

HUDSON, NH BOARD OF SELECTMEN
Minutes of the June 28, 2011 Meeting

1. CALL TO ORDER - by Chairman Jasper the meeting of June 28, 2011 at 7:02 p.m. in the Selectmen's Meeting Room at Town Hall.
2. PLEDGE OF ALLEGIANCE - led by Lee Lavoie, Chairman of the School Board.
3. ATTENDANCE

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

Staff/Others: Steve Malizia, Town Administrator; Mark Pearson, Asst. Town Administrator; Donna Graham, Executive Assistant; Jason Lavoie, Police Chief; Shawn Murray, Fire Chief; Lisa Nute, IT Director; Dave Yates, Recreation Director; Kathy Carpentier, Finance Director; Mike O'Keefe, Chairman Cable Committee

4. PUBLIC INPUT

Chairman Jasper asked if anyone in the audience wished to address the Board on any matter which is under its jurisdiction at this time.

Chairman Jasper recognized Lee Lavoie the Chairman of the School Board.

Mr. Lavoie thanked the Chairman, Mr. Malizia, and the Board. I'm actually right now representing Mal's Pals. On June 12 we were planning on having an event over at Benson's and it ended up raining those 3 days. The field was a little sloppy. I made a phone call to Shawn and he said just do a roll call vote and see if you can get the other 4 Selectmen on board. We were able to do that. We were able to use Lion's Hall. It was great for the kids. Due to the fact that it was raining, we were going to have to use electricity and everything outside, it was going to be a total nightmare. We were able to do it at Lion's Hall. Cole Brothers Circus came with their clowns, blew up balloons and stuff. So we had a really good time. I really wanted to thank you for allowing us to use it. We kept it as clean as it was when we entered the building. It was a great day. The kids were able to play. I wanted to say thank you. Chairman Jasper said you're welcome.

Robert Heyward - My name is Robert Heyward. I own the property on 59 Central Street. The Town told me - I have copies and I'd like to read them but it's hard to get it out. All right. The Town told myself in a letter dated December 27, 2006 where we discussed the easement of your property.

Selectman Coutu said he was willing to read the letter for Mr. Heyward. Do you want me to read this into the record Mr. Heyward. Mr. Heyward said yes. Selectman Coutu indicated that this is a letter from Consulting Engineers sent to Mr. and Mrs. Bob Heyward regarding the Town of Hudson, Central Street Intersection Project, CLD Reference No. 05-0118

"Dear Mr. and Mrs. Heyward:

Thank you for meeting with myself and Town of Hudson representatives on June 12, 2006 where we discussed potential easements on your property that abuts the planned Central Street/Library Street intersection improvement project.

As discussed at the meeting, the Town would appreciate your granting a small permanent right-of-way easement to support the installation and future of maintenance of traffic signal equipment at the intersection. The Town would also like a temporary easement to support modifications to your driveway (widening) and replacement of the existing sidewalk along your Central Street frontage.

Please recall that the planned improvements will benefit you in the following ways:

- You will have access to the intersection under traffic signal control. This should significantly improve the safety of entering Central Street by yourself, your tenants, delivery vehicles, and others.

- There will be a signalized pedestrian crossing at Central Street adjacent to your driveway. This should significantly improve the safety of crossing of Central Street by yourself and your tenants, particularly any minor children or those with disabilities.
- The sidewalk along your frontage and a portion of your walkway will be reconstructed, thereby improving pedestrian safety.
- Your driveway will be widened to better accommodate entering and exiting vehicles.

I have enclosed a right-of-way plan that shows the easement areas, as well as the planned improvements. The complete set of right-of-way plans will be on file with the Town.

I have also enclosed a "Traffic Signal and Temporary Construction Easement Deed" for your review and approval. **Please sign the agreement (with notarization) and return to either myself or to Sean Sullivan at the Town of Hudson, at your earliest convenience so that we may advertise the project for construction.**"

Selectman Coutu wanted to note that this letter is a letter dated - I just realized when I saw the name - dated December 28, 2006.

"The Town will pay any recording fees; as well as waive fees for notary service, should you wish to sign the agreement at the Hudson Town Hall.

We appreciate your continued support of this important project. Should you have any questions, please do not hesitate to contact me."

Selectman Coutu said he leaves a phone number and his e-mail address. It's signed Daniel Hudson, Associate Project Manager. He is an engineer with CLD.

Mr. Heyward said he signed it for his driveway and then they took it away. Selectman Coutu asked Mr. Heyward so you're saying you signed the easement. Mr. Heyward said yes. He went downstairs (to see Mr. Webster) and asked him about it and he (Mr. Webster) said let's see where it goes. Mr. Heyward went to the Fire Department two times. They pulled the wires off my house. Took it off. I got mad and went to see the police officer. The police officer and they called PSNH. I went down to the Police Department to make a complaint. They said he couldn't do that. What am I going to do? I can't make a complaint. I can't do nothing. I can put it in and they tell me I do nothing. What it is that's what it is. That's not right.

Selectman Coutu told Mr. Heyward that there are a lot of complexities. As you're aware and we are aware with the location of the pole, we're not happy with where it went. You signed an easement allowing them to do so. I want to straighten one thing out and that's just what you said. Are the wires relocated on your house? Have they been put back on your house? Mr. Heyward said he put them on. Selectman Coutu said so they're on and they're done with. Mr. Heyward said yes. Selectman Coutu asked Mr. Heyward if he understood - I'm not trying to defend anything anybody did, but I want to make certain things very clear to you. If I'm mistaken Mr. Chairman, don't hesitate to jump in or any member of the Board. The Police Department doesn't handle complaints about wires coming off of buildings. I don't want you to be mad at them because they didn't take the complaint. The complaint is between you, and the people who caused it, and PSNH. It has nothing to do with us either. The wires are up and they're stable and you're happy with that. Mr. Heyward said he was not happy. Selectman Coutu asked if he called PSNH or have somebody come out and did they look at it.

Chairman Jasper asked to read a letter. We have looked into your situation and have some views here which show that after the reconstruction your driveway was substantially wider than it was before. There were many improvements. Here's what we have gathered:

"Dear Mr. Heyward:

We have gathered information from our Road Agent, Town Engineer and also sent an e-mail to the Public Utility Commission on your behalf relative to Fairpoint's relocation of the telephone pole at 59 Central Street. It has been determined that the pole was properly placed according to Fairpoint's easement.

Jan Quint, Utility Analyst of NH Public Utility Commission, after speaking with Fairpoint responded to my e-mail as follows:

"The area construction manager advised the pole had to be replaced because it was a hazard. The pole was set back a couple of feet and was only moved a few inches closer to Mr. Heyward's driveway. He advised the pole was placed within our easement. The site was surveyed prior to the

placement of the pole and the pole was set in the only place it could be. Fairpoint cannot move the pole. The unattached wires from the customer's home belong to Comcast not Fairpoint. Fairpoint is unable to touch the Comcast lines."

In conclusion, the Town concurs with the Public Utility's opinion and no further action can be taken.

Sincerely,

Hudson Board of Selectmen

Shawn N. Jasper, Chairman"

We have a copy of the response attached. Mr. Heyward asked Comcast to come over and put it there and put it on the house. I put them on myself. Chairman Jasper was sorry about that but we don't get involved in the attachment and reattachment of the wires.

Selectman Maddox asked who knocked the wires off. Mr. Heyward said Fairpoint. They knocked them down. They don't care. Selectman Maddox wasn't going to argue that point with you. I did check with the Town Engineer and the easement for that pole goes back to 1955. It's a 5 foot easement. So they have the right....Mr. Heyward said he knows that. The Town gave me permission to move my driveway.

Selectman Coutu said they have the picture. It's on the picture. It's clearly delineated. It's been hot topped. Chairman Jasper said we've seen it Mr. Heyward. The bottom line is there is nothing that we can do. If you're unhappy with Comcast's response or Fairpoint's response to your pole, you need to contact them. You now have the contact information for the PUC. There's nothing that this Board can do. Everything has been done in accordance with the easement. There's nothing that we can do.

Mr. Heyward said to move his driveway over. Fine.

Chairman Jasper said the bottom line is, again, it doesn't matter what information you have there because there is an easement. The pole wasn't put in your driveway. You still have a driveway which is accessible and it's certainly much better than it was before. You have a signalized entrance there.

Mr. Heyward said when you go in there you can't maneuver to plow the inside area. You can't maneuver.

Chairman Jasper said he was sorry but there's really nothing that this Board can do for you.

Mr. Heyward said if he (Mr. Webster) had talked to Comcast and put it on the right side.

Chairman Jasper said the pole has been set. It's done and there's nothing...

Mr. Heyward said thank you. Thank you very much. Bye bye. Thank you very much. That's *bleep*. I'm sorry. Thanks for nothing.

Selectman Coutu told Mr. Heyward not to get excited. Please understand there's nothing we can do. We've tried. Mr. Heyward said you did nothing. Selectman Coutu said we tried. We don't own the utilities Mr. Heyward. Mr. Heyward said I think this is nothing. Selectman Coutu was sorry he felt that way. We tried our best and that's the best we could do. Mr. Heyward said bye, bye thank you very much. Thank you. Thank you. Thank you.

Ray Bouley - I'm applying for a Dance Hall Permit. Ray Bouley, I live at 41 Adam Drive here in Hudson. I'll be opening up a catering and banquet hall at 222 Central Street, formerly the King's Court, Unit 6. I need a Dance Hall Permit.

Chairman Jasper said we have a staff report and an extensive amount of information before us on this. I'll open it up to the Board. This is really more than public input. Mr. Bouley is making a request of the Board based on what I've seen that you'd like us to give you some relief to the regulations.

As the Liaison to the Community Development Department, Selectman Maddox was made aware of this. I think your real conversation needs to be with your landlord. A number of these outstanding issues come back to 2004 not paying the cap fee, not getting a Certificate of Occupancy, making additions to the building without permits. Unfortunately you got caught in that administrative web. I think your conversation needs to be with him. It's still outstanding issues for that whole site.

Mr. Bouley said that whole site has to do with Cookies. It has nothing to do with me.

Chairman Jasper said unfortunately it is one site. It is under one site plan and one owner. It does. I'm baffled as I go through this to see that there was no occupancy permit signed off on going back to 2006. Selectman Maddox said it was one of those mysterious temporary occupancy permits Mr. Chairman. Again, it comes back to unpaid cap fees and not finishing the work and then doing additional work without permits. You really need to talk to your landlord and resolve those issues with the Community Development Department so that this could go through the process.

Mr. Bouley was baffled the fact that it hasn't anything to do with what I'm doing. It's a conflict between he said he said as far as Cookies. Chairman Jasper said it's really not between Cookies. The owner of the building signed the site plan and made promises. Frankly, as I said, it's upsetting that things have gone on this long. To allow you to expand the use other than what it was under King's Court...Mr. Bouley said we're not expanding it. It's the exact same thing. Chairman Jasper said dance hall versus. Mr. Bouley said we're doing the same thing but apparently in 2007 the Town instituted a Dance Hall Permit requirement. We're not changing anything. The Dance Hall Permit requirement allows what was going on there before is live entertainment. So if you rent my hall for a wedding or something, it allows you to bring in a band. It basically allows you to dance to that music. We're not changing anything that we've been doing in the past or what they were doing in the past, being allowed to do in the past - the previous tenant to that unit. I'm just doing the exact same thing. I've gotten all the other permits and all the other licenses that have been required. All of a sudden this one popped up because everybody pretty much forgot about it.

Selectman Maddox said that was not the case. There's been continuing effort to resolve this. It just takes the landlord coming in and rectifying these issues. What Mr. Bouley meant was it's been operating up until this point off and on since 1980. In 2006 or whenever this actually happened, it was operating as a function hall. All I'm doing is just doing the same thing. I'm not changing anything. I've put in everything I own into this and now I'm being told I can't open, which would pretty much break me.

Chairman Jasper's understanding is that you can open except for the live entertainment. Correct Mr. Pearson? Mr. Pearson said yes. Mr. Bouley said he could get a liquor license and I can do all of that without the dance hall permit, but I can't hold a function which means if you rent the hall, you can't have live entertainment. You're not going to rent the hall. You're going to go somewhere else where you can have a band, or a DJ, or something. That's our bread and butter. At least if there is any possibility of getting a temporary until this is solved. Maybe not a permanent, maybe a few months temporary that will allow me to open. My whole life savings is gone.

Chairman Jasper asked if Mr. Bouley has had any conversations with your landlord about the things that he has not done. Mr. Bouley said according to him, the cap fees have been paid. They were paid a long time ago. He said he would never have gotten a CO for it. He claims to have a CO for it. As far as apparently the drawings of the patio which was in question in the beginning, I withdrew my request for that. It was just going to cause too much. It was going to hold me up. He said that was forgotten to be drawn on there and his engineers are in the process of redrawing to resubmit as an as is or something. Chairman Jasper asked Mr. Pearson to come forward.

Good evening members of the Board. In response to that question you just asked of the applicant, Mr. Pearson had staff research and then re-research, and then we consulted with the Finance Department. There is no record of any payment of the cap fees. In reference to the application for the Certificate of Occupancy, perhaps there's some confusion. The existing restaurant of Cookies had a Certificate of Occupancy. There was an addition to the rear of Cookies. That's the issue where there is no Certificate of Occupancy at this point in time. That's the new addition that was put on. I have a copy of an application, and it's included in your package, of a representative from the landlord that made application for a Certificate of Occupancy and did not follow up with the inspections to receive that Certificate of Occupancy for the addition to Cookies. Prior to my arrival here in Hudson, it was standard procedure not to collect the cap fees until time of the issuance of a Certificate of Occupancy. Since I have come on board here that process has changed. The cap fees are due at the time of the application now for the Certificate of Occupancy. It probably doesn't matter a whole lot in either case. I have confirmed that those cap fees have not been paid.

Selectman Luszey asked if there was a Certificate of Occupancy for the building that he wants this permit for. Mr. Pearson said yes.

Selectman Nadeau said he was finding this Dance Hall Permit keeps coming up. It's coming up because of the Liquor Commission and one of our previous ordinances in town. This has never become a thing in the

past. Everything that Mr. Bouley is doing here at King's Court has been done in the past 20 years - as long as I've been going there. There is nothing that has changed as far as what he is doing. He's applying for a permit that he is supposed to have according to the Town with the square footage. The Liquor Commission is the one that's really telling everybody that they need this permit. He's doing the right thing by coming in to get the permit and if he didn't apply for this permit, we wouldn't be in this predicament that we're in now. It has nothing to do with him other than its his landlord who's at the other end of the building, which has nothing to do with this particular unit and what they've done in the past. I see nothing different from what is going to happen from last year to this year other than having this particular permit in that section.

Selectman Maddox asked Selectman Nadeau if he was making a motion that we should get rid of the Dance Hall Permit. Selectman Nadeau said no. We should have the Dance Hall Permit but the Dance Hall Permit didn't apply to the last person who applied for it because the Liquor Commissioner said that they needed a Dance Hall Permit so they applied for it. It didn't fit what they needed to do. I think we just need to refine the permit and move on. It's not something that we're going to do tonight with this applicant.

Chairman Jasper said it wasn't the permit that's the problem. There's nothing that needs to be refined about the permit that I can see or the dance hall requirement, it's simply that this is a way that we're picking up problems that exist. I am sympathetic to the applicant who has himself in a very bad situation by no fault of his own. The other problem that this brings into question is, again, a town situation where we issue a permit for a certain number of seating but that seating exceeds the parking requirements that we have. It's a case again of one hand not knowing what the other is doing. It's not fair to an applicant when the Fire Department gives a permit saying you can have in this case 326 people if you have tables and...Mr. Bouley said it was 277 seated if we use the patio, which the patio is off limits. We don't use the patio. As far as the parking, you have only 2 businesses there that would actually be using the whole parking lot at night. Everything else is closed. Chairman Jasper said he was very confused by this because it says 326 and then it says 529, 49 seated on the patio, 277 seated in dining room, 529 without seats. Mr. Bouley said he knows the Fire Department and Mark actually explained that there are two sets of rules between what the Fire Department uses...

Mr. Pearson said he wasn't here to speak on behalf of the Fire Department. Certainly the Chief's here in the room. Part of this process is that the Fire Department goes in and uses NFPA Standards and determines the maximum occupancy of the square footage of the building according to their egress, and I'm sure I'm preaching to the choir with the Chairman. Whatever the building is rated for is one calculation but the plan on record is the plan of the building that says what was approved for parking calculations. So 539 is not going to work if you don't have the parking spaces. The capacity of the building versus the capacity of the parking lot is in conflict but that document is not meant to put it in conflict. That's just a statement that they're saying if the building was used to its maximum potential. I stand to be corrected if the Chief wants to correct me on that.

Chairman Jasper thought that was correct. It would seem to him, and Mr. Bouley is correct, when you have a number of businesses that aren't used at night so isn't the issue when there is a problem with the parking lot overflowing. I don't know that I've ever seen that parking lot overflow in my life. Overflowing with water - yes. Overflowing with cars - no.

With respect to the parking Mr. Chairman, Mr. Pearson did some calculations based on that number - the 277 if he had 27 10 person tables in there for a function but I did some calculations with the parking on the site that like Mr. Bouley said that if the other use of the restaurant next door had 60 spaces and this one had the remainder, that they would still be within the number of 202 spaces assuming the rest of the businesses in the building weren't open. So there is an ebb flow depending on what businesses are open and what time of the day. I don't think that that 277 puts them over.

Chairman Jasper indicated that that's the number you're requesting anyhow is 270 that you're looking for. Mr. Bouley was just requesting permission to have live entertainments so I can get open.

Selectman Coutu asked Mr. Pearson relative to this property and the portion of that property which Mr. Bouley will be occupying, are there any violations in that section of the property. Mr. Pearson said yes. Originally when we made a site visit there was not an enclosed area for the dumpster. Since we notified Mr. Bouley, he called the fence company and put a fence around that. That was one issue. Selectman Coutu said that wasn't an existing problem. It's been corrected. I asked you are there any existing problems today with the portion with which he wishes to occupy. Mr. Pearson said there is an overhang on the right side of the building that is in question on whether there was a permit granted for that addition of a roof on the right side of the building.

Selectman Coutu asked if we had legal recourse to collect the cap fees if in fact no cap fees were ever collected other than to tell Mr. Bouley you're going to have to wait to collect cap fees. Do we have any legal recourse to go after the property owner? Mr. Pearson said yes. We could just institute legal action. Selectman Coutu didn't see any reason why we should deny Mr. Bouley an opportunity to run a business that has been consistent with the business that's been running there. We should not punish him. The owner should be on the Community Development Department and a directive, if necessary, should be issued to Mr. Pearson and his staff to take whatever legal recourse there is to correct the problems and let Mr. Bouley go about his business.

Motion by Selectman Coutu, seconded by Selectman Nadeau, to approve the Dance Hall Permit as requested by Mr. Bouley for the property at 222 Central Street known as the White Birch.

Selectman Maddox was going to dissent. I think the votes are there but I still think the owner of the property needs to finish the things that he said he was going to do. If you're going to let him continue to not do what he is supposed to do, still rent out the property, you're going to be stuck in this position.

Selectman Luszey agreed with Selectman Maddox. However, all of the issues sound to me to be at the Cookie end of the building. Chairman Jasper said the overhang was added but it has nothing to do with the applicant. Selectman Luszey said to go after the owner and not penalize Mr. Bouley.

Chairman Jasper agreed with that. I think the problem really is that we need to go after the owner of the property. You have a man that came in here in good faith. There was a business ongoing there. He had no reason to believe that there would be any problems. He's invested in this and I think that it would be an injustice to him. We do have to go after and we'll need to deal with that under Other Business. We will have to take some pretty strong action here. We have the problem of Cookies having a restaurant and not having a proper occupancy permit, which again is not the owner of Cookies fault. We'll deal with that later. There's a motion on the floor.

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

Mr. Bouley thanked the Board.

5. NOMINATIONS & APPOINTMENTS

6. CONSENT ITEMS

Chairman Jasper asked if any member of the Board wished 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, carried 5-0.

A. Assessing Items

- 1) 2010 Tax Abatement - Map 168, Lot 125, w/recommendation to approve adjustment
- 2) 2010 Tax Abatement - Map 131, Lot 41, w/recommendation to approve adjustment
- 3) 2010 Tax Abatement - Map 129, Lot 20, w/recommendation to approve adjustment
- 4) Current Use Lien Release - May 206, Lot 31-2, w/recommendation to approve

B. Water/Sewer Items

- 1) Sewer Abatement, S-UTL-11-12, 97 Lowell Road, M/L 198-014-000, w/recommendation to approve

C. Licenses & Permits

- 1) Raffle Permit by Hudson Fish and Game Club, Inc.
- 2) Raffle Permit by Hudson Fish and Game Club, Inc. and Friends of Catch-A-Dream Foundation
- 3) Request to Solicit Funds by American Legion Post #48

D. Acceptance of Minutes

- 1) Minutes of the June 7, 2011 Meeting
- 2) Minutes of the June 14, 2011 Meeting

E. Calendar

07/04 FOURTH OF JULY - TOWN HALL CLOSED
07/06 7:00 Planning Board - Community Development Meeting Room - CANCELLED
07/07 7:00 Benson Park Committee - Community Development Meeting Room
07/07 6:30 Recreation Committee - BOS Meeting Room
07/11 7:00 Conservation Commission - Community Development Meeting Room
07/12 7:00 Board of Selectmen - BOS Meeting Room
07/13 7:00 Benson Park Committee - Landscape Subcte - BOS Meeting Room
07/13 7:00 Planning Board - Community Development Meeting Room
07/14 6:00 Sewer Utility Committee - BOS Meeting Room
07/14 7:30 Zoning Board of Adjustment - Community Development Meeting Room
07/18 7:00 Energy Committee - Community Development Meeting Room
07/19 7:00 Cable Utility Committee - BOS Meeting Room
07/20 5:00 Water Utility Committee - BOS Meeting Room
07/20 7:00 Council on Aging - Community Development Meeting Room
07/21 7:30 Budget Committee - Community Development Meeting Room - CANCELLED
07/21 7:00 Benson Park Committee - BOS Meeting Room
07/25 7:00 Recycling Committee - BOS Meeting Room
07/26 7:00 Board of Selectmen - BOS Meeting Room
07/27 7:00 Benson Park Committee - Landscape Subcte - BOS Meeting Room
07/27 7:00 Planning Board - Community Development Meeting Room
07/28 3:30 Trustees of the Trust Fund - Community Development Meeting Room
07/28 7:30 Zoning Board of Adjustment - Community Development Meeting Room

7. OLD BUSINESS

A. Votes taken after Nonpublic Session on June 14, 2011

- 1) *Motion by Selectman Maddox, seconded by Selectman Coutu, to authorize the Fire Chief to hire Craig O. Benner to the position of Firefighter Paramedic within the Fire Department beginning July 11, 2011. This assignment will be a non-exempt position and in accordance with the IAFF Local #3154 contract with an hourly rate of \$14.78 per hour and then to Step 1 at the completion of probation as recommended by the Fire Chief, carried 4-0.*
- 2) *Motion to adjourn at 9:28 p.m. by Selectman Coutu, seconded by Selectman Nadeau, carried 4-0.*

8. NEW BUSINESS

A. Request approval to apply for the FY2011 Local JAG Grant in the amount of \$11,625

Chairman Jasper recognized the Chief of Police Jason Lavoie. Good evening.

Chief Lavoie said this is a JAG grant as the Chairman has outlined. This is one of those grant where they kind of tell you we're allotting you this much money. We got a report back on what you'd like to do with it. We're asking the Board to give us permission to apply for this JAG grant - to receive this money that's already targeted for the Town of Hudson. We're looking to purchase two items. One of which is a thermal imaging camera and the other one being a box to use in the back of a Tahoe. You're very familiar with seeing those in the back of the fire trucks. It's like a command post where they can store equipment, etc. Those there are the two items that we are looking to purchase. The thermal imaging camera that we're looking at will enable us - the speed of deployment for it. Tactically it fits. We could have it mounted on helmet cameras so the SOU team can use that during deployments. Good battery life range and some other issues that would be very applicable to our needs.

Selectman Luszey believed the Fire Department has a number of thermal imaging cameras. The purpose of the police to have them. Chief Lavoie said there's a couple of reasons. The one that we're looking at is distinctly different than theirs. Theirs is 4 ¾ by 4 x 7. The one we're looking at is 2 ½ x 2 ½ x 4 ½. So it allows you to mount it on a helmet. Theirs you can't mount that on a helmet. Also for tactically considerations, theirs has a screen which would give you back light when trying to use that when you're looking for a suspect. Ours is a monocular. It comes down into the eye. The range of ours is out to 600

meters where theirs is 200 feet or less. Selectman Luszey said it for swat team type activity. Chief Lavoie said swat team as well as us. For instance we had a couple of suspects committed a burglary in Lawrence. One of our officers went to stop them for a motor vehicle violation, a pursuit took place, and they fled out of the vehicles. We can get personnel on scene with this camera - the supervisor, quicker than what we could with having to call the Fire Department and get them out to try and use this to track them. These people then went and stole a car from another Hudson resident and took off. They dumped the car in Haverhill, Massachusetts. There's a few different reasons why this camera would be beneficial to us versus that of what the Fire Department's needs are.

Selectman Coutu said he was good. I was confused between the fire imaging and I thought we bought some of these but it was for the Fire Department.

Motion by Selectman Luszey, seconded by Selectman Maddox to approve the Police Department's request to apply for the 2011 Byrne Justice Assistance Grant (JAG) Program allocation in the amount of \$11,625.00 for the purpose of purchasing a thermal imaging device, carried 5-0.

B. Request to post Deputy Chief Vacancy

Selectman Coutu asked that Item 8. B. be removed until a future date. Chairman Jasper trust that this was in concurrence with the Chief. Selectman Coutu believed so. He can step forward and address it if he wishes. I asked that the request to post the vacancy position be removed. Are you in accord Chief? Chief Murray said, "Yes I am".

Without objection, Chairman Jasper said it would be postponed until placed on the agenda at the request of Selectman Coutu.

C. Recommendation - Three (3) Replacement Defibrillators

Chairman Jasper recognized Chief Murray on the replacement of the 3 defibrillators as approved at Town Meeting.

Chief Murray said the cameras Chief Lavoie was talking about will be a great asset to them. Of course tactically the way they operate, it would be very good for them. I'm before the Board tonight to request the authorization to purchase 3 Life Pack 15 defibrillators and associated accessories as authorized by the 2010 Town Meeting for a total price of \$86,685 as detailed in the quote that is in your package. Following Town Code, the package was put forth before the Finance Director. You should also have a Memo in your package from her concurring with my recommendation.

Mr. Chairman if you remember, Selectman Coutu said this was an item that was placed in the budget last year. When we got through the final session to finalize the budget before we sent it on to the Budget Committee, we opted to remove this item from the Budget and asked the voters to consider whether or not they wanted to spend money to buy new defibrillators. When you look at the vote that day, 75 percent of the voters, an overwhelming majority as far as I'm concerned, voted to allocate the funds in order to provide the Fire Department with the latest equipment necessary in order to assist those people with heart problems when they arrive on the scene. Mr. Chairman I think the Chief did due diligence with regard to getting the best price possible. In fact, he's going to spend approximately \$1,400 less than was appropriated. I am in full accord with his recommendation to purchase and would in the absence of any other discussion move...

Motion by Selectman Coutu, seconded by Selectman Nadeau, to waive the bidding procedure and award the purchase of three (3) Life Pack 15 Monitor/Defibrillators in the net amount of \$86,685.01 to Physio-Control, Inc. of Redmond, Washington, as recommended by the Fire Chief and the Finance Director.

Selectman Maddox asked about the trade ins. It's figured into that? Mr. Malizia said there are 2 trades. Remember the other one was sold to the Fire Department. There are 2 trades that are figured into that. Chief Murray said there's an additional \$5,000. So it actually comes out to \$1,200.

Vote: Motion carried 5-0.

D. Joint Town/School District Fiber Optic Project

Chairman Jasper recognized the School Board Chairman Lee Lavoie and the Assistant Superintendent of Schools Mary Ellen Ormond and the Town IT Director Lisa Nute.

Thank you Mr. Chairman and Mr. Malizia, Board members. Ms. Ormond said it was nice to see you all. They don't let me over here too often. They're afraid what I might say on television. Tonight I think is good news. During the budget process, we were able to secure about \$80,000 for a fiber project that we're working jointly with the Fire Department and the Town to run down Lowell Street to Nottingham West and then through the back roads over to Memorial. We have been able to save some money. In my conversations with your IT Director, we thought that it would make sense to close the loop and while we have single mode fiber that runs to Dr. H.O. Smith and Library Street right now. Single mode is a short run fiber. The Town runs multi-mode because it's really kind of a long stretch. They're not compatible that we would switch out even though its fine because they are such a short distance to us, we would switch out the single mode fiber and then run multi-mode back all the way through so it would capture Lions Club and the Rec. Center. It would then come through and it would go through Dr. H.O. Smith School, Library Street, and then connect up with the rest of the fiber, which would actually complete that circle for the end of town and would enable the Fire Department to run up...Mr. Lavoie said the Town could continue up to Burns Hill Fire Station.

What Ms. Ormond is asking is that we see the value in this. We see the greater value for the community. There is no return on investment for the School District. It would take about 200 years for us to get the \$6,000 back. We're paying \$.35 for pole fees right now. We recognize the greater good for the community. Understand that spending the \$6,000 now is going to in the long run eliminate some cable runs and some additional work or some additional costs down the road, provide access where there isn't access, and I think enhance the entire Town with the expenditure of \$6,000. I guess what we're here to say is we don't want to go before the Budget Committee and say that we're spending the \$6,000 if we're not on the same team. If you're saying to us no don't send \$6,000 on our account, then okay. We're more than willing to do it. Lisa and I really feel that it's a benefit even though I have no idea where these roads are. I do know the names of the roads; I just know where they are.

Selectman Luszey said there is actual savings attached to this work. When this is complete, there are some cable drops that will be discontinued on the school side. There is savings there. Also just to make sure I'm clear here, in next year's budget, we planned \$80,000 expense to do this. Given what they were able to do now, they're actually going to come in under budget even though they have to spend \$6,000 that wasn't budgeted for. So the net amount is about a savings of \$24,000.

Ms. Ormond said all around we're saving considerable money on this project. It's a project that we will have a return on investment almost immediately. We were in a situation where we weren't able to run key software and sometimes telephones because of our situation. We're eternally grateful to the Town, to the Fire Department, to Lisa and her crew for this joint project. I guess what we're saying is that we'd like to show our gratitude on the back end of this.

Selectman Coutu asked Selectman Luszey that he assumed that you've worked with them in helping to coordinate this project. Selectman Luszey has had many conversations with the IT Director. In lieu of the presentation and what's before us this evening, Selectman Coutu asked if we needed to take any action or is this an informative show of cooperation between the Town and the School Department. Selectman Luszey said it's the former and it's to ensure that because of the small amount that wasn't budgeted, we don't have an issue with that. The budgets have been tight over these last couple of years and everybody is looking at the minor lying detail. We felt it was a good idea. I'll say the collective "we" that they come here to explain what we're doing so that everybody is on the same page when we start talking budgets for next year. It's really good faith on their part to come here saying we're going forward, we're going to save a bunch of money, but there's a small amount of money that wasn't specifically budgeted to start this work because it needs to happen now.

Selectman Coutu said we've discussed at length and sometimes not quite enough how we need to have an open process between both boards. I think this is a step in the right direction and long overdue that the School Department and the municipal government work jointly on several ventures. This is one that is intrical to the future of our community because it's a communication network, and we all know where that is heading. We're slightly ahead of the curve when you compare with most other communities of our size and some a lot smaller obviously. Some of those communities that only have 2 streets don't have the advantages that we have. I hope in your presentations of the past, you've only been here a short time Selectman Luszey, but you've been very active on the Budget Committee and first-hand knowledge of the municipal financial situation on both sides. You also have a tremendous amount of expertise in the field of electronic communication and computers. I respect you for that as much as I respect Selectman Maddox for his land use board knowledge. I hope this is only the beginning and that we continue to have an open dialog with you on a regular basis so that we have a better understanding of both sides of the ledger. I know I've been criticized lately namelessly by the Superintendent of Schools and other people on the School Board

relative to my questioning some of the spending. I just think that this opens the door, creates a better for all of us to understand, and if this process were to continue and expand, I will be a strong advocate for school programs. I just want to have for my perspective a little more clarity as to how much money is being spent and for what reasons. When you look at the awards that were recently handed down to the Hudson School District, you're to be applauded for all of the things that you have done.

Selectman Luszey said the process is going forward. Hopefully everybody has my minutes of the Joint Planning Committee that we kicked off. We're attempting to break into three sub teams where one will be focused at the technology, one will be focused on all the facilities, and one what I call business process. I'm not sure that term is well understood within government, but we'll get there.

Selectman Maddox had a question. You said that there would be some savings with removing cable drops. I thought all the cable - at the least the schools are...Ms. Ormond said that would be the school district. We will be losing cable drops at Memorial. Selectman Maddox thought cable was free to the municipal...Ms. Ormond said not Comcast, internet.

Mr. Lavoie said the payback on this is roughly 2 years for the school department. So give or take a couple of months. So spending the \$80,000 in the long run will save the district and obviously the taxpayers.

Chairman Jasper indicated that there is no further action you need and I think we're all in agreement. Selectman Luszey didn't believe there was any action on our part.

Selectman Maddox asked why we don't have a motion Mr. Chairman just to show that support to say that we are in concurrence with the actions. That would be one thing that would be positive coming out of this. Chairman Jasper said we certainly can do that.

Motion by Selectman Maddox, seconded by Selectman Luszey, to approve the work outlined in the joint fiber optic from Mr. Malizia outlined in his Memo dated June 21, 2011.

Selectman Maddox said just to put something positive and it's rather than concurrence.

Vote: Motion carried 5-0.

- E. Request to Modify Hudson Personnel Policies, Section H, "Use of Computers, E-mail, Network, Internet and other Communication Devices"

Chairman Jasper recognized IT Director Lisa Nute.

Ms. Nute indicated last we came together was an after action report. We talked about tightening up our policy and providing us some type of standardization as far as disciplinary actions if the computer policy isn't followed. Selectman Luszey met with me as did Steve Malizia. We went through the current policy and the changes that you have before you is in fact that tightening up and things that we felt were necessary. Section H 1. is the whole disciplinary procedure as outlined is pretty much similar to every other policy that we have in town. The Town Attorney did take a look at this, made one recommendation as far as texting, which there is now an RSA in place for, so we did add that. If you have any questions, I can answer them.

Selectman Maddox's question would be there is no time frame stated in the first, second and third infractions. We do have union contracts that say that those things tend to reduce in value over time how would that be handled. Do you want me to elaborate? There's a number of contracts that say that a letter in your file over time diminishes.

For Selectman Luszey, this is timeless. Selectman Maddox said you could have a first offense in your first year of employment and...Selectman Luszey said in 25 years from now you could do it again and you're at your second offense. Selectman Maddox said because of our union contracts, shouldn't it be better to say in some sort of 2 year, 3 year time frame? That's Selectman Luszey's point. This is meant to be a timeless violation. If I may elaborate a little bit Mr. Chairman. This policy will be reviewed annually by every employee. If you were to create an infraction after you reviewed this once, it stays permanently in your record. Because you are reviewing it annually, you are being made aware of the contents of the proper use of town assets. There's no excuse for having a second never mind a third violation in the course of one's career.

Chairman Jasper thought that the contract would trump. That may be something we need to deal with in the future. I'm not sure that there's specific time frames 2 years but verbal warnings I know in some

contracts...Mr. Malizia said there's allusions to things for up to a year on certain types of things. It might make the statement that things minimize over time but I don't think they totally disappear. Selectman Maddox thought some of them actually...Mr. Malizia said maybe of the minor nature thing of verbal counseling perhaps but as you get up the discipline chain, I'm not sure it all disappears. Chairman Jasper recalled that there are things you may request to have removed from your file after a period of time. I don't think we have to grant that. That's something that I think we will cross that bridge when we come to it. On contracts, we need to keep that in mind but this Town policy doesn't need to be affected by that. Those things might affect the town policy in fact depending on how they're written in the different contracts. I think there is your answer. If we have specifics in the contracts that refer to when a verbal warning or a written reprimand may be requested to remove, then we deal with that as we come forward. There's no need to do anything in the policy. Selectman Luszey agreed with that.

Selectman Maddox said it says, "progressive disciplinary process". Does that follow 1, 2 and 3? Selectman Luszey said yes. Chairman Jasper said it says, "However the above sequence need not be followed if the infraction is sufficiently serious demerit, immediate suspension, or dismissal". Selectman Maddox said right but it says 1, 2, 3 and 4. I was just wondering. Mr. Malizia said that's the general process. Selectman Maddox said again, they're not tied to this. How is that handled?

To Chairman Jasper, this is clear that you can't get a written reprimand without a verbal warning. That is the progression. However, a suspension or a dismissal may be the first item depending on the serious nature of the infraction. Selectman Maddox said if our attorneys are fine with it, it doesn't seem to make a lot of sense to this Selectman but some things never do. Chairman Jasper asked, "What would you suggest?" Selectman Maddox said that they be tied to that. The second you will get a written warning. It will be a documented something for the verbal warning. How are you going to document these?

Selectman Coutu said if somebody causes a minor infraction, he gets a verbal warning. If he ignores that verbal warning, creates a significant infraction that results in what just happened on our computer system, we're going to give him a little written warning. We're going to fire him. It clear states it. Chairman Jasper said in a verbal warning must be included in the file otherwise you don't know that it was there. There needs to be a note that someone received the verbal warning for such and such.

Also Mr. Chairman if Selectman Coutu might just so it's clear to the general public what we're doing. We're just going around it. We're not explaining what we're doing. If I'm incorrect, either of you please step in. My understanding having read this and having read it initially proposed this before it went to our attorneys. What we're going to do as a result of having a serious breach of our computer system, a virus, as a result of something getting into our system that someone opened, we are prohibiting our employees by virtue of this to do nothing but Town business on town-owned computers. No more personal shopping, e-mailing, friends, and all that stuff. That's basically what this is going to accomplish. They're going to use a town computer and they're going to do town business only on that computer to avoid that. This last one was very costly and another one could be as costly.

Selectman Luszey said we're attempting to safeguard the town assets as much as we can without impairing workers productivity.

Selectman Coutu said by explaining it, we're hearing people saying we're saying here people don't have a clear understanding. There are infractions and we're going to give them a verbal warning. Yes we might fire them. What the hell are they talking about? This clearly enunciates what we're trying to do. Thank you.

To that end, Selectman Maddox thought that the members which are non employees, they are outside people utilizing our system, on the second time it should be disconnected from the ability to use the network. I don't understand why you would give them 3 strikes. When you can't discipline them as far as their pay, I understand they're volunteers but they are connected up to our network. I think that first is a warning and the second is disconnecting from the system. This lets them continue on.

Chairman Jasper asked who was Selectman Maddox talking about disconnecting. You said volunteers. Selectman Maddox said it says the first infraction by volunteers or other non employee using town resources shall be forwarded to the member and all that. You are again giving them the third infraction. Selectman Coutu said that would be committee people who use our computer system. Ms. Nute said it doesn't have to follow that. If you feel it's serious enough to let them go, then that would be...everything could be based on what particular thing happened. It could all be different. Selectman Coutu said committee people would come directly to us if there was an infraction. The IT Director would bring it to us or take action and we would determine what level. Chairman Jasper thought it says it very clearly there. "Members found to be in violation of any portion of this policy may be subject to sanctions by the Ethics Committee and/or the loss of

computer privileges.” It doesn’t say anything about warnings. Selectman Maddox said to let’s give it a shot and if we need to modify it, we can always modify it. Chairman Jasper said we have the ability to do whatever we want with the flexibility on this and this policy given.

Selectman Luszey had one comment. You need to take the whole thing in its entirety and its context. You can’t look at just one paragraph and say that. It’s the accumulative affect of this entire policy that really drives the behavior of the policy, the users, and the committees.

Motion by Selectman Luszey, seconded by Selectman Coutu, that this Board approves the changes to the Personnel Policies and Procedures, Section H “Use of Computers, e-mail, network, internet, and other communication devices” as recommended by the IT Director, carried 5-0.

Selectman Luszey said part of the findings when we had the virus attack, one of my observations in the finding of the action report was folks weren’t necessarily aware or kept up to date of the policies and procedures within the town or all types of things, not just the use of computers. One of the recommendations that we included in that report was to get in place some type of documentation control system that allowed policies and all policies and procedures for the Town to be put up and to be put up in a consistent manner, and to be automated so that there would be an audit trail of folks having been made aware a policy exists, that they read it, and they understood it. With that, the IT Director has gone out and actually found a very suitable software application that will do that. She can talk a little bit more about a secondary use that became necessary due to an application going unsupported in the Police Department.

Ms. Nute said this was actually very good timing. At the time I was looking into packages and they were between \$20,000 and \$35,000 usually, we came upon a problem with CALEA standards manual and policy. It’s not a problem but they are moving to paperless. They didn’t give us a lot of forewarning and time to budget that. I think it is unsupported. They will no longer be issuing hard copy books by January. So, again, not enough time for a budget cycle. The Chief had it in his budget and a very cost effective replacement for those standards happens to come along with a policy module that provides digital signature and automated digital dissemination of policies along with a couple other minor things like testing and things like that. It’s actually a very good policy module. It serves two different purposes in that a purchase order is currently in the Board of Selectmen’s office to sign. I think we might need your signature or one more. Again, the funds are there to cover it and it would help us to solve a problem that we are going to be stuck in the middle of the year with.

Motion by Selectman Luszey, seconded by Selectman Maddox, that we approve the purchase order to allow the IT Director to procure the software and get that in place as soon as possible.

Selectman Maddox indicated that this was brought to him by the Police Chief. Again, it’s CALEA that’s driving his side of it. It has modules that they can break out and make the each department separate and independent. They can’t see each other, but they can track all of the various policies that may be in place. Again, I know I caught a lot of crap for asking the CALEA people to think about paperless, I guess they listened. They’re not even going to allow the paper. Again to having a police officer keep track of all those books with all those pages, this is a great setup from what I’ve heard to be able to know that the page has been changed, when it was changed, and by whom. All the things that we were looking for to be able to manage those kinds of documents in place. They’ve already done a lot of the homework. The IT Director looked at it and thought it was more than adequate at a price that we can swallow.

Selectman Coutu asked Selectman Luszey relative to what he first discussed about the programs that were available. We’re going to update all of the policies and they’re going to be electronic. What is going to be the procedure to assure that each employee has been following up regularly on any updates? They’re going to be electronically filed that they have reviewed the policy. Is somebody going to monitor and see who didn’t go in and look at it?

Selectman Luszey said it’s actually more than that. You’ll have electronic approval. Depending on who has to approve the policy, those people would have to check off that they approved the policy. Once we approved it, there would be - and I’m not sure exactly the format or the mechanism, but a check box that says the Board of Selectmen approved it and it’s now an active policy. Once it becomes approved, a notice would go out to all the employees in the Town and says you need to go and read X, Y, Z policy. Selectman Coutu asked who was responsible for sending out that notice. Selectman Luszey said the system will do that for you. Once it gets approved, there’s a distribution list that’s created of all the people in the Town. When a policy gets approved, a notice goes out. The employee has to go into the system, read the policy, and there will be a check box that I read it and I approved it. It’s that electronic check off or signature that is the audit trail that the employees have read the policy. They don’t necessarily have to read it, but there is an

audit trail that says you said you read it. The assumption therefore is we assume you understand the contents of the new policy. That is what drives that system.

Selectman Coutu asked if there was anything that's going to drive notifying the department head that X number of employees didn't look at the policy. Selectman Luszey said he didn't know. He'd have to look at the actual function of the...Ms. Nute said it comes with reporting. Let's say I'm in charge of this computer policy. I'm the one who would initiate that dissemination. It gets time stamped and then we can go back and run reports. For everybody in the Fire Department, we're missing these people.

Vote: Motion carried 5-0.

Ms. Nute indicated that she is in Nonpublic Session. I am requesting to not meet. I'd like to explain why. I was going to come forward tonight and request that you extend the IT intern that I had as is budgeted in FY2012 as a paid help support type of person. He came in today to thank me for the grand recommendations I've been giving him, and he is now fully employed and is no longer available. I would like the Board's permission. I believe Steve said I don't have to be in Nonpublic to do that. I would like your permission to be able to post a starting type position for some help desk support that will start July 1 or later provided I can find somebody. Chairman Jasper said it would certainly be later than July 1.

Mr. Malizia said it's budgeted in the budget for Fiscal Year 2012. There was an amount of money put in with an amount of hours. She's basically asking as we always ask to post for applicants.

Motion by Selectman Luszey, seconded by Selectman Maddox, to post for a part-time IT support staff person, carried 5-0.

F. Bid Recommendation - Benson Park Play Structure

Chairman Jasper recognized Recreation Director David Yates.

Mr. Yates greeted the Board. Also with me our new Rec. Committee Chairman Bob Iannaco and Eric Horton. They'll be here to answer any questions on the playground also. We had formed a subcommittee which Bob was on, Carl Dubois, Jeremy Griffus, Eric Horton, Keith Bowen, and Laurie Bowen to go over the process to get to the point where we are tonight to request the Selectmen approve the award of the playground contract to Pettinelli & Associates.

Just a little on the process, Mr. Yates indicated we last met with you April 19th. You told us to go and follow through with the process and we have. On May 11th we sent to the RFP to 5 vendors. We also advertised in The Nashua Telegraph, Construction Summary Publication, and also posted it on the web site. On Tuesday, May 24th, we did a site walk at Benson's Park. I believe 5 contractors showed up at that site walk. Then on Thursday, May 9th, we received 7 bid packages. That evening the subcommittee met. We looked at all the packages, all the designs that were submitted to us, and based on specification and design we narrowed it down to 4 contractors that we thought met the qualifications. On June 20th and 21st, we interviewed them - the 4 contractors to clarify to us about their designs. On Wednesday, June 20th, we met one final time to go through every package and get everybody's input. That's why we're here tonight. We narrowed it down to we thought that this design by Pettinelli & Associates was the one that fit our design the best. We're requesting to go forward. The bid was \$87,024.20. Out of the 7 bids we received, they were the middle bid out of 7. There were 3 higher and 3 lower. Out of the 3 that we liked, they were the next to lowest out of the 4. We're here if there are any questions. Eric and Bob were in on the discussions with the contractors.

Selectman Coutu's question is going to be directed at Eric because initially you had taken the bull by the horns having had a significant amount of knowledge relative to play structures that would be suitable for all children those handicapped and no-handicapped. Can you tell me specifically is that the structure - I know that these pieces are interchangeable. Is that the structure and could you explain to us what are the recreational activities that can take place on that structure.

Eric Horton indicated that one of the things that we had put in the RFP was that we wanted two access points that were ramp accessible. This was actually one of the only responders of the RFP that met those specifications with the 2 access ramps. Some of them had 2 access ramps but the ramps didn't connect. If you were in a wheelchair, difficulty walking, or had mobility issues, you would walk up the ramp and you would end at a platform and you'd have to turn around and go back whereas all the other kids could continue through the play structure. This design actually incorporated all that and it's probably easier to see on the plan view here. There's 2 ramp entrances points and then they connect in the middle. There's another ramp so there's a lot of mobility that can occur through this area. At each of these pods, there would exist play

activities in playground terms - activity panels is what they call them. They are like the tic tac toe boards and the different things that the kids can play with, turn them around. (Mr. Horton is pointing to the design layout) That continues and once you get to this point, this is actually a stair. This would be the extent of where a wheelchair could be accessible. This is actually a slide that a wheelchair can go down.

[Eric Horton] One of the things that was unique about this design is that you just didn't have the pathways for the wheelchairs and for other kids running around. There are these tunnels that connect these pods and the center pods so you could actually go through the tunnels. Some of the other things that were unique with this design specifically for disabled children is he incorporated 2 accessible swings, which some of the other vendors only did 1. He put in 2 children's swings in here which was unique. The monkey bars and the additional bars are actually at a height that would be accessible for a wheelchair. They could work on upper body strength. It's also good for children who can't reach a standard size monkey bar. My daughter can't reach them. I have to hold her up all the time. It gets old real quick. This is a good method for that. One of the other things that I thought was unique is this ladybug here. These are the ride on ladybugs and bumble bee that little kids would use. This one is actually accessible because it's a seat. So if someone was in a wheelchair, they could still get in and use it and climb in that. Those were the prime things that were making sure that it was accessible. A lot of these are package type deals from the suppliers and they kind of customize them with different add ons or what not.

I thought Miracle did the most to take some of their standard options and build around what we were actually looking for. They took the pods and they laid it out how they thought it would be best suited for children of all needs and not just taking the existing structure, putting some ramps in, and saying it was ADA compliant and everyone would have a good time. Those were some of the key things.

Selectman Coutu asked if Pettinelli recommending the Miracle Structure is that what that is. That's the maker of the product. Mr. Horton said that's their product. That's all they deal with is Miracle. Selectman Coutu asked what the base surface of the structure is. What is the base going to be made out of for the entire play area? Mr. Yates said it would be wood fiber.

Selectman Coutu noticed that Mr. Yates had a sample of the material that's to be used. Mr. Yates said they brought a comparison. The one that Selectman Nadeau had was one that we received from the low bidder, which was recyclable milk bottles which wasn't what we asked for. We asked for steel powder coated. Selectman Coutu said that's why this is heavy. This is all steel. Mr. Yates said this is the recyclable milk bottles, which I think is at Nottingham and somebody told me it's already warping after 2 years. That was low bid. We didn't even consider them because they didn't meet our specs. Unique to this company is also the grip on the railings. No other company has that grip. They're all smooth. One of the companies that brought a deck in, I could put my fingers through. Definitely an issue with children putting their fingers in. Some of them had the same decking but it seems like this company is very well made.

Selectman Coutu asked if they offered any suggestions or any caution relative to those portions of the structure that would be made out of steel. In other words, its wear, possibility of rust - the corrosion over a period of time, what the life expectancy would be of the unit. Mr. Horton said yes they had asked those questions about what could we expect out of this. All the steel platforms, the post they have a 15 year warranty on them. We asked about these and how that all worked. Some of the suppliers they use are a construction firm almost and they buy the kits from a supplier. Since he is a Miracle Rep. and he only deals with Miracle, they handle all the repairs or anything that need to be done on the play system over time. If a swing broke, they would send us a swing and we could replace that. If there was any kind of structural problems, they would come in themselves and take care of that. They wouldn't just send us the parts. That was something different.

Selectman Coutu had one final question. Could you tell me why of all the bids they're the only one that insisted that we pay \$.20 over and above the total dollar? Why did they throw in \$.20? It's just principle. That was stupid. That's almost enough for me to vote no on this company and find somebody that can round out a dollar. Mr. Horton said he has \$.41 he can put in if that would help.

The last question Selectman Coutu had and I'm aware of a lot of this because as you know Dave I was your representative and when this all began and was a strong advocate of doing something. Selectman Jasper was a very strong and vociferous proponent of doing something for children in the Benson Park area and we took action to do it. So that the rest of the Board of Selectmen are aware, and I'm sure you are Selectman Nadeau because you're now their representative, could you explain Eric what the company is going to provide in terms of guidance for the structure for the erection of the structure.

Mr. Horton said that this company he thought had the most robust guidance proposal of what they would do. They would have Robert Pettinelli would be there and oversee. Plus they would come with 3 additional individuals to offer support. He said for something like this, it would probably be a couple of days and they'd be there to support that the whole time. They have their own tools that they would bring. One of the things that we had talked about was a community build. He said with that comes the issues of people bringing tools, tools break, they don't have the right tools, they're not powerful enough and it becomes an issue. So they bring their own truck with all their own tools and everything to support this. The other thing that was very helpful in getting this through is the Highway Department. They've offered their assistance to help get the land in the right grade to support the playground and heavy movement of rocks. There's a lot of rocks out in that area and things of that nature. We have their assistance. I think out of all the proposals, this one offered the best oversight. They didn't include it as an extra charge. Some of them included it as an extra charge and then any additional days were built in further costs that you would incur as they went on. This was all part of the entire package.

Bob so I don't leave you out because I know you were involved as well with the subcommittee - Keith you just popped in and I know you were also involved - Selectman Coutu assumed that you were both involved with the whole process which included the interviewing of the various firms that submitted the bids. I can only assume by your presence that you wholeheartedly endorse this company and its concept and what they're proposing to do for the community. We want a first class play structure accessible for all the children - handicapped or otherwise.

Mr. Iannaco said the thing that I was impressed with this company is the second I could not attend the presentations, he came the following night in a driving rain storm to actually walk the park because he had not been to the site yet so a bunch of us met him out there. It was pouring out. He came from Vermont and he was ready to start the next day he was that excited about the project. He even said he would drive down again because he wants to meet with the Road Agent and his entire team before they start any of the excavation so that he can be part of that as well. He said I will book a room down here and I will be here from start to finish, which we were very impressed with as well. We want the owner of the company to be on the job while it's being constructed.

Selectman Coutu asked if the entire package was drop shipped. Mr. Horton said it was a trucking system they use so it gets drop shipped in one complete package straight from the factory and brought here. Some of the other ones it was we'll deliver it and maybe in a couple of trucks. You have to pull it off. You have to count it. You have to verify it's the right parts. We don't have to do that. Selectman Coutu asked if with a volunteer build up start up how much time with his supervision and his tools. Mr. Horton said we could probably do this in a weekend. That was having the site prep work done in advance.

Mr. Yates wanted to make sure that we're clear. He's going to do more than just the set up. He said his guys will be there. This is a very big structure compared to any structure we have in town. I approached Kevin and said would you do a little more than just the prep work. He said he would help out and build it basically. The community can assist his department perhaps once it's done spread the wood fibers, hang swings. This is a very big structure compared to any other structure in town. His guys and Kevin will be involved - him and Jay - not just a community build but community/highway build.

Chairman Jasper's question was time frame. When do we expect installation? Mr. Yates said when we make our final decision and order the equipment; it takes 2 to 3 weeks to get it in. We are planning a mid September build. Kevin said that would be the best time. A little cooler and a lot of the big summer projects are done. Probably mid September is when we'll get it going. Also, and I was watching one of the Budget Committee meetings, the question came up where's the money coming from. I just want to emphasize that this is from the Planning Board money. We had originally asked for \$100,000 which the equipment itself is \$87,000. There's no taxpayer money involved. This is the Planning Board Recreation Fees.

Selectman Maddox said there is going to be some town funds. You're utilizing the Highway Department and you said that at the Planning Board you told us you were going to be doing some fundraising. Mr. Horton said we were going to explore grant possibilities. We did explore grant possibilities and we didn't get any. In fact, the ones that we were submitting for turned out that we didn't qualify. That option didn't go anywhere. To their defense, Selectman Coutu said initially when we talked about doing this, we talked about - Eric especially, proposed that he would explore all kinds of grant opportunities out there. For recreation, there's a lot. There's a lot only because children are fed by General Mills and major candy coated cereal companies that put out a lot of grants of these things. A lot of those grants have dried up with the state of the economy the way it is. One grant that you thought Eric that we would - Mr. Eric said Jeremy actually was putting together a video. Selectman Coutu thought it was a three letter acronym like JAG or something like that.

We weren't even close to qualifying for that. One of the other things Mr. Horton noticed was the grant cycles. That was something that you had touched on previously.

Selectman Coutu had said it's like everything else. Government is slow. It operates at a snail's pace. So do grant applications even with private firms. You submit your application, you have to wait a year to hear, then they might ask somebody to go in and speak about it, and sometimes it's a two, three year cycle. They'll give you the grant, but you have to wait 3 years for it. We wanted to get this up and running as quickly as possible.

Selectman Maddox said it was a good thing that the Planning Board obtains a contribution otherwise this wouldn't be getting built.

Motion by Selectman Nadeau, seconded by Selectman Coutu, to award the bid for the Benson Park play structure to Pettinelli & Associates, the lowest bidder that meets the bid specification at the net bid price of \$87,024.20 as recommended by the Recreation Director and the Finance Director, carried 5-0.

Chairman Jasper asked if there was an animal theme to this as well. Mr. Horton indicated that there was a bear, and there's a rock and bugs and things. Mr. Yates said that there's also a reverse angle. We asked for nature/animal theme.

Without objection, Chairman Jasper declared a 5 minute recess at 8:40 p.m. and we will be back at 8:45 p.m. We are in recess.

Motion by Selectman Coutu, seconded by Selectman Luszey, to change the order of the day and take up Item M. at this time, carried 5-0.

M. Water Line Extension Route 102

Chairman Jasper recognized the Town Administrator Steve Malizia.

Mr. Malizia wasn't in attendance at the meeting when Mr. Webster the Town Engineer came to the Board with a proposal that its intent was to extend the water line up 102 so that eventually it would reach Londonderry. At the time it was a proposal if the Board wanted to make a financial contribution for that extension. I think at the time the Board said that they didn't want to make that contribution but the Engineer could still entertain or speak to the developer or the party involved and see if there was some other way to do it. You have in front of you a letter on the second and third pages from Benchmark Engineering representing Mesiti Development looking to, again, run the water line up Route 102 into Londonderry. This proposal appears to be offering the construction of a pump station further down sort of near White Hen Pantry on some town owned or town owned easement along with granting them some hook up fee rights and looking also for some police detail. What you have in front of you is a revised offer/proposal to do so. I've given it to you because obviously you're the authority here. If you choose to counter offer or discuss it, that's why it's here.

Selectman Maddox said as the Liaison to the Engineering Department, I did talk to Mr. Webster after our last meeting. The Town in its infinite wisdom gained an easement where the White Hen Pantry is. They were going to put a meter pit there at some point. I suggest to Mr. Webster that that would be a great place to put the booster so that it benefit that whole line that we've just run down 102 rather than somewhere further downstream only to pump it up into Londonderry. That's why we've relocated it to that new location. This one obviously is a lot more palatable inasmuch that there is no money other than police details that would be required.

Rick Welch from Mesiti Development. Thank you for moving it up. I have a long ride back to Massachusetts. I appreciate it. I really just came to observe. I heard there was going to be a discussion tonight about the water line. Our initial thoughts because of the cost of it was to try to get Hudson to contribute. We realize that these economic times it's not possible. Most want to go forward with our project in Londonderry and bring the water line from hopefully an easement that White Hen Pantry, like Gary Webster had suggested, and basically take the cost and we would just like to be able to have a period of 10 years to recoup our costs as residential or commercial tap in for a 10 year period. Hopefully we can get some of our money back over time that way. Other than that, we would just like to bring the water line up 102, and I think it would be a great benefit to the Town of Hudson, to us, and to Pennichuck because they have a development further up the road in Londonderry that they need to bring water to too. If they have a water problem they either had to update their community well or do this. It's really a win for everybody and we would just like your blessing and try to get our project design and move forward as soon as we can.

Selectman Coutu asked will we collect the water fees for all of these hook ups. Mr. Malizia said what ends up happening if someone else hooks up on a line that we currently have, there is a hook up fee - and I can't remember inflation because inflation factors into it, but there is some number that we collect - the Town collects - for somebody that wants to hook into the Town's water system. Mr. Webster was working on doing a separate commercial industrial fee because right now that fee is sort of based on just residential. Selectman Maddox said it was \$2,300. Mr. Malizia wouldn't say its \$2,300. I think it's a little bit more than that as time has gone by. I'd have to consult. There's a chart and it's in the Town fees. It has an inflation factor. Bottom line when someone wants to hook up to Town water, there is a hook up fee they would pay to the Town if that's your question.

Selectman Coutu said they're going to hook up from our line. Mr. Malizia said we own the line currently. There's a line we own right now. Selectman Coutu said that they're going to extend it out to...Mr. Malizia said where our line terminates I'm assuming to get into Londonderry, it needs to be extended up Route 102. Selectman Coutu said from where it extends into Londonderry has nothing to do with us. We don't get any money for that. Selectman Maddox said til 10 years if we agree to this. Selectman Coutu said they would get all the hook ups to recoup their investment in laying the line. It's Pennichuck water. Mr. Malizia said it's our water. Chairman Jasper said wield through their system to Hudson. Selectman Coutu asked if we would be doing the billing out of here. Chairman Jasper said we will for the Hudson customers. If you think about it right now water is coming and goes in all different directions. Water is coming in from Litchfield approximately where White Hen Pantry is and then going up the road to service now it's Southern NH Medical Center, there's St. Joseph's on the other side behind the gas station. If you remember, that's been an extension we've done. Right now there's no meter associated with that. We basically take their use and we pay Pennichuck. Because there's no meter, we have an arrangement with Pennichuck. We're paying for that water that we bill our customers. If we put a pump station in the White Hen Pantry, you could put a meter pit in at the same time and now have a much greater idea of what we're using. You'd also put a meter pit at the Londonderry line because somebody else is paying for that. That would be Pennichuck.

The final analysis, Selectman Coutu said the benefit to our town is expanded development in that area. That would benefit us in the long run. So we're in a win/win if we approve this. Chairman Jasper said absolutely.

Mr. Malizia wanted to point out a couple of other things just so you go into this with your eyes wide open. In the past when someone for example on Wason Road had an agreement with the Town, their period of recouping was 5 years. They probably did not put as much money into that project but nevertheless 5 years is what we've seen. When we inherited developer agreements from consumers when we bought the water utility, they used to have a standard of 7 years of recouping. So I want to point that out. Ten is probably a little bit longer than we're used to seeing. We're used to seeing either 5; we've seen 7. I point that out just because I've seen that in the industry. When you're looking at the hookup fees, I certainly think that's reasonable in my opinion. If they're making a substantial investment, if I'm not mistaken, you're over \$600,000. What they're looking for was anybody who hooks on the line they put in, I'm assuming it's the line you put in because the line we've already put in why would we reimburse you for that. If they hook up up the hill, they get that reimbursement for some period of time. That's what they're looking at. That's no uncommon. From what we've seen, we've had 5 year agreements; we've had 7 year agreements. I haven't seen us have any 10. It doesn't mean you can't do it. It's up to you. I'm just saying what we've seen in the past.

Mr. Welch said the reason we chose 10 is it is tough times right now. It's going to be a couple of years before people start to propose things. Mr. Malizia said the area that you'd be looking at if you look at the zoning map, which I've looked at and Gary's looked at, you're talking industrial type properties for commercial type entities. You're not looking on our side at least right now of housing developments. You'd be looking at it maybe from an economic development perspective. You have Eastern Propane for example. They'd love to have water up there. Maybe they'll expand some day. Maybe that gives them the ability to do something different, attract more jobs. I don't know. Maybe other entities looking at that end of our town which is zoned for industrial/business. If you can provide water, that's a major piece. These folks are spending big money to put water in a housing development. From an economic perspective now that they've come back with this retooled proposal, it's probably within reason to think about that in the longer term. You'd have an asset up at that end of town that if you're marketing the town, marketing the property - again it's not our property, but someone could say town water available. So if you want fire protection, you have a manufacturing process, you have something that needs it, it's there. Short money too for 10 years if you look at the \$15,000. The only thing that's a little quirky is the police detail. Somebody is paying for it. If it's not them, it's us. Us could be the taxpayer or the water utility user. That's one little thing you need to think about in addition. I'm not saying it's a deal breaker, but it's something that if they're not paying, we're paying. Someone is paying for it.

Selectman Maddox thought the basic overview is not bad. I think the devil is going to be in the details. I think we need to take a look at what exactly they're proposing. The last thing that I saw is they were going to go up 102 on the same side of the street as White Hen Pantry was all the way up, go under West Road - not cut the pavement - but actually go under the roadway and then all the way up the hill as I understand it to get into Londonderry. Again, I think we need to know exactly what they're going to be doing in that realm as far as that avenue, as far as engineering. Number two, I think there's \$15,000 per hook up is bad for them and bad for us. Until we adopt that's what it is going to be, I can see people waiting them out because we don't have a charge. In theory it would be zero.

Mr. Malizia said we have a charge. It's not \$15,000. There was a fee structure in place right now, which we would charge any customer to hook up. What Gary Webster is working on is we know that there should be a difference between a residential customer, a single family home, versus a business type customer who has a different use pattern. Once he gets that, we'll have it. I'm not certain that's going to be in the \$15,000 range. That's not what we're looking at. At this point, I don't think it would be that kind of number from our perspective. Over time it may grow to that because again the fees are cost of living adjusted sort to speak. So every year they go up 3 percent. What that basically is you're buying into our water system. We'd either provide capacity, we need to provide infrastructure. So people who hook in are now buying in to the system. Just like they buy into our sewer system. It's just the other side of the coin. Again, we have a fee. It's not \$15,000 right now.

Selectman Maddox said that fire service would be a different number because you need to have higher pressures. Mr. Malizia said when you say that what do you mean. Selectman Maddox said if you have a strip mall and you're going to use it for commercial, you might need only a 4" main coming in whereas if you have to put in fire service, you might need an 8" line to protect that same space. Again, I think that Mr. Webster needs to get all those numbers. I don't think it's going to be a deal breaker either side, but I think it's those details that we need to take a look at as to what they're going to run up that street.

Mr. Malizia said one would also expect some sort of agreement similar to the ones that have been written by our attorney or at least vetted by our attorney. If you recall Wason Road when Empire Homes built a development up there, there was an agreement. There was also one I believe for St. Joe's. When that went in, there was an agreement there that articulated the period of time, the amounts, who's getting what. It gets done by pretty much the applicant or we could take one that we've already done and modify it. Our attorney obviously reviews it and makes sure that it is appropriate. You just don't go by this. You'd have an agreement and something laid out so that you know exactly what you're responsible for. I think what they're looking for is this the direction? Is this an appropriate direction that we should continue to work for? I'm assuming that's what you folks are looking for.

Mr. Welch said exactly. We kind of froze our engineering on this until we felt as though we were going to get the support at least in theory. Mr. Malizia said if there's more information you want, do you want something more from Mr. Webster? I received this. I put it on the agenda for the Board's discussion and/or direction. It's entirely up to...

Selectman Maddox asked if test borings have been done up 102 to West Road. Mr. Welch said no they have not. Again, Selectman Maddox said depending upon what they hit, I don't want us to be in the middle of this and all of a sudden they go wait a minute there's another \$300,000 worth of costs because of ledge. Mr. Welch said they were definitely expecting some ledge. Our engineer, Benchmark Engineering, is familiar with the topography and the ground conditions in this whole area and so is Pennichuck. We've had 10 or 15 meetings. We've budgeted the proper amount of money to take care of ledge if it need be.

Chairman Jasper said at this point I think we can give an okay to have them come back with a plan for what you're going to do and to have our town attorney work on an agreement. I don't care what they charge is the hookup because as you say...I'll give a historical example. When my grandfather bought the farm on then Derry Road, the electricity went to the Hills House. There was a generator at the farm that ran direct current. We still have about a case of light bulbs of direct current light bulbs hanging around. The deal then with Public Service was if you put in the lines there was a payback over 3 years. My grandfather went to all the neighbors, nobody wanted to hook in, they all waited him out and hooked up for nothing 3 years later.

Mr. Welch said that 15 is a fair number too because there would be a lot of business with the fire system. Mr. Malizia said if you look at the area from a development perspective, what would you expect to be developed there. Quite possibly an expansion of something that exists such as Eastern Propane but its industrial. To my way of thinking, a reasonable investment to perhaps attract companies. We're not looking at housing up there. I don't know if somebody could change that. Chairman Jasper asked if Mr. Welch was

going to be hooking on to the line that's existing or are you running another line all the way from White Hen. Mr. Welch said they're going to tap on the pump station at White Hen. Mr. Malizia said that provides sufficient pressure going up. You'll probably go on where it is already existing. Mr. Welch thought it was at the intersection of Robinson Road. Chairman Jasper said it doesn't go that far. Selectman Maddox said it turns with what was the medical center where it goes behind there and down into the other medical center.

Selectman Coutu had a question on who's going to pay for the police detail. Chairman Jasper thought when we get to that, I would suggest that that is something that is billable to the water utility. As soon as this becomes operational, the money is going to start coming in from water rates anyhow to the utility. If we did this ourselves, we'd have police details out there and we would be billing the utility.

Selectman Luszey said looking at this and the Chairman was basically talking about building out infrastructure for possible development, what about sewer up there knowing that we're limited on sewer. Is sewer up there? If not, what makes having water up there. Selectman Nadeau said fire suppression. Selectman Luszey said but if there's no development. You only have one-third of the piece of pie if you will needed to make a piece of commercial property really developable. You probably have good power up there. You're going to put water up there, what do they do for sewer? Chairman Jasper said sewer if much easier particularly if you have municipal water because you don't have to worry about the radius of where you locate your well. They put in sewers all the time. The Olive Garden has their system under the parking lot. Mr. Welch said they just did a CVS in Windham. It was the same thing with a large septic system.

Selectman Maddox said it's really the fire protection. That strip mall that's proposed off of Lawrence Road right as you come into town, they were going to have to put in this huge cistern under the building and all this stuff because of the fire protection side of it. Either they have to be very expensive on their construction to have fire rating between and all this. They want it for town water but they really want it for the fire protection, the sprinklers and a commercial application.

Again, Selectman Maddox said we're moving in the right direction. I think we still need to get some more information before we could say yea or nay. Chairman Jasper thought what we want to do at this time is have a motion to authorize the Town Engineer to continue to working with Mesiti Development and Benchmark Engineering...[Chairman Jasper] to develop the engineering plan for the water line expansion and to work with the Town Attorney to develop a development agreement.

Motion by Selectman Luszey, seconded by Selectman Nadeau, to authorize the Town Engineer to continue working with Mesiti Development and Benchmark Engineering to develop the engineering plan for the water line expansion and to work with the Town Attorney to develop a development agreement, carried 5-0.

Just for clarification, Mr. Welch said your vote is doing what at this date. Chairman Jasper said it allows our Town Engineer to move forward with your people. What we want to see is what your plan is. Where you're going to put the line? What you're going to do? Essentially have an engineering schematic of what you're going to do and to work with our Town Attorney to develop the actual contract, the 10 year pay back.

To that end, Selectman Maddox said to be fair, I think we should have the Town Administrator kind of pull together what numbers we got out of Wason Road. Again, is 10 fair to the Town? Is 7 a better number? We don't know. To that end, Chairman Jasper would say that 10 is fair to the town because we wouldn't be doing this. There's no way we would be doing this. They're putting in the capital investment of $\frac{3}{4}$ of a million dollars. They've asked us for \$100,000. We're not willing to put anything in. If we put in \$100,000, we don't need a payback. So we can take it out of the water fund and do that but if we opt not to, that's the choice that we've made. Since we have no investment other than police officers out there who will be taking care of traffic on our nickel...Selectman Maddox said we'll take a look at the pumping station and what size we're going to need. Those kinds of things. Mr. Malizia said there's a lot of engineering. If you said no, then we wouldn't be doing anything going forward. At least at this point, you have some idea.

Mr. Welch said we make a weekly investment to the engineers with the idea that I just wanted to feel good about how the Board felt. I think maybe the next meeting we would bring the engineer and some details would take place between our engineer and Gary Webster and move closer to the next time.

Mr. Malizia said that Pennichuck is involved too because obviously Pennichuck would be the service company on the Londonderry side. Mr. Welch said that Pennichuck will be involved in the design. Selectman Maddox if they were contributing something. Mr. Welch said they're contributing \$75,000 also. Chairman Jasper asked if they were developing the old Maury trailer park area. Is that where you're developing? Mr. Welch said where the cell tower is currently. We're putting in 94 homes. We wouldn't be able to get 94 if we tried to go with the community water system. It's good for us too.

G. Recommendation to Readopt Investment Policy

Chairman Jasper recognized the Finance Director Kathy Carpentier.

Ms. Carpentier said last year during our audit a controlled deficiency comment was made by the auditors that the Board of Selectmen should review and adopt the Town's Investment Policy on a yearly basis and also our Investment Policy lacked the language from GASB40, which is Government Accounting Standards Board, which is a deposit investment risk disclosures. I've gone ahead based on the recommendations of the auditors and updated the investment policy. I also received concurrence from the Treasurer. She's okay with the changes made. The last time the Board approved the policy was November 2008. With that, I would ask for you to readopt the investment policy as proposed by the Treasurer and the Finance Director.

Chairman Jasper assumed that this was an amendment. So it's not actually a readopt. This is to adopt an amended investment policy. Ms. Carpentier said yes. This is the policy to readopt.

Motion by Selectman Coutu, seconded by Selectman Luszey, to adopt an amended investment policy as recommended by the Finance Director in her Memo of June 6, 2011.

Selectman Maddox asked for clarification. Your dates don't match up with this. I'm just making sure that approved by the BOS in 9 of '08. You said '11. Ms. Carpentier said 8/26/08 it was deferred pending memo of a visit from the Town Treasurer. It was 9 I guess.

Vote: Motion carried 5-0.

Ms. Carpentier said that would be an annual thing. I'll be back hopefully without any amendments but be back to readopt every year.

H. Employees' Earned Time Fund

Chairman Jasper recognized Finance Director Kathy Carpentier.

Ms. Carpentier said this is my second time before you in this fiscal year to ask for your consideration or just to have a discussion. In Fiscal Year 2011 which ends this week on June 30th, we've had 68 earned time buyouts, which are done in December and June. We have had 10 employees leave or resign/retire from employment and 9 people who had earned time max payouts. The total cost for all this, including the taxes and the pension that goes with it is \$320,264,13, which has already been booked into the salary and benefits within the departments and communicated to each department head.

As you are aware, Ms. Carpentier said our Capital Reserve Fund is trending lightly. It's at 16 percent of our compensated absence liability. So it has been the practice to come in front of you and ask if you'd like to take some to refund back to the Town. Myself and the Town Administrator have looked. We don't seem to need any money from the fund at this point. The departments are covering it. There's definitely going to be some departments that are over by their allotted amount which was bought out in the departments. Overall as long as the general fund does not go over, we should not need to tap into the Capital Reserve Fund.

Selectman Coutu so we're not going to jeopardize the 16 percent. Mr. Malizia said we'd like to continue to build that. So if we don't have to take from the fund, which is what KC is recommending, we'll still be at about 16 percent of our liability. That's what Selectman Coutu was concerned with. Mr. Malizia said the bottom line of the Town...Selectman Coutu said Selectman Jasper showed concerned about that several times in the past and I remember. It makes sense to me. Chairman Jasper said it looks like with the \$50,000 if we don't take anything, we'll be at 20 percent, which will be the highest we've been at since 2005. Obviously that 20 percent is still less than what is being taken out in one year. It's not a very good fund balance. I would certainly recommend that we don't need to take any out that we don't.

Ms. Carpentier said we definitely will see some negative particularly in the Fire Department has had some big buyouts. They had a Deputy who just left who had a big fund. So the negative but it will be all in salaries and benefits based on these numbers in front of you not operating expenses under his control.

Ms. Malizia said the bottom line of the Town (inaudible). If the Fire Department happens to go over by those numbers, it's out of his control when people retire. We just want to make you aware that it doesn't make a lot of sense to take money just to make him bottom line of the Town's bottom line. At this point in time, the Town's bottom line we can take this and not over expend the bottom line.

Chairman Jasper said saying that it is going to be very important particularly for the Budget Committee Rep. to carry that message back to the Budget Committee because it is illegal for a department head to over expend his budget. In this case, it will not be over expending the budget. It will be a financial decision that we have made not to compensate the department for the earned time buyout. If there is no motion, then we'll move on to the next item.

I. Fiscal Year 2011 Encumbrances

Chairman Jasper recognized Finance Director Kathy Carpentier.

Ms. Carpentier said the Board of Selectmen is required to make a motion to encumber any funds requested at a meeting before the end of the fiscal year. I have contacted all the department heads and the committees and asked them for their encumbrances. In front of you is a list, including any warrant articles and any donations on their behalf. I have segregated the different funds - general fund, sewer fund, water fund. There is one change I need to make. I'm originally requesting to encumber a little over \$1 million. I was instructed by my auditor today after inquiring the grant money on the second page of \$136,500 does not need to be encumbered. So we could decrease that amount by the \$136,500 - both grants - the State of New Hampshire Hazardous Material Plan Update and the US Department of Homeland Security Grant.

Selectman Coutu asked if it was going to be decreased by that amount. Ms. Carpentier said that was correct. The new amount would be \$867,552.64, which is a large number. However some of those bills will probably come in before we actually close the books. A big bill that we're waiting for is the trash collection bill. Just in case it doesn't come in, we are required to encumber it so that the funds are there and available.

Ms. Carpentier said another big one is the design and reconstruction repair of the Pelham Road Dam, which was a warrant article. It's almost \$240,000 on its own. So those are two big ticket items out of the \$867,000. I'd entertain any questions that you may have.

Motion by Selectman Coutu, seconded by Selectman Luszey, to encumber an amount not to exceed \$867,552.64 for Fiscal Year 2011 as recommended by the Finance Director, carried 5-0.

J. HCTV Facilitator Contract Renewal

Chairman Jasper recognized the Cable Utility Chairman Mike O'Keefe.

Mr. O'Keefe said that also sitting with him at the table is Stu Kroner who is the Vice Chair of the Cable Committee and in the background is Jim McIntosh our current cable facilitator. As you know we have an annual contract to what we call a cable facilitator to manage the cable operations in the access center for Hudson. That runs concurrent with the fiscal year. Their last cable meeting we reviewed the contract we have now and made recommendations for changes to that contract for the coming year. First and foremost we voted to recommend that the Town award the contract once again to Jim McIntosh who has done a great job for us over the past year.

Mr. O'Keefe said we also took a look at the number of hours the contract provides. Currently this past year it was 100 hours per month was the limit on how much we could pay the facilitator. Jimmy currently works numbers of hours beyond that on a volunteer basis. He includes those on his monthly invoices to the Town, which I believe you all have copies of. So given that as well as the increase in use of the access center and the use from the community for equipment and producing programming, we looked at increasing those number of hours. One of the plans we came up with was to increase the Facilitator's hours to 130 per month.

Mr. O'Keefe said they had a discussion about whether it might not make sense to utilize a part time person to take care of some of the more routine business that goes on at the access center. So we were proposing the possibility of hiring a part-time person at 20 hours maximum per month who would essentially work similar to the way the camera operators work and at the same rate. Basically when they are needed, Jimmy would schedule them to work. Of course they would be paid at a significantly lower rate. That was basically the gist of our proposal for this coming year's contract.

Chairman Jasper asked to take these issues one at a time and deal with the Facilitator first and the extension of the hours. Gentlemen I want to tell you that during this budget process at the State level one of the things that happened was we took out over \$2 million from Channel 11. I had the opportunity to look at the salaries that they were paying their camera operators and other people. They're doing less original

programming I think than we are here in Hudson. They had camera operators making \$60,000 to \$70,000 a year. It was mind boggling the salaries that they were paying up there. I'm not suggesting that we should do that. What I am suggesting is that we - you should be applying there except they're laying off a lot of people. We get a tremendous deal here. This is again supported strictly by the revenues from the franchise and we can see the hours here. Anyone wish to speak or would you like me to put the motion on the floor.

Motion by Selectman Coutu, seconded by Selectman Luszey, to renew the HCTV Facilitator's Contract for one (1) year to expire on June 30, 2012 and to increase the number of available month hours from 100 to 130.

Mr. Chairman as you know, Selectman Coutu's believed that since he became a Selectman the cable facility representative from the Board of Selectmen. All of us except Selectman Luszey have been through some trials and tribulations with the Facilitator who replaced Jim and then we were trying to get Jim back. We were very fortunate to have him back. I can attest first hand when you look at the Cable Facilitator hours for July 2010 to May 2011 that was provided us, I've had knowledge first hand that Jim has been putting in a lot more hours than what he was billing us for though he reports all of the hours that he puts in. He does the extra hours on a voluntary basis. It seems that having that position is not always an envious position. I think I have a tough job because I'm on call 24 hours a day because I own my own business and you know Mr. Chairman yourself you get calls 2, 3 o'clock in the morning because you're in a similar situation that I'm in.

With the exception of those obligations that he has with CBS, NBC, FOX network when he out doing all of the sports in the fall, Selectman Coutu said that Jim has treated this particular position in the same fashion as one who's owning a business. He's been at the beck and call of people who have called to have him come in and advise him, loan the camera equipment, assist people with editing of local programming, and it's evident by those who watch local cable television that we have a lot more local production going on now. We're going to be with the good graces of all the people in Concord hopefully building a senior center/cable facility and we want it to be state of the art. I think Jim is the one that could lead us in that direction. I whole heartedly endorse going to the 130 hours. My first preference would be to make him full time. That's for I guess a later discussion and we'll take what we can get at this time. Jim is well worth the money that we pay him. He has not asked for a raise. This will be 3 consecutive years that you've been working at the same rate. It's obvious to me that he enjoys his job. He's an asset to Hudson Cable Television, and he's an asset to our community as a whole. Thank you Mr. Chairman.

Vote: Motion carried 5-0.

Chairman Jasper said the same motion that I have is to hire a part-time production assistant. We need to have a name to hire someone. Are you looking to actually post the position to have the position authorized to post? Selectman Coutu believed that is the correct phraseology. They're recommending that we hire a part-time person at a maximum of 20 hours per month so that Jim is going to train that person to pretty much handle the bulletin board, be available at times that he's not available to go to the facility to open up the facility, loan out equipment, have them sign the proper forms so that Jim can do more of the hands on mechanics that are entailed in that job. I think basically what they're looking for is consent from us to allow for the posting for the potential hire. In other words, they're not going to post it if we're not going to agree to let them fund the position out of their budget for 20 hours a month.

Motion by Selectman Coutu, seconded by Selectman Luszey, to authorize the Cable Utility to post for a part-time production assistant at the rate of \$11 per hour for up to 20 hours per month on an add needed basis, carried 5-0.

K. Request to Transfer Cable Committee Funds to Capital Reserve Account

Chairman Jasper recognized the Chairman of the Cable Utility Mike O'Keefe.

Mr. O'Keefe said as you know our budget each year is based on revenue from revenue we collect from Comcast. We budget based on that amount. Towards the end of the year if we have money left over, we've done this the past couple of years. We've requested the Board authorize transferring that remaining balance to the capital reserve account that's already been established by the voters to build an access center. This way we increase that fund which hopefully as was indicated earlier, we may actually have some movement on within the coming years or so. The cable money effectively stays within the cable operations this way. Many years prior, the remaining balance would just revert to the general fund. We're asking that it be transferred to the capital reserve account.

Motion to transfer the remaining balance of the Fiscal Year 2011 cable funds to the Cable Television Access Center Capital Reserve Account in an amount not to exceed \$65,000.

Mr. O'Keefe said the \$65,000 was a number I just estimated. Is there a way to do all remaining funds or does it have to be...I asked the Finance Director and she said yes. Chairman Jasper said he didn't want to use approximately.

Motion by Selectman Coutu, seconded by Selectman Luszey, to transfer the remaining unexpended balance of the Fiscal Year 2011 cable funds to the Cable Television Access Center Capital Reserve Account, carried 5-0.

L. Assistant Town Administrator/Retirement System Changes

Chairman Jasper recognized Town Administrator Steve Malizia.

As the Board previously discussed, Mr. Malizia said there were changes to the retirement system that had an effect on employment of the Assistant Town Administrator. As you are well aware, the Board hired Mr. Pearson at an annual salary of \$91,611 for 230 days of work with no benefits. In order to retain Mr. Pearson with no benefits, those numbers need to change downward to \$82,851 for 208 days of work per year with no benefits. Two hundred and eight days is the equivalent of 32 hours per week for 52 weeks. We can do that by an 8 hour day. That gives you 280 days. Previously discussed, that's a change in the pension. If you wish to retain those services, that's what the new numbers need to go to.

Motion by Selectman Luszey, seconded by Selectman Maddox, to pay the Assistant Town Administrator Mark Pearson an annual salary of \$82,851.00 for 208 days of work per year with no benefits.

The only thing Selectman Luszey would say is I do make the motion in lieu of the changes at the State Department level even though I do have other concerns that we could talk about later in nonpublic.

For Selectman Coutu to vote for this motion would in affect be inconsistent with the motion that I made last year to remove this position from the budget. I cannot support this motion because it would be an endorsement of the position. I made it very clear to a local newspaper reporter that my remarks were not intended as an endorsement of the person. For me to vote for this would be totally again inconsistent with my motion from last year and I will not be voting for this motion.

Selectman Luszey said should the motion fail, does that mean that the Assistant Town Administrator's pay scale stays at \$91,000. What does that mean? Chairman Jasper was going to point out that my belief is that it would not be inconsistent because of the fact of the matter is that if the motion fails, we would still have an Assistant Town Administrator and he will be earning \$8,600 more than this motion calls for. We will have a problem in that he will be in violation of the retirement rules. I think that regardless of how you feel about the position, we want to comply with the law and a motion against this would be a motion that would put us in conflict the laws of the State of New Hampshire.

Selectman Coutu indicated unless another motion was made to correct it. Chairman Jasper said you have the motion. You vote how you want. I'm just saying that I don't think it could be taken as inconsistent given that it's a motion that reduces the salary and puts us in compliance with the laws of the State of New Hampshire.

Vote: Motion carried 3-2. Selectman Coutu and Selectman Nadeau in opposition.

M. Request to Negotiate a Successor Contract - Hudson Town Support Staff

Chairman Jasper recognized Town Administrator Steve Malizia.

Mr. Malizia said that we received a request from AFSCME Hudson Town Support Staff to resume negotiations for a new contract. As you are well aware, there was a Factfinder Report and the contract on the ballot didn't pass either way. So we have a request to negotiate. Because this is an amalgamation of (inaudible) parts of our organization, i.e. they're not police officers per say. They're not fire fighters. We don't have a liaison assigned to this. Traditionally and by Code, a Selectman member needs to be on a negotiating team. As this group has requested a meeting to set ground rules and start looking at dates for future negotiations, it is appropriate at this time to appoint a Selectman member for this negotiating team. Basically if you read the Code I think the Chairman has the ability to appoint and the Board would ratify that

appointment. I'm assuming if there's somebody that would like to volunteer for it. Chairman Jasper asked if we had any volunteers.

Selectman Coutu said he would gladly take it but you guys didn't agree with me last year. I was a sole vote. I agreed with the Factfinder's report. We didn't. Mr. Malizia said that this is the one with the folks that you see in the Town's Clerk's Office. You'll see a lot of support folks. The Utility Clerks for example. They're in this group. Again, you're not bound by the previous Factfinder's report regarding starting new negotiations. The bottom line you need someone by Town Code from the Board of Selectmen to be the person. Selectman Coutu said if Selectman Luszey wished to, he's fine with it. We're going to be working with guidance from the Board anyway.

Motion by Selectman Coutu, seconded by Selectman Luszey, to appoint Selectman Luszey to the Town negotiating team for the AFSCME Council 93, Hudson Town Support Staff contract negotiations, carried 5-0.

Mr. Malizia said there is a grounds rule meeting on July 11th at 9:30 just so you're aware of that.

N. Non-Union Salary Increases

Chairman Jasper reminded the Board although I'm hesitant to give any raises at all, the reality is that a number of years ago the Board came up with a plan on maintaining a delta of 10 percent between the second in command of departments or in the case of the Town Administrator between the Chief's position. We have lost ground on that for the last few years.

Mr. Malizia believed he included when each of these groups in the past got a raise. That's on page 3. So you can see the last time there was a COLA, i.e. an adjustment of the salary scale. For the non union employees, that last adjustment was July 1, 2008.

Chairman Jasper said it has been quite a while that this would amount to 3 percent when it will amount to less than 1 percent a year and still only get us about 50 percent of the ground that we lost in the time period.

During the discussions at budget, Mr. Malizia said the number that you see here was higher because the Board had discussed an entire adjustment. When I say entire, what I mean is to keep that differential. The Board looked at the number that that would take, which was somewhere in the \$59,000 or \$60,000 range. The Board then came back with this particular number as a number that they wanted to go forward, which was half of that to maybe do it over a couple of years. As I recall, I think maybe we moved this amount of money from the budget. The Board introduced it back on the floor of the deliberative session. It was put back into the budget and that budget passed. It's now up to you to decide what direction you want to go. I give you this information. This is information you've seen before. Basically the background from the deliberative session to put forward.

Selectman Luszey had a couple of questions. One is the 10 percent differential, what was the logic behind setting that? Given that in the past I would say public employees wages were somewhat less than private industry and what we are seeing right now is a decline in the private industry's wage scales where public employees now are at a higher wage scale. Even to the effect where having talked with a number of people in private industry, the differential between management and labor maybe zero. What is the significance and importance of keeping the 10 percent differential?

Chairman Jasper said he will attempt to address that. We felt that it was important to have a differential 10 percent being picked somewhat arbitrarily but certainly that was the number that the Board picked at the time and defended and our Budget Committee agreed with. Also in recognition of the fact that there are certain benefits that our union employees get that our non union do not get that have a monetary value. There was a recognition that the delta should be there. Was it arbitrary? Perhaps it was. It was the number that we picked. While it is true what you're saying about salaries that is of course to some degree correcting itself by the fact that the voters are not approving contracts. Those numbers are not advancing. So these numbers are advancing much more slowly than they would have had the raises been granted over a period of years.

Selectman Luszey was on the Budget Committee last fall. I don't support this. I'm not going to vote for it. The reason being is when we had the discussion during the budget processes years ago around the 10 percent differential, it was also - and I won't say it was a stated, but it was somewhat of a gentleman's agreement between the Board of Selectmen and the Budget Committee to have all raises put forth as a separate warrant article. The Board chose to include this particular raise as part of the operating budget. So the voters had no choice but to either accept the entire operating budget with the raises included or not. Of

course they accepted the budget. I'm not sure there's a clear message from the voters that these raises were approved based on their disapproval of most other raises.

Chairman Jasper said to Selectman Luszey I would say to you that this was a fully debated issue at Town Meeting. Those who chose to participate in our democratic form of government decided to put this in. I would disagree with you that there was ever a gentleman's agreement. There was the advisory that was in place and we came and said this is what we'd like to do. That carried on for a number of years. It just becomes at some point somewhat impractical given what has been going on to continue with that. The Board said this is something that was adopted 20 years ago. It just doesn't make sense from a management standpoint to continue to have to do this. Whether you agree with it or disagree with it, but that is the route that the Board went. In terms of the importance of maintaining a realistic salary, what we have found in the past in Hudson is we've lost people and our salaries have not been competitive. We do keep an eye on what comparable towns are paying, and we are not for instance the Town Administrator's position terribly competitive there. We are very lucky that Steve lives in town, likes the town, and works here. He's also been with us a long time where I think in his particular job, I think you see the average is 3 to 5 years in that position. Relatively state wide there's a lot of movement. If you go out for this size community, \$102,000 is not the competitive salary. It seemed foolish to the Board at the particular time to say look we're going to pay the people that we have rock bottom and then when we go out and hire new people we'll pay people who we know nothing about a hirer salary. That doesn't make a lot of sense to me. Hudson is a town that does a good job of keeping expenses down. One of the ways we do it is by having good department heads.

To that end Mr. Chairman in the deliberative session, Selectman Maddox got up and spoke about the delta. That's really the one place I would like to go. If you look at this list, the deputies and the captains in the Police and Fire Departments make \$3,000 less than the Chief. Very rarely do the captains and the deputies come in and sit in the chair and get grilled by the Selectmen. I think it's worth more than \$3,000 on a \$90,000 salary to deal with us. I think really my concern was the compression because their contracts are tied with the captains in the Police Department and the deputies in the Fire Department by contract go up. We don't have a method by which we can compensate the department heads. Two more years and they'll be making more than the department heads. I'm not in favor of the plan before us, but I do want to correct the compression issue Mr. Chairman.

Chairman Jasper said you certainly don't have to do anything tonight. This is something we actually don't often do right at the start of the year. If someone wants to have the opportunity to look at this in more detail, we have the information here. Selectman Maddox asked if we can get a report of the compression Mr. Chairman. Chairman Jasper said its right here. Selectman Maddox said it doesn't tell us how much the next in command is making as opposed to other than us doing the math. Chairman Jasper said it does. June 11, 2011 - the Fire Chief \$92,962; Deputy Fire Chief \$89,743; Police Chief the same thing; Police Captain same thing - roughly \$3,000. Selectman Maddox asked what would make the delta 10 percent. What would that be? Is it the number that's on that first page? Chairman Jasper said that was 50 percent of it. That was a discussion that we had...Mr. Malizia said that's what the Board directed. Selectman Coutu said we agreed that we would split the baby.

Selectman Luszey had a closing comment. I made this comment many times as a member of the Budget Committee. One of the issue I think local government has is there is not an upper limit to any of these salaries. At what point in time do we say there are no more raises for any of these positions because that is the value of that particular position? Again, I'll only say this one last time. Where I came from that's exactly what we did. We put a dollar figure on a value of a position in industry. That's what we went to. At what point does the taxpayer get to say a Fire Chief is worth X? A Town Administrator is worth X versus continuing escalating...let me ask you this question - Chairman Jasper said since everybody else is by contract and say we allowed that to go so that the contract goes, your Fire Captains are making \$95,000 and we've decided a Fire Chief is worth \$92,000, do you just want to get an egomaniac in the job who wants to have the title and doesn't care about the pay?

What Selectman Luszey is saying Mr. Chairman is I believe the voters are starting to give us a message that there is an upper limit because they are declining to approve contracts. Chairman Jasper said that is a self-correcting thing. As I said, if contracts aren't approved, then that's the upper limit. I agree. I look at how these have gone but I recall specifically when Chief Nutting refused to take raises. We were in quite a quandary when he retired. He found out he did himself no favors on the retirement end. I remember when the first person in town surpassed \$50,000 of salary. Now we're looking at some pretty big numbers. The reality is as long as we negotiate contracts that give raises, and we do, you look at the market that you're dealing with. You look at what other towns are paying and hopefully those numbers - they're certainly not escalating like they were. I think we all remember when 3 to 5 percent was the norm. Those days are gone. It's becoming very expensive to hire public employees. As long as the people that we're in competition with

are doing that, what do you do? Again, you have to maintain my opinion - a differential between the second in command and the Chiefs. If the Board wants to look at that and say 10 percent is too much because the numbers are getting too big and we want to look at a different number, that's fine. There needs to be something in my opinion that makes some sense.

Selectman Luszey said you have a year to change my mind.

Selectman Coutu's only comment was to address some of the remarks made by Selectman Luszey is that from where I sit, I haven't heard certainly have not had the vibe from the voters that they're against raises. They just granted the teachers a raise that in affect is going to cost well over \$3 million a year. The only reason why they didn't support the police raise is if you recall on the floor of the Town Meeting, we tried to put together a different contract with them and the Budget Committee was opposed. You were one of those who voiced your opposition to the way we proceeded to do that. I was just trying to salvage a raise for these guys and get rid of that upper level up to 4 ½ percent or 5 percent, whatever they were looking for, try to get them down to 3 percent. It was palatable but the Budget Committee didn't agree and that failed. The Public Works employees got their raise as well when they went on the ballot. People are aware of the services that are being provided in this community. I wouldn't say that they would always be favorably disposed to given out raises. I speak to a lot of people in this community every day because of my position. There's an awful lot of people who think our employees do an outstanding job and we have great value for the money and they're not so adverse to raises. Considering what I heard today, the economy is not going to get any better. It's going to get a lot worse. We could be bankrupt by the end of August. That's a reality that we have to deal with.

The only Selectman Coutu didn't like about it, and I would prefer, that we defer for a couple of reasons. I really think, and you can correct me Mr. Chairman, that some of this needs to be done in non public and then we can come out in public and discuss it. I'm not in accord with granting raises on a percentage basis across the Board to every single employee. I've maintained and I think Selectman Maddox has voiced some concerns in the past about the way we do employee evaluations. It should be done on merit. If you're saying that every single one of these people on the basis of a formula to achieve some parity or leverage between management upper level and lower level is the way to give out raises, I have never support that concept. I would never support that concept and that's what this proposes. Every single name on this sheet regardless of how I feel or you may feel about any individual does not necessarily merit a raise. Not necessarily merit a raise. I think we need to look at these individually, not collectively, and I think it should be done in non public because we're going to be talking about some people by name. I have a couple of questions that I would like to ask the Town Administrator and then I think we can come public with whatever the final recommendation or outcome is. Selectman Luszey said he would second that.

The problem Chairman Jasper has is that we need to have the evaluations in front of us. I have a real problem with us doing evaluations of all these people. We don't work with them on a day to day basis. We don't supervise them. One of the things that gets me very frustrated about bodies sometimes like this and sometimes the legislature is the I think, I feel. We're going to do things because I think I feel. We need to know. We need to know that somebody has done something that's not proper. Then it ought to be disciplined. To use I think I feel to set somebody's pay raise without a disciplinary action behind it to be is wrong. If you have a problem with somebody and you want to come and do an investigation because you think they've done something wrong, then we need to find out if they've done something wrong.

Point of order Mr. Chairman. Selectman Coutu asked where are you going with this. What does that have to do with raises? We're not talking about disciplining people here. We're talking about a package that's been presented to us on the basis of our formula.

What Chairman Jasper is saying is you're suggesting and what you have just said is that not all of these people are deserving of raises, which implies that they have not done the job that you think they have. We are not the people who do the evaluations. The only person we're supposed to do an evaluation of is Steve. The valuation of the department heads are done by Steve. Selectman Coutu said Chairman Jasper was making assumptions. I'm sorry Mr. Chairman but you're making an assumption.

Chairman Jasper asked what assumption am I making. Selectman Coutu said you're making an assumption that I'm saying they don't deserve raises because of something they did or did not do. From my perspective, they may or may not deserve the raise on the basis of this formula. There are raises that are proposed here. Chairman Jasper said that was fine. That has nothing to do with nonpublic. If it doesn't have to do with their job performance and you happen to think that a Police Chief and a Fire Chief aren't worth a 3 percent raise, then that's a discussion that has nothing to do with Chief Murray or Chief Lavoie. The same with anybody else. What I'm saying in order for us to go in nonpublic, we need to be dealing with their job performance.

I'm saying that you shouldn't be using the salaries that they're paid based on performance evaluation we haven't done.

Selectman Luszey didn't disagree with that. I do believe the raises should be based on that performance evaluation. If the performance evaluation that the Town Administrator has done says that the Police Chief is entitled to a 3.1 percent increase, I'm okay. I think what Selectman Coutu is saying these are a percentage across everybody. It's a peanut butter spread versus doing an increase based on the performance of an individual, which is slightly different.

Chairman Jasper said that was fine. If you would like to do a review of the performance evaluation that the Town Administrator has done and base salary increases based on that, I think that's totally reasonable. Selectman Luszey thought that's what we're requesting. Chairman Jasper said that was fine. We can certainly do that and I think that's probably appropriate to do those evaluations. Those evaluations can be either copied or left in the office. However you want to do it to get those evaluations, they need to be reviewed.

Selectman Maddox was trying to question the formula if we were worried about the compression between the department head and the next person down how we're getting 7 percent raises on some of these line items. Selectman Coutu thought Selectman Maddox was talking about the Finance Director and the Recreation Director. They were so out of kilter. Mr. Malizia said when the Board looked at this back in September/October whatever the time frame was, there was some consideration given to if you look at pages 4 and 5 to where some of your department heads fit relative to other employees of the Town and while it may be a simple thing to say their next direct reporting here. That's the closest for going from folks doing heavy duty function or high level functions that are pretty low on the overall scheme of the Town. So when the Board looked at this, they took that into consideration also. Selectman Maddox said he didn't take that into consideration. Mr. Malizia said you may not have but that's what was presented before. This is what you've already had. I didn't change anything for this.

Chairman Jasper said that those 2 positions - the Finance Director and the Rec. Director, their salary levels have been discussed where they are in the grand scheme of things for a number of years. One of the problems with the Rec. Director is that representations were made to the Rec. Director when he was hired that they were not made to the Board of Selectmen. He's suffered with that ever since he's been here. This has been a major problem for him ever since he's been employed by the Town of Hudson. There were representations we'll hire you cheap and then we'll make it up next year. That's what happened at the time. His salary came in very, very low. It was the only way we were going to get a full-time Rec. Director and of course that never happened because those representations were never made to the Board of Selectmen at the time. I found that out many years later what actually occurred. That was the reality. When you look at the salary of the Rec. Director at \$48,000, that's very, very low compared to anyone else in the managerial position in the Town of Hudson. The Finance Director has suffered to some degree in a similar situation in terms of being very low. Certainly if you want to have a night - this is going to take some time. I'm not sure how you want to do this. Do you want to tag it onto the end of our next workshop? There's no workshop in July. If you want to take August - we're getting to the point where we need to do it. Maybe the next agenda will be light. We can start it. I'd like to finish when we start or we could take the 3rd Tuesday and do it then.

Selectman Luszey said to do it then. Selectman Coutu asked public or nonpublic. Chairman Jasper said if we're doing the job performance evaluations that Steve has done and I don't know that we've actually done an evaluation of Steve. We can certainly do that at that time. If we do a review of the job performance of our nonunion personnel, we can do that on the third Tuesday in July. Selectman Luszey said that would be in nonpublic. Chairman Jasper said that would be in nonpublic because we'd be talking about their job performance. We'll do that and this item will be deferred without objection.

9. OTHER BUSINESS/REMARKS BY THE SELECTMEN

Selectman Luszey - Council on Aging. What's the deal? Can we get a date as to when there'll be some type of decision made by the Department of Transportation? Chairman Jasper apologized. It was on my list of things to do the last two days to call the Commissioner to see where the appraisal is. The next thing is to find out how the appraisals have come in between the two parcels of land. Selectman Luszey asked if that meant that those appraisals have been made. If you recall back when Jim Michaud met with the State's Assessor, Chairman Jasper said he said at the time based on nothing that was said but a general feeling, we would not see the appraisal until after the 4th of July. Obviously he was correct at that time. That is the next piece of the puzzle. If the appraisals come in and there's no difference between the two parcels, we move right along with no problem. If in fact there is a differential and the State expects us to pay money for the

differential, then it becomes a much more complicated issue. Until we have those appraisals, there's really no way of knowing what's going on.

Selectman Luszey said we are still in a holding pattern then after the 4th of July. Chairman Jasper would expect. I'm going to do my best and if someone would like to call me and remind me tomorrow. Selectman Luszey said he would call and remind you because I'm trying to get back to them with a commitment at least on when we'll get an answer. Not necessarily the answer but when we will get the answer. Chairman Jasper said unfortunately there's not going to be any way to do that knowing as so many of us do how the Department of Transportation works. We're not going to get what we will have this done because there's too many variables and we may end up before the Governor and Council on dealing with the issue if they're looking for \$75,000 or \$100,000 and we're saying we're not going to pay, then we're going to find ourselves before the Governor and Council. At that point, I would suggest we'll invite them down to have a meeting at one of their traveling meetings at the park so that they can really know what we're talking about. Be that as it may, that's where we're going to be. There's just no way to give them a firm date. I've been on the phone with the Commissioner on a regular basis. This has not been on the back burner.

Selectman Luszey said one of the items that they want to get going on is the building design and the use of. I've been kind of telling them we really can't even take that step until we know where the building will be physically built. It may change constraints. Chairman Jasper said we can't by the Warrant Article. We don't have the ability to expend any money.

Selectman Coutu said when it comes to - please clarify this. The seniors need to learn to have patience. I know they've waited a long time. We're as close as we've ever gotten. They're going to have to be patient and let Selectman Jasper...I'm going to be in Concord at DOT and at the Historic Commission the second week in July. If he doesn't hear anything then, I'm going to be as close to the Commission as you could possibly get. I'll be down the street from his office. The process of sending out to have the plans draw aren't we the ones that do that not the seniors? We are the agents to expend.

Selectman Luszey said that's not what they're asking to start. They're asking to start the formal agreement between us and the senior organization around the use of the building and all that. They're looking for that formal agreement work. I'm saying it's too early because we don't know what the concept of that building will be until such time we know where it might even be.

Selectman Coutu said they have to understand we saw a draft of what was proposed. The letter came here and that was premature. I let them know that I thought it was premature. That's going to require not only our scrutiny, our attorney's scrutiny. They need to understand it's a municipal building. We're going to work out some sort of an arrangement for them to rent it from us. I think that's something that we're going to do on our end and present to them rather than the other way around. It is a municipal building in the end no matter what. Selectman Luszey understood and as their advocate I will continue to advocate for them.

Chairman Jasper thought what they need to understand until we get the cost estimates and until we figure out all the pieces of the puzzle of whose paying what, the agreement is meaningless. Part of that agreement is going to be the cost component. The say we get all this approved by DOT and we're ready to go, the next thing is the design build of whatever we've done. Then when we have a warrant article to say go, we're now also going to have an agreement - a long term lease agreement - that goes with that. That's all part of that. Until we get to that point, there's really nothing that we can do. It's truly a case of trying to put the cart before the horse if I've ever seen one. We've got to have the team hitched up to that cart and we'll move forward as one complete package.

The only other thing Selectman Luszey will say is there are members of that committee that as you know go to Concord quite frequently and are willing to help if need be. Chairman Jasper is having direct contact with the Commissioner on a regular basis. There's really nothing else at this point. If you can't get it done through the Commissioner, and he's got to wait for his people. What everybody has to understand is there's a lot going on in the State of New Hampshire with DOT. There's an awful lot. We have how many red listed bridges and how many projects under design. Look what's going on on 93 and we've just cut their staff. As important it is to us, it's just another thing that's on the list there that's getting moved along with everything else. We're not going to say we have to buy a piece of land here for a road intersection someplace. We'll wait we're going to put that hold because we have to concentrate on Benson Park. I think we just have to be a little mindful of that. At least this time we really haven't been in this so long. We've only been in this stage since May. In the scheme of DOT, it's not bad.

Selectman Maddox said he's going to be the one to disagree with you Mr. Chairman. I think that we need to do the agreement with the seniors concurrently for the fact that we're asking them to contribute hundreds of

thousands of dollars. I think they want to know what the agreement is going to be before they make that commitment. I think waiting until we have everything in place to then say we're going to talk about the lease; we're utilizing their hundreds of thousands of dollars to at least have a preliminary discussion of where this is going to go. I think it's important for them to be able to make their decisions.

Chairman Jasper totally disagreed with you there because we have no idea what the total package is. I don't know how much money they're going to contribute. If they're contributing 10 percent towards this, then what they get out of it is not going to be the same as if they were contributing 50 percent. So until I personally know what their total contribution is going to be in terms of the cost of the project, I'm not willing to negotiate. I think only a fool would do a negotiation based on an unknown.

Well then call me a fool Mr. chairman. Selectman Maddox thought they need to have a discussion. Somebody has to take the first step. I think we should be...Selectman Coutu thought they were on the same page you just can't seem to get the two cars on that. You're opposite and just can't seem to get it together. It stands to reason Mr. Chairman in light of what Selectman Maddox just said that first of all the reality is it's not going to go to ballot at the earliest until next March assuming everything falls into place between now and then the DOT and there will be no transfer of monies. If we have to go to the Governor's Council, god knows how long that's going to prolong it. Let's assume everything falls into place. No money has to transfer our hands; we can put it on the ballot next March. I would suspect that at that point, and I think you would agree with me, that we're going to have defined what the costs are going to be. We'll have defined how much of Hudson Cable Television Capital Reserve money we're going to use for that portion of the building, and we'll have defined exactly what it is going to cost to build the senior center. They know how much money they have. It behooves us and it behooves them at that time prior to it being put on the ballot that we come up with some sort of informal agreement or a formal agreement at that point. So that's basically what you're saying. We're not going to ask them to commit any money until they come up with an agreement and if we can't reach an agreement, there's no sense putting it on the ballot. I think you're both there; it's just your time frame. Selectman Luszey said it was a matter of timing.

Chairman Jasper's feeling is if the longest part of this negotiation is going to be the negotiation with the seniors over the use, then we have a big problem. This should be something as soon as we get the get going, we can start the preliminaries. There's really to me just without even the okay to move forward, there's no reason to be putting time and effort into this.

Selectman Coutu said I think we need to tell our seniors and what Ted needs to tell our seniors is that we're fully aware of what's happened in the past, the history of all of this, and we're certainly going to have their best interests at heart if all of this gets approved and that's what we're going to do. We're going to make it well worth their while and their wait.

DPW. Selectman Luszey said Pelham Road and Lowell Road intersection. If you've been up by Meineke or that intersection, you've noticed that it is all torn up and it's being re-aligned. That work has begun. The sewer main on Windhaven Drive - that work has been done. There's about 400 feet of drainage near Benson's that has all been installed and landscaped. The third week of July they're going to be painting the exterior of Town Hall courtesy of our county prisoners and with the help of the Highway Department. Normally the Highway Department gets accolades during plowing and things like that and normally no other time. They get a lot of heat when they close down roads and make them one way when they're plowing and stuff like that.

[Selectman Luszey] Today I received an e-mail from Kevin and it was about the Second Brook work that he did. There was a civil engineer that worked for the Corps. of Engineering that basically said he did not believe the quality of work that his folks performed in replacing that culvert. He didn't believe that the Town would be able to do it. Nevertheless, do it with the quality and speed in which he did it. Just another example of the level of commitment that Kevin's folks and the pride they take in doing their jobs. So, well done.

Selectman Maddox - The Planning Board is getting busier and as we see, it's more difficult parcels. There's no flat nice areas. Everybody is trying to put 5 pounds in a 3 pound bag. So there are some challenges and I would ask for the next meeting that we put Prime Wetlands as a discussion item on our agenda.

The only other thing I have is you talked about it but you said because of the meeting tonight you didn't want to do anything until the next meeting. There was a thumbs in the paper about the police escort on 102 for the girls' softball. I did check with the Chief and that was an on duty officer, no additional money, he was driving down 102. He just turned his blue lights on to give a well deserved recognition to the champions

back to Alvirne. No more, no less, no additional monies were expended. A non issue but it certainly makes the paper. That's all I have at this time.

Chairman Jasper said there are certainly some mean spirited people out there. The fact that we have the girls' team getting State Championship and people would complain about that just makes me very sad actually. It makes me sad to think that there are people out there who feel that way.

Selectman Nadeau - One of the things that happened this past weekend is they had a fund raiser for the dog park. They had a puppy poker run. The weather did not turn out to be the best weather for the event. They did do very well. They did make \$300 towards the dog park. The lady who won the puppy poker run donated the money back to the dog park. That was very nice of her to do that.

The other thing that we had that was very interesting this weekend, which I didn't make it to and I usually do make it to, is the Town auction of all the surplus equipment. Just very interesting from what the people have said. Selectman Maddox asked how much we raised. Mr. Malizia said with the school stuff I think there was \$4,000 approximately. Selectman Nadeau said \$1,500 for the old cable ambulance.

Selectman Coutu - Selectman Luszey I want to applaud you for the way you handled the Budget Committee at the last meeting. I watched it and I was impressed. It's going to be a fun year.

With that said, Mr. Chairman I believe we've been in receipt of a communication from two people. A transfer of information between the two - one would have been our Road Agent Kevin Burns, and the other would have been Captain Morin of the Hudson Fire Department relative to the use of the 9/11 memorial steel to be used at the Chelmsford Fourth of July parade. The Chelmsford Rotary approached Captain Morin and suggested that they would be willing to try to raise some funds for us if we would be so kind as to allow the steel to be used in their parade. We don't customarily have a 4th of July parade. I think in your communication you had said that we could take it up at this meeting. The particulars are that the steel Kevin would prefer would remain on our vehicle rather than trying to lift it and transfer it to another vehicle. An employee has volunteered his own time to drive the truck. A member of our committee has volunteered to pay for all the gas. So in case it comes at the Budget Committee meeting about how much diesel fuel, how much we're spending of town money. A member of our committee has offered to pay for the gas. We need Sir a commitment or a consensus from this Board that it would be all right for them to use the memorial steel in the parade. It will be taken from our town and returned to our town the same day by one of our own town drivers on his own time.

Chairman Jasper said without objection and with our thanks.

Selectman Coutu said a couple of things. Are we going to get a report on the circus? Ms. Graham said that will be coming on July 12th. Selectman Coutu noticed a note here that you were working on it because I guess you've communicated to a couple of people.

[Selectman Coutu] Just two things I want to bring to people's attentions because we're going to start getting phone calls. This is one thing that we may have all gotten at one time or another. I had somebody come into my store shouting at me. Shouting at me about water shut offs. Please let me reiterate. We do not own Pennichuck Water Company. We do not set the rates for shut offs. All we do is we're provided with information of when the bill wasn't paid, and how long it hasn't been paid, and the notices go out, and they thought it was outrageous that we were charging this kind of money to shut them off and turn them back on. We have no control over that. We don't dictate that policy. That's Pennichuck's policy.

The other thing that people are not going to be too happy about because my wife did the investigations is everyone has noticed, you just received a mailing from Comcast that all of your TVs are going to require boxes or you will not receive any reception. We went from antenna to cable. Now even with cable you're not going to get reception unless you get another box. Those boxes will be provided to you...Selectman Luszey said unless you have a special quadratonic tuner. Selectman Coutu said you can have that but you will not receive all of the channels without the box. You're only going to receive a limited number of channels. These boxes you're entitled to depending on how much you pay - like in my household I'm entitled to 2 additional boxes but I must pay \$7.95 a month rent for each of the boxes or I can buy that digital tuner. So if I get channel XBZ or here, I might not get it on the other two because you might need a box for XBZ. If you're not happy, DirecTV or Dish - there are options out there. So we have no control over those things. Comcast is a private corporation, sets their policies and their prices, and there's nothing we can do. There's going to be an awful lot of people out there that have 3 or 4 TVs and not going to be happy with wanting to pay an additional \$15 a month for two additional boxes or consequently possibly more if they want to put it on 4 TVs

unless they buy that magnesium digitized, whatever it is, that you're professing that gives you channels 1 and 2.

Selectman Luszey said if you do look at that notice in very fine print, I think they have a little number one - it's at the very bottom, it tells you the type of tuner. If it's on your television, it will receive all of the basic channels or extended basic channels if you have that service. Otherwise, you will be required to get the digital tuner.

Selectman Coutu has one TV that draws everything out of the cable - like 100 to 200. That TV for whatever reason was designed and is capable of drawing all the channels off the line without having to have a box until the scramble it.

Selectman Maddox said we're coming up for the renewal on the Comcast contract. Rather than increasing their access fee, we should require that every six months somebody from Comcast sits there and takes all of the things that our staff gets abused about and tries to deal with it. We should put it in our contract. If you look on your cable bill, it says if you have a problem contact the Town of Hudson Selectmen. Mr. Malizia said that's the first thing on our list to get off of the bill. We already told them that. Chairman Jasper said we should have it in the contract that every six months has office hours at Town Hall. Selectman Luszey said he was given a business card of a local service Rep. up on the Londonderry post. I guess we could publish it.

Chairman Jasper thanked Selectman Coutu for remembering about the Chelmsford parade because I was rattling around in my brain and I couldn't remember what it was I said I would do under other business.

Selectman Jasper - Just a couple of things on Benson Park. If you've been in the last week, or if you haven't, there was that muddy trail off to the side off to the right by the fence, which is now a nice path that leads right over to the gorilla cage. The Highway Department did a fantastic job. It's all put in with wrap. You will also notice that where the ditch was, and this is where the 400 feet of pipe went in, part of it. There's now some evergreens along the fence. No one should think that any town funds were spent on buying shrubs. Those were all donated. I'm not at liberty to say the local business at this point because I'm not sure if they want the publicity. Here's the deal. They get in all these plants, they have them for a certain period of time and at the end of that period of time they all get thrown away. They're going to the dump or you can take them. There's a lot of plants in there. If somebody says look at all the money you spent on plants in there, we did not spend a dime. They've all been put in by volunteers, not by the Highway Department. It's all volunteer labor. There's a whole bunch of fruit trees as well that came in. Some of those won't get used, but everything was just going to the dump. Again, I can see the thumbs about people complaining we spent money instead of picking up the phone and asking. No money spent on any of that stuff. Hopefully the company may want to get credit for it at some time in terms of thanks. Really no monetary value because it was going to the dump.

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; 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; (b) The hiring of any person as a public employee; 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.

Open session is being entered at 11:50 p.m.

Motion by Selectman Coutu, seconded by Selectman Luszey, to hire Kate Brown, Dave Smith and Allison Bickford as HCTV camera operators classified as "Regular Special Shift Employees" at an hourly rate of \$11.00 per hour, carried 4-1. Selectman Maddox in opposition.

Motion by Selectman Luszey, seconded by Selectman Maddox, to award Dorothy Carey as \$500 merit award and Captain William Avery and Captain Robert Tousignant each with a \$250.00 merit award representing small tokens of gratitude and support in accordance with the contract, carried 5-0.

Motion by Selectman Luszey, seconded by Selectman Coutu, to direct the Assistant Town Administrator to begin legal action against the owners of 222 Central Street for nonpayment of cap fees and Certificate of Occupancy, carried 5-0.

11. ADJOURNMENT

There being no further business, Chairman Jasper declared the meeting adjourned at 11:51 p.m.

Recorded by HGTV and transcribed by Donna Graham, Recorder.

HUDSON BOARD OF SELECTMEN

Shawn N. Jasper, Chairman

Roger Coutu, Vice-Chairman

Richard J. Maddox, Selectman

Benjamin J. Nadeau, Selectman

Ted Luszey, Selectman