

HUDSON, NH BOARD OF SELECTMEN
Minutes of the August 9, 2011 Meeting

1. CALL TO ORDER - by Chairman Jasper the meeting of August 9, 2011 at 7:43 p.m. in the Selectmen's Meeting Room at Town Hall.
2. PLEDGE OF ALLEGIANCE - led by Town Administrator Steve Malizia.
3. ATTENDANCE

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

Staff/Others: Steve Malizia, Town Administrator; Jason Lavoie, Police Chief; Gary Webster, Town Engineer; Jim Michaud, Assistant Assessor; Jana McMillan, Animal Control Officer; Harry Schibanoff, Chairman Benson Park Committee

4. PUBLIC INPUT

Chairman Jasper indicated that since there wasn't any public. We'll move on.

5. NOMINATIONS & APPOINTMENTS - NONE

6. CONSENT ITEMS

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

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

A. Assessing Items

- 1) Certificate of Yield Tax Assessed & Timber Tax Warrant, w/recommendation to approve

B. Water/Sewer Items - NONE

C. Licenses & Permits

- 1) Raffle Permit by Hudson Dog Park

D. Acceptance of Minutes

- 1) Minutes of the July 12, 2011 Meeting
- 2) Minutes of the July 26, 2011 Meeting

E. Calendar

08/10 7:00 Benson Park Cte - Landscape Subcte - BOS Mtg Room
08/10 7:00 Planning Board - Community Development Mtg Room
08/11 6:00 Sewer Utility Cte - BOS Mtg Room
08/11 7:30 Zoning Board of Adjustment - Community Development Mtg Room - CANCELLED
08/15 7:00 Energy Committee - BOS Meeting Room
08/16 7:00 Cable Utility Committee - BOS Meeting Room
08/17 5:00 Water Utility Committee - BOS Meeting Room
08/17 7:00 Council on Aging - Community Development Meeting Room
08/18 7:00 Benson Park Committee - BOS Meeting Room
08/18 7:30 Budget Committee - Community Development Meeting Room
08/22 7:00 Recycling Committee - BOS Meeting Room
08/23 7:00 Board of Selectmen - BOS Meeting Room
08/24 7:00 Benson Park Committee - Landscape Subcte - BOS Meeting Room
08/24 7:00 Planning Board - Community Development Meeting Room
08/25 3:30 Trustees of the Trust Fund - Community Development Meeting Room
08/25 7:30 Zoning Board of Adjustment - Community Development Meeting Room

7. OLD BUSINESS

A. Votes taken after Nonpublic Session on July 26, 2011

1) Chairman Jasper declared the meeting adjourned at 8:45 p.m.

8. NEW BUSINESS

A. Amendment to Chapter 188, "Dogs and Other Animals", Section 188-1, "Dogs to be Controlled by Owners"

Chairman Jasper recognized Police Chief Jason Lavoie and Animal Control Officer Jana McMillan.

Good evening Board. Thank you for having us. Chief Lavoie said a while back the Board had asked us that it was brought to their attention that there was a problem occurring at Benson Park in regards to dog waste that was being left there. We were asked to come up with an Ordinance to improve upon our current ordinance that allows us some enforcement action to be taken. Our Animal Control Officer Jana McMillan was assigned that responsibility, and I'll have her talk more about that here shortly. She pulled information from Portsmouth, Keene and Nashua before putting an ordinance together or updating. We felt that instead of just being specific to Benson Park that we make it for all town owned property and do our best to alleviate the problem as much as we could by doing one blanket update. With that, the Board's been given a copy of the updated ordinance. If you have any questions, I would like to defer from here on out to our resident expert Jana McMillan.

Chairman Jasper stated to the Board that they have the proposed ordinance in your packet. Do you have any questions?

Selectman Coutu had a comment. I read it in its entirety and I was quite impressed. I was concerned about offenses and how we were going to enforce the ordinance. What I was concerned with was addressed in that if we had a warning for first offense, how do you prove - you covered that so we're all set. I was concerned that there should be a penalty for first offense because how do you give a warning. Technically if the dog is with a 17 year old one day, and with a 30 year old the next day, and somebody else in the family you need to enforce it immediately. It also gives an opportunity for our dog officer to assure that those dogs that reside in the Town of Hudson are properly licensed in the Town of Hudson. I think it's very well done, very well written. I think it is enforceable and I like the idea that it's not specific to one area of town. It's generally applied across the board. I would support going to a public hearing with this ordinance. Thank you Mr. Chairman.

Chairman Jasper assumed with really anything, the Officer has the ability to give a warning. While it's not written in here, that's a discretion an officer has really in any instance.

Selectman Maddox had a question on the leash. You have there not to exceed 6 feet. Is that standard? I see a lot of people now with these ones that come out of a ratcheting device that are much longer. Six is something you feel controls the animal? Officer McMillan said yes.

Officer McMillan said the flexi leads are dangerous. They're called flexi leashes because they go out 20 some odd feet. They cause damage to people walking who don't have pets. They've caused damage to pets. They've caused damage to their owner's pets. A six foot leash gives full control to the owner of that dog. Chairman Jasper would really agree with that. I've seen those situations where suddenly the dog just takes off and they have no control until they get to the end. Officer McMillan said you basically have to be able to reel them in.

Selectman Maddox was just asking the question because again somebody would say, "It's on a leash". That six foot would be the fuzzy area.

Chairman Jasper would also compliment you on the job done here. It is very comprehensive and as I started thinking ahead and reading through here, I got the answer as I went forward. So job well done.

Motion by Selectman Coutu, seconded by Selectman Nadeau, to accept the recommendation of the Hudson Police Department to amend Chapter 188, Section 188-1 of the Code of the Town of Hudson and advertise for two public hearings for the adoption of the changes.

Selectman Maddox asked if we could put a copy of this at the kiosk at Benson's since that seems to be the focal point of this. I think that at least if we post it at that kiosk maybe...Mr. Malizia said the public hearing for this? Selectman

Maddox said this ordinance and say that this is when the public hearing will be. Mr. Malizia said it would be the notice of the public hearing with this ordinance.

Officer McMillan said she would be happy to post the notice.

Vote: Motion carried 5-0.

B. Public Hearing - Acceptance of a Trail Grant at Benson Park in the amount of \$30,000

Chairman Jasper recognized Selectman Maddox.

Mr. Chairman as you are aware, Selectman Maddox said the State of New Hampshire has granted us the monies for trails. A \$30,000 grant of which \$6,000 is to be done by us but it will be in kind. So this is just accepting the grant.

Before I open the public hearing, Chairman Jasper asked if any Board members had any questions.

Chairman Jasper opened the public hearing at 7:51 p.m.

Chairman Jasper recognized Harry Schibanoff the Chairman of the Benson Park Committee.

Mr. Schibanoff is here to ask you to please accept this grant. I think it is a great thing for the park. We have many, many trails on that park. There's always going to be a need to maintain them and improve them. We may even want to build some more. The park is very popular. People come to it because they remember Benson's. There's a reason people come to this park rather than go to others. It's a different situation. Also the fact that it's coming from the Department of Resources and Economic Development. I think it is appropriate because the park is a regional attraction. It gets volunteers and visitors from all over the area - from surrounding towns to different States. I think if we use State funds, I think that's an appropriate use of money within the park. Thank you.

Chairman Jasper closed the public hearing at 7:53 p.m.

Selectman Maddox said the goal of this is to make an additional 29,000 feet of trails. Again, this is a pretty ambitious plan inside of there for the monies.

For your edification a little bit and the Chairman of the Benson's Committee, Selectman Coutu said there is matching but it is going to be all in kind. I heard the discussion the other evening at the Benson's Committee meeting relative to needing some equipment, small rakes and whatever else that either it has disappeared or they're broken. This particular grant, I don't know if you've seen, but there is some hardware included in this to help with the trails. This grant is available every single year. So we can keep reapplying every year if we're going to expand our trails or even widen the existing trails. I would keep Gary appraised every year to ask him if he'd continue to work on it because he did a fine job with this. Dick Empey, I might add, sat down with Gary and laid out the trail system that he would like to see developed because I believe he's the Chairman of the Trails Committee. He did an outstanding job with that. Gary was able to get it done. This is one of these grants Mr. Chairman that unlike a lot of others, we've had to deal with Benson's Park and we're not getting a lot of stumbling blocks. Thank god these trails are not the trail station because the next trail would be built in 2022. Thank you Mr. Chairman. I will be supporting the application of this grant.

Selectman Luszey said he'll be supporting this. Another question I had is if we should go for another one in future years, can it be generic for any trail within Hudson or does it have to be specific to Benson's, Musquash, or...Selectman Coutu said it may not be applicable to a State trail. I think the State would be the ones who would apply for the funds. If we for example one of the things we could do with this let's say we wanted to do a river walk. We could apply for a trail grant for that. We could apply for bike trails anywhere in town. It does not have to be exclusively at Benson's. This one could be generic. I had suggested we apply for this for Benson's because there was a lot of trail work going on. The pool of money was exhausting. This is going to be quite beneficial for us.

Selectman Nadeau had a question on this. The \$6,000 our matching part of that can that come from the labor of the volunteers? Chairman Jasper said that's where it will come from. Selectman Nadeau asked how do we track that as far as...Chairman Jasper said Mr. Empey will be keeping track of that and we'll assign a value to it which I'm sure will be reasonable so that the State will not quibble over that. Selectman Coutu said we've already ascertained - Dick and Gary sat down and they were able to estimate the number of hours it was going to take to do the work based on Dick's experience in the park. It looks like our in kind contribution based on the value that the State said they were worth was \$15 an hour. It came to \$9, 6000. So it went way in excess. We were going to have to do that work anyway. So the State knows they're getting more than their \$6,000 and they're quite satisfied with that.

Motion by Selectman Nadeau, seconded by Selectman Coutu, to accept the Recreational Trails Grant in the amount of \$30,000. The Town's share is \$6,000.00 which will be made up by labor on the trails, carried 5-0.

C. Weston & Sampson - Dame Well Development Services Contract

Chairman Jasper recognized Selectman Maddox.

Selectman Maddox said we were going to do this last year but because of the situation with...Mr. Malizia said we ended up doing the Ducharme Well. It's industry practice to clean your wells - casing, screens and everything every 5 to 6 years. We did this one 6 years ago. We were trying to do one on a 5 year scheduled. Ducharme required our attention last year. So this one just got bumped a year. Basically what they do is the company comes in, acid washes, back washes, and cleans out the screens so that we get a consistent and a good yield on the water coming from our wells in Litchfield. Quite simply put, this is the contract to do this. We work with Weston & Sampson who then hires a subcontractor. They oversee the work and that's just to make sure that our wells continue to produce the yield that we've come to expect to service our customers in Hudson and Litchfield.

For the record, Selectman Coutu said this was in their budget this year. Mr. Malizia said that is correct.

Selectman Luszey asked if this goes out to competitive bidding or is this single source. Mr. Malizia said what ends up happening are we're using Weston & Sampson Engineering Company who's been our advisors. They will go out as a subcontractor to get a cleaning company. Selectman Luszey asked if we required them to do bidding and we get to see that. Mr. Malizia said we have a contract with Weston & Sampson not to exceed \$22,100. So they will not get paid more than \$22,000. Obviously it's in their better interest to get it lower.

Motion by Selectman Maddox, seconded by Selectman Luszey, to award the contract for the cleaning and the redevelopment of the dame Well to Weston & Sampson in the not to exceed amount of \$22,100.00. Funding for this project is to come from Water Utility Account 5593-252, Water Supply, Other Professional Services, carried 5-0.

D. Report on combining inspectors between the Fire Department and Community Development

Chairman Jasper recognized Selectman Maddox.

Selectman Maddox said at the April 5, 2011 meeting, the Board of Selectmen asked Selectman Coutu and myself as the liaison to Community Development and Fire to look at the feasibility of the inspectional services provided between those two groups. Selectmen Coutu and I met several times with the Fire Department and Community Development. At one of those meetings we actually had the Fire Chiefs from Bedford, New Hampshire and Merrimack, New Hampshire, along with this inspectional service people as they had gone to having all the inspections done under the fire department.

A couple of issues have come up in regards to this, i.e. the space planning, training, reporting structure, along with planning which at this point it is our recommendation that we do a couple of small items but this off until next year. We're really looking to combine dispatch and I think that would kind of muddy up the waters with the fire department. To summarize what we are recommending for the short term that we take it making the customer. By customer I'm calling the homeowner, the contractor, our taxpayers have a simpler and a more effective experience dealing with inspections in Hudson. To this end, we should make the counter in Community Development the point of contact for all permits other than burn permits. There they will get the permits. They will write a check to the Town of Hudson - no going to three different places to write three different checks. We're going to have to do some stuff internally. If the Board agrees with this summation, then we will task Community Development and Fire Department with working out the logistics of how we're going to do that. Again, trying to make it easier for somebody not to have to come down to Engineering, go up to Community Development, then over to the Fire Department to write three checks doesn't make a lot of sense. It's just not good business. On the same token, trying to schedule inspections. If you're trying to schedule an inspection for gas piping, you need to go to the Fire Department and Community Development. We're suggesting one number to call for all permits so we would have an 816 number dedicated almost to permits. How that will work with the telephone, again, if the Board agrees then we'll work out those logistics. Having if not one person, a procedure in place so that if you called for an inspection if it was the Fire Department you need to do the inspection, they could see the calendars. It would all be done seamlessly behind the scenes, again, to take care of that customer so they don't have to wait for 3 different people at 3 different times and maybe days to come and do an inspection. Again, doing better service.

The last thing that is on here, again, Selectman Maddox thought we need to look at the long term about how we're going to do inspections. I know that Selectman Luszey is interested in looking at those numbers. Again, I think we need to look at what our options are. To take care of the issues that we kind of saw at the beginning of not good

customer service and do this as easily and as inexpensively this was the recommendation. I did check with Selectman Coutu and others to say that this is where we'd like to go from now.

Selectman Luszey said why not the burn permit. It's filling out a form and getting a number assigned. Mr. Malizia said you may have a number on the weekend where we don't have somebody here. There's always a dispatcher over there. So they may come and say I need a burn permit for Saturday afternoon. Selectman Maddox thought the Fire Chief had to sign that.

Chairman Jasper said it has to be signed by someone who is I believe a Fire Warden and not the Chief. The dispatchers were appointed as Fire Wardens. They're familiar with that. I don't think we want to get into making...Selectman Luszey said that's a better answer than a weekend call because it could be Monday through Friday you can get permits.

Motion by Selectman Luszey, seconded by Selectman Coutu, to accept the recommendations contained in the Maddox report and task Selectman Maddox with working with the town staff to implement the short term recommendations.

Selectman Luszey is all for combining like services and get some of the duplication of efforts out of the way so that we get on with making our offices more efficient to all the end users - customers, taxpayers, contractors.

Selectman Coutu supports the motion. I do not support the wording in the motion. I don't think that any member of the Board of Selectmen should be tasked with making staff do anything in this building. I think it should be assigned to the Town Administrator or his designee to work with the staff to implement any programs or policy changes that we have within the building. That's my personal opinion.

Chairman Jasper said for many years when we had Selectman Massey here, he would always say, "he who proposes disposes". Since this seemed like a pretty easy thing to get going and where Selectman Maddox had been so intimately involved in this I felt it was appropriate. Certainly if he doesn't wish to do it or the Board wishes to sign assign somebody else, that's fine. I was just throwing that out there.

Two things. Selectman Maddox said first off it was not my plan. It was Selectman Coutu's and my plan. We discussed it. He went to all the meetings. That's that. If we are going to use the he who proposes disposes, this is your job. You're the one that proposed this. Chairman Jasper said he proposed that we'd look at. You can up with a plan. Selectman Maddox said he would take care of it along with the Assistant Town Administrator and the Fire Chief. We'll make it happen. We'll come back with an actual of this is what's going to happen. I just didn't want to go any further until the Board said this is what they believed we should do. We will go to the next step and I will take care of that.

Chairman Jasper certainly recognized that most of the work will be done by Town staff. It seemed to me that it would be appropriate to have Selectman Maddox just stay on top of it and make sure it gets done. If you'd like to make an amendment to the motion, you're welcome to do that. I don't want to feel that I've rammed this down your throat this way.

Selectman Coutu didn't feel that way. I just felt that for a lot of reasons I don't like selectmen micromanaging departments. I see this as a micromanagement function.

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

E. Adding two additional Alternates to the Planning Board

Chairman Jasper recognized Selectman Maddox.

Selectman Maddox indicated that they did have the workshop and there was a discussion about having 5 alternates on the Planning Board. While it is legally doable, when asked of the Planning Board whether they believed that they needed 2 more alternates, the answer was no. I think, again, Mr. Chairman, we could but we have a good crew of people. If you can find 2 more good people to be there, you're going to dilute the pool such that they won't be as engaged. Right now they're almost always guaranteed to be seated for one item during the night. There would be no benefit at this point. I think we'd be better served making sure that the alternates get a chance to participate. The Planning Board's recommendation was to thank you but no thank you.

Selectman Coutu wanted to thank both you and Selectman Maddox for clearing matters up for me relative to appointing additional persons to serve as alternates on these boards. However, I do maintain and I would hope that the Chair and this Board would take seriously the request of any board chairman who comes in and could articulate

the need for one or two additional over and above what we already approve. I think we've shown that in the past. I think our Chair at the time when we recently did it where we made some changes in the water and sewer for example in order to accommodate us being able to have a better pool of people to be able to choose from. You pointed out several things to me in our phone conversations. Selectman Maddox and I have had a lot of conversation. I was at the meeting when this was discussed. I certainly respect the opinion and I'm finally in concurrence that the best way to go is stay the course for the time being.

Chairman Jasper wanted to take away the mystery a little bit of what I said to Selectman Coutu. That was that I had reservations about a situation where you could potentially have a quorum of a board made up of alternates. There's 7 seated members of the Planning Board and if we had 5 alternates, you could get in a situation where you would have only 2 regular members and 5 alternates seated. I don't think that's a good situation. I think that if we find ourselves in that situation, it is better to postpone the meeting to another time. If we get to a situation where we have that many regular members absent, we need to look at what's going on internally. Three should certainly be sufficient. That was what I said there. I agree with you. When a chairman comes in and asks, and in this case, always found it a little bit odd although I appreciate his interest and his persistence in this matter but it was in fact that the chairman of the ZBA coming in several times asking us to appoint more alternates to the Planning Board, it was not the Planning Board Chairman asking for that. That's all I have to say.

F. 2012 Public Utility property - reassessment contract with George E. Sansoucy, P.E., LLC

Chairman Jasper recognized Assistant Assessor Jim Michaud.

Good evening to the Board. Mr. Michaud indicated that the Board has in front of you a recommendation from the department to ask the Board to award a public utility re-assessment contract for George Sansoucy and Associates. This is for the 2012 revaluation. The Board had prior awarded the contract for the commercial industrial evaluation of properties in the community to a separate company. George Sansoucy as the memo indicates is our public utility appraiser that we have used since approximately 1992. It's who we used in the last revaluation as well. We won most every case that we've gone to court with him. We've also settled when we needed to settle and used him in those proceedings. I'll answer any questions that the Board has.

For the record, Selectman Coutu asked Mr. Michaud if this was in the budget for 2012. Mr. Michaud said this is in the budget and specifically it's in the capital reserve fund for future property revaluation that named the Board of Selectmen as agents to expend. Selectman Coutu wanted the people out there in TV land not to think this is over and above anything that's in the budget.

Selectman Maddox said there's probably more to you. Where are we with the pole tax? Chairman Jasper said that was a very sore subject for me. It appears to me that ultimately there was some threats going on up in Concord. The pole tax was supposed to be killed. At the last minute, it was not. We will be taxing the poles. Selectman Maddox asked if this would cover that as well. Mr. Michaud said yes. The Board did already prior approve to pick up the valuation of the rights of way and the pole and conduit owned by companies within the right of way for this tax year. This contract also covers that valuation. There won't be that much work needed to be done on those because it's just simply one year later. Selectman Maddox was just trying to stay current and it's confusing. Thank you Mr. Chairman.

Motion by Selectman Nadeau, seconded by Selectman Maddox, to approve the 2012 Public Utility Revaluation contract with George E. Sansoucy, P.E., LLC, in the sum of \$25,000 as recommended by the Assistant Assessor Jim Michaud, carried 5-0.

G. Temporary Work Assignments - Al Marcelle

Chairman Jasper recognized Assistant Assessor Jim Michaud.

Mr. Michaud said the Board is being asked tonight to allow a part-time employee that we have within the department of 29.5 hours to allow him to temporarily work up to 40 hours through December 15th of this year. The appraisal technician, his primary job is to be out in the field going house to house remeasuring and relisting property. This is to meet our 2012 property re-evaluation tasks and make sure we have accurate data on all the property. The time to work those hours is the time where we are right now - when it's warm out and there's no 4 feet of snow out there and ice, etc. It's a bargain in the sense that we get to have a 40 hour employee without a lot of extra costs such as retirement and medical benefits. The employee is willing to do it. He has prior worked on a temporary assignment up to 40 hours when we had a medical issue within the office. Actually, a number of times we've had our part-timers step up. This will increase the chance that we're going to get to all the properties within the community in time for when we send out notices of new value.

I will say is it fatal or against the law for something like that if we don't go out to every property? No it isn't but is it a best practice to do that? Certainly. If you want to accurately value property, you want to have accurate data. Seeing as its been in the course of 5 years since we last did it, I think this is in keeping with what we've been doing. We want to make sure that we go out to as many properties if not all properties. This will increase that likelihood and I think that's something that we can absorb within the budget. You can see that the money there is not very significant and that we can absorb that within our budget.

Selectman Luszey asked if we violate any labor law by going to 40 hours. Mr. Malizia said in our personnel policies, it identifies different types of labor. There's a clause in there and Mr. Michaud has cited it for the temporary category with an assignment less than 6 months which this would be. It wouldn't violate any labor.

Motion by Selectman Coutu, seconded by Selectman Luszey, to temporarily increase the weekly hours for the Part-Time Appraisal Technician position filled by Al Marcelle from 29.5 hours up to 40 hours per week, with no additional benefits, for a time period commencing the week of August 15, 2011, and not to exceed week ending December 17, 2011, carried 5-0.

H. Budget to Actuals

Chairman Jasper recognized Town Administrator Steve Malizia.

Mr. Malizia indicated that this is the last budget to actual through June 30, 2011, so this is for last fiscal year. I will claim that this is unaudited. The auditors are here this week and next but just to give you a reasonable snapshot now that we believe the majority if not all of the payables have been entered and we believe all of the revenues have been properly entered. Just to give you an idea if you look at the bottom line for the general fund, it appears that we had \$196,580 left at the end of the year. We under spent. If you go on the revenue side, there are some adjustments that the auditors make. For example, the Board voted to use fund balance. We don't put that in, the auditors put that in. We will end up in a favorable revenue position for the bottom line. If you look at the motor vehicles again, those fell short of the mark as did the interest on our investments. That's just a function of the markets. However ambulance overall was good. Again, it pretty much shouldn't change from this other than the auditors will make some entries to book the amount that the Board used for fund balance.

Chairman Jasper noted that Planning Board fees came in better than double what we had budgeted. Certainly what we've been hearing from the land use folks is true. The activity is certainly picking up in that area.

Mr. Malizia said sewer and water are within targets too. Obviously on the water side it's a little tight but we're still running at the rates that the Board put in 13 years ago. Revenues were pretty reasonable for the water. On sewer utility, it appeared there might have been a few less capital things done. In general it came in where we thought. The general fund I would say on the expense side was within a percentage, percent and a half what was budgeted. Again on the revenue side, there's certainly things obviously you can't make people register more vehicles. We can't get any more money out of the investment. It's just a limp market out there and not any better. Safety of principle is important. It's something that our money is safe collateral wise. Again, the auditors are here. There may be, if anything, modest but I don't think so. Kathy Carpentier does a very good - her and her staff of collecting all the money and putting it in the right buckets.

9. OTHER BUSINESS/REMARKS BY THE SELECTMEN

Selectman Maddox - By chance I was driving down Lowell Road last evening as I heard the fire pagers going off. There was a gas leak at a house. I guess my concern Mr. Chairman is this could have been very bad. I was told by a Highway employee that they had smelled this gas on that road in the morning yesterday. National Grid couldn't find it. I think we need to have some sort of report as to what was done and how a house that from what we were told had a 1 inch pipe spewing gas doesn't get found. Had that gone somewhere else and this house was kind of on a hill if that gas had gone downhill to the neighbors house, there could have been a serious issue. So I think that National Grid in conjunction probably with the Fire Department needs to give us some sort of assurances on how this didn't get caught yesterday morning and it took another additional X amount of hours before they couldn't find where this leak was coming from. I mean we could smell it well after they ventilating and all that. I understand wind changes and all of that. When people call up several times for the smell of gas in the same neighborhood, I think they need to do a better job of investigation then. Simply driving down the road and can't find it, again, this could have been very bad. That house was filled with gas to where luckily the Fire Chief told me it was 100 percent, which luckily there's no fuel to air ratio that would have made it go boom. Had it gone downhill to some other poor soul's house, it could have been very, very dangerous. I think that we are due with some sort of report from National Grid as to why they did not find this leak.

Chairman Jasper said that was a tough on why they didn't find it. Selectman Maddox said it smells. They've got all kinds of meters. Chairman Jasper thought it might be more appropriate if we get a report on what they tried to do to find it, which might lead us to the answer of what the shortcomings were. It would seem that that would be something that should be

accomplished through the Fire Department. So Steve if you could talk to the Chief to see if there's a report available to us as to what actions were taken and maybe through that we can determine what further actions can be taken in a case like that. Normally the Fire Department would be called for the smell of gas, investigated and...Selectman Maddox said if Fire called into National Grid from the Highway Department because an employee smelled it, yes he didn't call the Fire Department but, again, I would assume that when you have that number that says you smell gas, they do something more than drive down the road. I'm just concerned of what we're getting. Chairman Jasper thought what they did do and perhaps what we could have done and made sure that the Fire Department was called, see if we think there's any possibility it would have been detected earlier had the Fire Department been called. Steve has made a note and will follow up on it.

Selectman Luszey - Most of you have gone up Lowell Road. You see that Pelham and Lowell Road intersection is complete. The sewer and drain replacement and the paving have been done on Short Street. St. Anthony and Cottonwood Drive - a new drain has been put in to help with the winter drainage problem there.

Benson's - the 9/11 memorial area has been grubbed out, excavated, and getting ready for the beam footings I guess. The back side of the pond. They started that road down there today as a matter of fact.

The Conservation Commission - I'll be meeting with the Finance Director and the Chairman on Thursday at 9 a.m. to resolve the budget reporting issue that he has.

Selectman Nadeau - The only thing I have is for all of those who haven't seen these signs hanging around town, Old Home Days is this weekend - Thursday 5 p.m. to 10 p.m.; Saturday noon to 11 p.m. and there will be fireworks on Saturday night; Sunday is noon to 5 p.m. I hope to see everybody there. I will be there most of the weekend. A couple of town committees have tables there. One of them being the Recycling Committee. If you have any recycling questions or concerns, feel free to bring them up to the Recycling Committee. Benson's Park Committee also has a booth there. If you have some questions or you want to volunteer some time with them, they'll be there to answer your questions. Of course the Hills House will be open for tours. I'm not sure of the hours of the tours. The Hills House has some fire memorabilia that will be brought in as one of their displays this year. I'm looking forward to seeing everybody there. I will be there all weekend.

Selectman Coutu - I have two things Mr. Chairman. First of all, the 9/11 footing will be set in tomorrow. With any luck, I'll be there to observe and make sure it's done. The 9/11 Committee is meeting every single Wednesday from now until dedication day. Everyone agrees with me. WE don't need a contingency plan. Maybe bring an umbrella in case it rains. Tomorrow evening at our meeting Hudson Cable Television will be there. I invited them to come because I'd like to make one more last minute appeal for funds. We're short about \$29,000 but money is coming in almost on a daily basis. We've had tremendous success. This weekend several friends came to see me and gave me some checks totaling almost \$400. I expect to get more. I will be at Old Home Days Thursday evening 5 to 10 p.m. We have a booth for 9/11. I'm hoping a lot of people will stop by and say hi and we'll answer any questions they may have. That table as our tables as Selectman Nadeau pointed out will be manned by people and committee members, various committees, who can answer questions that you may have. I will be going away this weekend Mr. Chairman because it is my birthday and I just want to get away for a couple of days just to get some rest. I have no excuses in the future about being tired or over fatigued.

However as a segway on Old Home Days, I'd like this Board to consider and especially you Mr. Chairman to consider that in light of the conversation I've had most recently with Mrs. Clegg who came to the store and told me that its breaking her heart to think that this may be the final Old Home Days as we know it for the Town of Hudson. I'd hate to give up - that is one of the roots of old time community spirit that has been maintained throughout New Hampshire. Because we are at the southern tier and we're somewhat becoming citified by people like me who come in from Massachusetts and realize the beauty of the communities here in New Hampshire both south to the Canadian border that I would like to see it maintained. I would like for us to consider and for you MR. Chairman to consider, I have not discussed this with Selectman Nadeau, but to appoint an ad hoc committee which I'd be willing to serve. I'm sure Selectman Nadeau would be willing to serve to see if we can come up with a plan to spur the business community to continue sponsoring Old Home Day. I understand that the carnival contract is still good for another 2 years and will stay because the committee is going to honor the carnival contract. The fair atmosphere, which would be the booths and the snack shacks and things of that are not carnival related may very well go away. I'd like to see that continue. I would be more than willing if you and the Board would be willing to entertain an ad hoc committee to look at the possibility of doing that. Trust me, I understand and realize the amount of work that's involved. With that, I thank you.

Chairman Jasper said we can certainly talk about that. I have some thoughts on that and we can talk about it another time.

The thing Selectman Coutu wanted to talk about and I said I was going to do it first and then I said I'll do it last and I forgot. Cal Ripken. The Hudson 12 year old All Stars just won the Cal Ripken regionals - New England finals and I know they've been given some notoriety. Steve and I had a talk about this. His son plays for the team but I have customers whose sons play on that team. I want people to understand the significance. Hudson, New Hampshire - population 28,000. Still has its old time flavor. Here's one town that is going to be represented in what is called the worldwide competition - Canada, Australia, Japan and the United States are competing. One of 13 communities nationwide that is going to be in Baltimore, Maryland to compete for the national title. It will be televised on major league baseball. The final games will be televised. When I tell you the caliber, and you know because your son plays of these kids - I have a couple that come in the store, if they lose, they lose. But I will be shocked if they don't make it at least to the semi-finals. I would not be surprised despite we all hear about little league, the Japanese kids and they're very strong and they're well trained. These kids are super all stars

and have a chance of winning this. Regardless, they are putting Hudson, New Hampshire on the map. I spoke today - some of us have been raising money via canisters and what not in our businesses for this team. Cal Ripken is flying them all down there and then from there on in their expenses are theirs - their hotel rooms and what not. They're leaving this week so the canisters have all been collected. I'm not suggesting that we're going to continue collecting. These kids have the spirit, the talent, and the motivation to go on.

I remember just before the finals were the 4 game finals that they had to go in and they went 2 out of 4. At the last game, they had to win 4 out of 4. I remember one of the parents came to the store and I relayed this to Steve. He said to me all year long these kids have gone out and they've played and they've won and they have nerves of steel. Now I'm noticing they're getting a little nervous. One or two of them at least. Certainly his son. Instinctively the old baseball coach mentality - I got absorbed with it and I walked out and knocked on the window. So you're going on to the championships. Are you going on to win the New England Championships? He said yes. I asked him if he was a little nervous. He said yes a little bit. I said why. He said this is a big game. It's the championship. I said no it is not. It's another baseball game. You do what you've been doing all year long. You keep the same mentality you've had all year long, have a good time doing it, and wins are going to come very naturally. That's all you have to do. You don't have to think championship. Just go out there, play hard, play the way you've been playing, and you can't lose. They won and certainly not because of that speech. That was just one kid. The point is you get involved in these things and you can see. Hudson, New Hampshire being represented in a worldwide competition. That's a great honor. I would hope Mr. Chairman that upon their return that we invite them into our hall and perhaps give them a Certificate of Recognition for their achievement. I think it's a great thing for our town. It will put us on the map and hopefully somebody will go down with a banner and come visit park in Hudson, New Hampshire.

Mr. Malizia said they're actually 1 in 10 teams in the United States that have made it to that level. There are teams from Hawaii, Texas - it's truly national. There are 6 international teams, including the Dominican, Mexico, Japan, Korea, and Australia. This team is the New England Champions. We beat teams from Connecticut and Massachusetts. It really is at this level very significant that they're going to be there. It represents Hudson well. They're all going down with Polo shirts - Hudson, New Hampshire. People know who we are. We're on the national stage.

Chairman Jasper congratulated Mr. Malizia and his son. Mr. Malizia said he didn't do anything. Just get him there. There's a lot of teamwork involved and good coaching. These are a great group of kids. They really are. They truly are a good team and they pick each other up. If somebody makes an error, they get over it and they make the next play. It shows you what you can do when you work towards a common goal.

Selectman Jasper - I have a few things. One I was going to pick up pen and respond to a letter from a former selectman. Among many of the hats that he's worn, but I decided I would do it remarks tonight. It's funny the conclusions you can come to when you don't bother to have the facts. The fact that a former selectman would write a letter such as he did without picking up a phone and finding out exactly what those facts were. Talking about the Assistant Town Administrator and the fact that he got this outrageous raise by the fact of what he did starting off saying that we had to reduce his hours because we had been violating the law. He started with the assumption that we had tasked him with working 50 hours a week. When you start on the wrong basis, first of all there's nobody in the Town of Hudson who has a schedule of 50 hours a week. Certainly there are people who on occasion work 50 hours a week. In the Assistant Town Administrator's case because of the law, because he's a retiree from Group II, he could only work 38 hours a week for him. That's what we paid him for. People look at the salary and they also need to understand that there are no benefits with that salary. Had we hired someone, there would have been salary plus benefits which add up to tens of thousands of dollars when you look at retirement and you look at health care, which doesn't come into place here.

First of all we started off with the premise that you take his base salary and divide that by 50 hours a week. It's the wrong premise. Its 38 hours a week. Then in order to comply with the change in the law, his hours were reduced by 6 hours. What this Board did was take his hourly rate based on 38 hours and reduced that pay by the reduction of 6 hours. Therefore there was absolutely no change in the hourly compensation paid to the Assistant Town Administrator. I found it very unfortunate that someone would play games like that. All that was was playing games. Anytime people have questions, all of us are in the phone book. We're all easily reached. The Town Administrator can be reached. The information is out there. People shouldn't be just going off for whatever personal mission this was. It was not grounded in fact and that's very unfortunate.

Chairman Jasper said there was a Thumbs Down and I will take the hit on that relative to the 10 percent raise. I had said at Town Meeting that we were not going to be giving 10 percent raises. I did say that. There were comments made prior that we were giving our 10 percent raises. There was nothing on the floor at Town Meeting that would grant anyone a 10 percent raise. That was not the intent. When we were here a few weeks ago in looking at the schedule of pay, one thing that came to my realization that I hadn't really thought about before, although I was aware that we really weren't compensating our Finance Director, I don't believe, adequately based on the job and the responsibility that she has. When I looked at the pay scale of the IT Director, who does a very good job but I would certainly submit that given the millions of dollars that the Finance Director is overseeing and really it is \$28 million - really more than that runs through her office because we pay the school and that all has to be accounted through there as well, it didn't make sense to me that we were compensating our Finance Director less than our IT Director. Ultimately the Board all or most came to the same conclusion. I never looked at the percentage that night. Was it 10 percent? As I found out later, it was 10 percent. That didn't come into play in my mind. I will remind people that all of our department heads had gone 3 years without compensation. So we're really talking for a 4 year period here something that works out to 2 ½ percent for this a year for this individual. Yes I said it. I meant it at the

time. Things changed my opinion. That's one of the things that do happen here. Anyone who has a problem with what I said and ultimately how I voted, I apologize. I never thought of those comments at the time. The bottom line is it happened.

I want to talk a little bit on the saga of the train station at Benson Park. We thought we were well on our way to moving the train station and then another snag seemed to come up. I have been telling the Town Engineer let me know if I need to make phone calls. Finally we got to that point where I did. I did speak with Nancy Mayville last week. I've asked her to set up a meeting here in Hudson. I want to show them what we've done at the park. I think there has been a lack of communications. I'm not sure where that communication has been but it seems like things are going like this because everybody has a different story and I want to get all the people in the same room and get the story to be the same. One of their concerns with this is we're going to move the train station then what's the town going to do with the train station? What are your long term plans? How are you going to fund finishing it? We've wasted a lot of money obviously in this whole process. Because of the time period that's gone on, I don't think there was every enough money based on their standards to do the station. They've wasted so much in engineering and things have escalated over however many years it's been. There isn't enough money to do the inside.

I spoke with the Benson Committee last week. The Benson Committee recommends to the Board of Selectmen that for the purpose moving forward so that we can say to DOT this is our intent, that the train station office area would be used for meeting space and classroom space. The baggage area would simply be storage. Downstairs, which I don't think they care about, would be for storage of materials for rakes, shovels, and things of that nature long term for the park and that we would plan on financing over a period of years, it that's what it takes, the restoration of the interior of the train station through volunteer labor, donations, application of grants, and where necessary for budgeting money over a period of time. Not to come in and say we're going to ask for \$100,000 in one year. It may be okay and this is what we're getting and we're going to put \$5,000 in the budget for the train station until we get done and hope that we apply and are successful in getting grants. I think as you've seen the gorilla cage if you've been down there the work that has been done there by the volunteers, very short labor, very short town funds, we can do the same. What I'm asking is that the Board endorses that concept so that when we have this meeting we can say here is our plan.

Chairman Jasper asked if there was consensus that that is our plan going forward. That's how we intend to complete this and these are the uses of that building. Thank you very much and hopefully I'm going to be calling again tomorrow or Thursday if Gary hasn't heard anything back. Selectman Maddox said he was out. Chairman Jasper said he did talk to him this morning and I expected to see him here this evening.

I did want to make one other comment. I had expected public comment on this. Just so that it doesn't become an issue in the future. The Canada Geese at Benson Park have become a real issue. I spoke with the Road Agent some weeks ago. I was going to bring up the geese. He brought the geese up first to me and what a problem they were becoming, what a mess they were making and destroying the grass. Primarily the geese droppings all over the place and becoming a bit of a hazard for people if nothing else. So he worked with NH Fish and Game and US Wildlife and got humane methods. There are some balloons out there that you'll see and some other methods. Nothing that harms the geese. No goose has been harmed. They'll all fine. They're just doing things so that they don't like - Swan Lake. There are plenty of other bodies of water on that park that they can go to. There was someone I was told who was going to be coming in tonight and complaining about the lack of geese and that we've chased them off. I would suggest to you if you're a big fan of Canada geese go down to the Alvirne school farm, the Hills House grounds. You can see all the Canada geese you ever want to see. We've built this park in that area in particular for people to enjoy and not for the geese to enjoy. If anybody has any complaints about the lack of geese, I guess ultimately I'll take the hit on that one. I said yes go for it. We need to get them out of there.

Selectman Maddox said there was a Letter to the Editor about 192 Central Street. I saw the article. I followed up. There was no written complaint so Community Development didn't know who to get back to. They've now read the letter and we have followed up. There was a demolition permit pulled. Unfortunately the company was working on Sunday and nobody is in Community Development. Again, I think you're right. Unfortunately sometimes people assume but there was a permit pulled and everything was done according to - there was asbestos so they had to deal with some of that. According to Mr. Oleksak, a letter will be sent to this gentleman explaining all that and we move. Chairman Jasper said sometimes that's all we can do is respond to situations because many of them are out of our control.

Selectman Coutu said the letter refers to a communication between him and the Attorney General's office and in turn a communication from the Attorney General's office to this office. Has anybody found the copy of that letter? Mr. Malizia said yes. I gave it to Community Development asking for a response before I went on vacation. All they said was we received this. We're forwarding it to you. They didn't ask us, direct us, and tell us to do anything other than to say we received this we're now giving it to you. Selectman Coutu asked if he was not identified in that letter - the individual who was filing the complaint which would obviously be the author of the letter. Mr. Malizia believed his name was in there that he complained to the Attorney General's office. Selectman Coutu asked how long Community Development had that letter. Selectman Maddox said July 18 was the stamped date on it. Mr. Malizia believed the 19th was when we received it in our office.

10. NONPUBLIC SESSION

Motion by Selectman Maddox, seconded by Selectman Luszey, to enter 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 (c) Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the public body itself, unless such person requests an open meeting. This exemption shall extend to any application for assistance or tax abatement or waiver of a fee, fine, or other levy, if based on inability to pay or poverty of the applicant, carried 5-0 by roll call.

Nonpublic Session is being entered at 8:53 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.

Motion by Selectman Maddox, seconded by Selectman Luszey, to exit nonpublic session, carried 4-0. Selectman Coutu exited nonpublic session at approximately 10:30 p.m.

Open session is being entered at 12:00 a.m.

11. ADJOURNMENT

Chairman Jasper adjourned the meeting at 12:01 a.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