitigation for everything else we've done. Now to say let's hold on to it for another winter and worry about that for the winter. The motion is over and unless there's a motion to reconsider, that's what's going and we're moving forward.

Selectman Luszey said we'll move forward. I'm not happy but we'll move forward.

Selectman Nadeau asked if we had a rough idea what our expenses are on this. Mr. Malizia said we had the basic highway crew with the material there. I can't remember the number but there was a number advanced for that. Selectman Coutu said we had some repairs that we did. Mr. Malizia indicated that Bernie Manor has done some repairs gratis for us. One roof repair that Lee Lavoie did but the rest of it has been fairly gratis. Anything I've done, obviously, you're paying me. You're paying me whether I'm working there or here. Selectman Coutu asked if he cleaned the toilets. Mr. Malizia said he's spent more time on this foolish project running around doing all this stuff.

D. 2012 Meeting Schedule for the Board of Selectmen

Selectman Coutu suggested that we remove the January 3rd workshop from the calendar. Chairman Jasper was wonderful with that.

Motion by Selectman Coutu, seconded by Selectman Luszey, to approve the 2012 Meeting Schedule with the removal of the January 3rd Workshop, carried 5-0.

E. Request to hire a Fire Dispatcher

Selectman Coutu had one new item if you don't mind. It was brought to my attention because it just happened this week. I had a visit with the Fire Chief and I asked him to follow up with an e-mail. One of our dispatchers has

submitted her resignation effective December 3rd. She is moving out of the area. I think it is imperative so that we don't get into a situation where we're spending a lot of money on overtime that we begin the hiring process.

Motion by Selectman Coutu, seconded by Selectman Maddox, to authorize the Fire Chief to begin the hiring process for a dispatcher at the Hudson Fire Department, carried 5-0.

Selectman Coutu thanked the Chairman for that courtesy.

9. OTHER BUSINESS/REMARKS BY THE SELECTMEN

Selectman Luszey - We pretty much covered the seniors topic for this evening. The only other item I have of interest is in addition to speaking with the school about the electric contract, we also spoke to them about their waste pickup contract. Their contract does come due the same time frame as ours. The Road Agent has sent the Facility Manager a proposal from Pinard that would save them about 2 percent what they're paying today. I requested them that they actually go out for bid to see if they can do better because their contract was actually better than what we could have done with them previously. I did get that commitment and I will follow up with the Facility Manager this week. Hopefully he haggles back. It looks like we might be able to have a few additional saving dollars there. Thank you.

Selectman Nadeau - One thing for this evening. Just a reminder that Monday night is Trick or Treat and the hours are 6 to 8 p.m. I'd just remind everybody to please be cautious with the trick-or-treaters out there on the roads and to be cautious now that it's getting dark earlier and there's a lot more people still out walking. Please be careful. Just a reminder Monday from 6 to 8 p.m. is Trick or Treat in Hudson. That's it.

Selectman Coutu - I have nothing this evening Mr. Chairman.

Selectman Maddox - I am impressed with how the departments have come in with their budgets what we asked them for. This has been the least contentious budget so far. We only have one more night if we will make it through. Our number will be what we set it out to be as I've understood. We are in good shape and we will hit that target. Chairman Jasper said we haven't seen the health care costs yet. As far as the number for the tax rate, Selectman Maddox said it looks like - I know that we got this in our handouts how much of the bill is ours. We keep going over this. That's it Mr. Chairman.

Selectman Jasper - Not that it will do any good but for those who continue to write Thumbs Down to the Selectmen in the Hudson News, the Town's portion of the tax rate went down on the latest approval. Any increase you see in your tax bill will due to primarily the school district and a penny on the county side. Don't blame us. We didn't do it.

The only thing I wanted to bring up of any real importance was the Memorandum of Understanding with DOT relative to the \$76,100. I think what the State is proposing is very reasonable. The only thing I see in here is we probably ought to put some sort of a time period in there. I'm suggesting maybe we propose 5 years that we need to get it done within 5 years. Selectman Coutu was thinking 12 months. I think 5 years is reasonable. When I read that I was thinking maybe we should put a 12 month time frame but that's not reasonable. Yes. The scope of the work that they're requiring, we may not even hear from them for a year and a half or two years if ever. I think 5 years is more than reasonable. Certainly if they came back and said two or three, Chairman Jasper would find that reasonable. I think we start with 5. If there's no objection, I'll be in Concord on Thursday. I'll stop into the Governor's office and see if we can propose the time limits specific and get it into a document ready to sign and move forward on that so that we can go back to facilities and get a G & C. Hopefully we can get that wrapped up.

Other than that the only thing Chairman Jasper wanted to say is unfortunately we had a little bit of vandalism out at Benson Park over the weekend. Nothing too serious. The port-a-potties tipped over and the toilet paper all taken out of the port-a-potties and put all over the new playground. I want to commend the Hudson PD for in the middle of the night - literally from 3 a.m. to 4 a.m. - taking an hour to take all that toilet paper (4 rolls of it) off of the playground so that when it opened up in the morning and the kids came in, it was ready to go. That wasn't something they had to do but it was certainly appreciated. Hopefully people will have conversations with their teenage children if they're not home at reasonable hours. It must have happened after 1 a.m. from what the police say because they do make regular patrols through there. That was ridiculous and hopefully that won't happen again. It's unfortunate. It was a nice project in a nice park. A few people seem to want to ruin things for everybody. Dave Yates went in and righted the first port-a-potty and I went in later in the morning. I also got to see the Emu that was in there. Wayne was just walking out of the park and I asked him if he'd go back in and help me right the other port-a-potty, the handicapped one. We took care of that. Selectman Maddox thought they were chained. Chairman Jasper said they were. Those are plastic port-a-potties. I'm not going to give anybody any hints on how to unchain them. If you want to know what happened, I'll tell you later. Victoria the Emu was very entertaining. It was quite amusing to see her walking around the park with the Animal Control Officer and 2 police officers in close proximity. She was having a great old time exploring the whole place like she'd heard stories about it from her ancestors. I tried to get her into the gorilla cage but she would have none of that. We tried to get her into the elephant barn and she wouldn't have any of that either. It was an interesting time for everybody.

10. NONPUBLIC SESSION

Motion by Selectman Coutu, seconded by Selectman Nadeau, to enter nonpublic session under RSA 91-A:2 (a) strategy or negotiations with respect to collective bargaining, carried 5-0 by roll call.

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 is being entered at 9:08 p.m.

11. ADJOURNMENT

Chairman Jasper adjourned the meeting at 9:08 p.m.

Recorded by HGTV and transcribed by Donna Graham, Recorder.

HUDSON BOARD OF SELECTMEN

Shawn Jasper, Chairman

Richard J. Maddox, Selectman

Benjamin J. Nadeau, Selectman

Roger E. Coutu, Selectman

Ted Luszey, Selectman