

HUDSON, NH BOARD OF SELECTMEN
Minutes of the May 24, 2011 Meeting

1. CALL TO ORDER - by Chairman Jasper the meeting of May 24, 2011 at 7:00 p.m. in the Selectmen's Meeting Room at Town Hall.
2. PLEDGE OF ALLEGIANCE - led by Selectman Coutu.
3. ATTENDANCE
Board of Selectmen: Shawn Jasper, Rick Maddox, Ben Nadeau, Roger Coutu, and Ted Luszey
Staff/Others: Steve Malizia, Town Administrator; Donna Graham, Executive Assistant; Mark Pearson, Assistant Town Administrator; Jason Lavoie, Police Chief; Gary Webster, Town Engineer; Lisa Nute, IT Director; Kathy Carpentier, Finance Director; Bill Oleksak, Bldg. Inspector; Mike Carbonneau; Greg Rich
4. PUBLIC INPUT
 - a) Recognition of Recycling Committee's Earth Day Scavenger Hunt Contest Winners
Paola Matos; Amanda Nolan; Brad Dubay; Corey Oak; Tom Bondaruk

At this time Chairman Jasper would like to call upon the Recycling Committee, or at least a representative thereof to come to talk to us about the Earth Day Scavenger Hunt Contest winners. Following which, I will present the certificates.

Cheryl Freed from the Recycling Committee joined by Frank Rosier. We are here to announce the winners of our third annual Earth Day contest. I will hand that off to Frank. He put a great contest together and all of our winners I believe are here.

Mr. Rosier said they had a contest in town. We had been running along consecutively for I believe four years involving the elementary schools and getting them involved in the effort of recycling in the Town. We've run a number of different contests which I know the Board of Selectmen have graciously given us their time evaluating pictures, word entries and essays. We appreciate that cooperation that we've received from you in the past. This year we decided to do a little bit more getting involved in research. So researching recycling. This allowed us to run a scavenger hunt amongst many accredited recycling sites where the individuals could go out, research games, research definitions, research different facts about recycling and hopefully that is something that instills recycling in them. We ran that this year and we have our lucky winners from the schools. We had over 420 odd entries from the elementary schools in town. That's inclusive of PMA, HO, Library, Nottingham and Hills Garrison. We had all schools represented. Can we have the winners come up?

Selectman Nadeau indicated that Alvin from Enterprise Bank has a check that he will be giving to each of the winners.

Chairman Jasper read the names: Amanda Nolan of Hills Garrison School, 1st grade; Brad Dubay of Presentation of Mary, 4th grade; Corey Oak of Dr. H.O. Smith School, 3rd grade; and Tom Bondaruk, Library Street School, 1st grade. (Paula Matos of Nottingham West, 4th grade was absent.)(Pictures were then taken.)

Chairman Jasper thanked the Recycling Committee for running this contest. Congratulations to all the winners, and thank you to all of the 450+ students who participated in this. Job well done.

Chairman Jasper asked if there was anyone else in the audience who wishes to address the Board on any issue of which the Board has jurisdiction at this time. It appears not.

5. NOMINATIONS & APPOINTMENTS -

Chairman Jasper indicated that there were no nominations and appointments tonight. It does not mean that we do not have vacancies on boards or commissions. Please check the website if you're interested in serving the Town.

6. CONSENT ITEMS

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

Selectman Maddox asked to remove 6. C. 3.

Motion by Selectman Luszey, seconded by Selectman Nadeau, to approve consent items A, B, C, 1, 2, 4, 5, 6, 7, D and E, as noted or appropriate, carried 5-0.

A. Assessing Items

- 1) 2010 Tax Abatement - Map 153, Lot 34-2, w/recommendation to adjust and approve
- 2) 2010 Tax Abatement - Map 151, Lot 38-2, w/recommendation to adjust and approve
- 3) Excavation Tax Warrants - Map 150, Lot 013; Lot 140, Lot 001; Map 141, Lot 001, w/recommendation to approve
- 4) Certification of Yield Taxes Assessed/Timber Tax Warrants - Map 102, Lot 010; Map 122, Lot 022; Map 219, Lot 001, w/recommendation to approve
- 5) Current Use Lien Releases - Map 219, Lot 1-3; Map 218, Lot 28, w/recommendation to approve

B. Water/Sewer Items - NONE

C. Licenses & Permits

- 1) Raffle Permit by Hudson Senior Council on Aging
- 2) Outdoor Gathering Permit by NH State Champion Chili Cookoff
- 3) Outdoor Gathering Permit by Friends of Benson Park - Circus - under tent

Selectman Maddox had some questions. This should not be a consent item as there are probably a number of questions in regards to this. I see Mr. Matthews is here so that's good in regards to the circus.

Chairman Jasper asked Ken Matthews to come forward.

Ken Matthews, 12 Lindsay Drive.

Selectman Maddox did some research on line and noticed that the numbers that they look like they're going to be holding are about 2,100 people per show. I just wanted to make sure Mr. Chairman that there was adequate traffic. How are you going to handle the traffic and parking? Mr. Matthews said traffic is basically set up to be handled by the circus. It's going to be on the Hills grounds. They will be directing it in and out in all shows. Selectman Maddox said that the circus will be responsible for traffic and security. Mr. Matthews said they will hire policemen to be there and whatever the police need. If we need more than one police officer, we'll make sure we have it. Selectman Maddox said again that's a stipulation. When I talked to the Police Chief, he did not realize that there were upwards of 2,000 people that will be at the show. I just wanted to make sure that was set. I think that's probably a function of our form. The Chief wouldn't know that. Chairman Jasper said that this was not something that we normally have.

The other question Selectman Maddox had was in regards to the port-a-toilets. They're saying there's going to be 11. Mr. Matthews said they carry port-a-toilets with them. In other words, they transport them, they take care of them, they have hand washing stations and everything that they have with the circus that goes with it everywhere they go. Selectman Maddox said the Health Officer was aware of that number. Mr. Matthews believed he was. Selectman Maddox said that was quite a crowd to be on the Hills property. I know that they're getting their water supposedly from a hydrant. There's been some communications back and forth. I saw that they'll be able to tie into a fire hydrant. Mr. Matthews said they had to put a temporary meter on the fire hydrant so that they can hook up and take their water from there. Selectman Maddox thought that the animals would need a lot more water than probably the Hills House could pump through. Again, I just wanted to make sure Mr. Chairman that we didn't fall down any rat hole that we did unfortunately with the consent items for dance halls where this is going to be quite the production. I guess as long as the Chief and you have conversations as far as out on the roadway how that's going to be handled, we should be all set.

Chairman Jasper just asked the Chief that he's had those conversations. Chief Lavoie said we have not spoken. Chairman Jasper thought that it would be appropriate to have just as Old Home Days does a detail officer on the street rather than having employees of the circus actually...Mr. Matthews was going to but the point is I was waiting to see that we were going to get it before I make commitments for that. Even though I've made commitments for tickets and everything else already. There's certain things you just need to know before you make those commitments.

Selectman Maddox asked who would then do the food service inspections or the animals or is that done by the State. Chairman Jasper assumed the Health Officer would do the food inspections, although the Health Officer is here and can speak to that on how sanitation relative to food is handled. Mr. Oleksak said we do not do any food service inspections per say. I would have to see if they have a State license. If they have a State license then they are under the auspices of the State of New Hampshire. I'm sure they go through the inspectional process at some point in time so that we are circulating through the State they follow the same rules. Chairman Jasper asked if he would check to see if they have a State license. It looks like this is their only appearance for the season in New Hampshire according to the schedule. We do need to make sure that that is taken care of.

Mr. Matthews said this is the only New Hampshire show. They have never been up here. Chairman Jasper said Mr. Matthews may want to have discussions with Bill. Mr. Oleksak said normally if the company is only doing a very limited schedule, they may not be inspected at all. I will check with the State Supervisor for food service licensing and get some information on that. Chairman Jasper thought it certainly would seem to be appropriate that they be inspected and have a permit from the New Hampshire Department of Health. Mr. Matthews you'll be in touch with Mr. Oleksak and the circus on that.

Mr. Matthews asked if any of the Selectmen had any other questions. I know on the food service they only have one food service outlet. It's run by gas. I had to find that out for the Fire Department. Chairman Jasper said it would be the sanitation that would be the concern. We've asked and answered.

Motion by Selectman Coutu, seconded by Selectman Luszey, to approve Item 6. C. 3. as noted and appropriate.

Selectman Maddox asked that the stipulations be attached and they will talk with the State for food service, the Police Department in regards to security. Selectman Coutu said as noted and appropriate.

Motion by Selectman Coutu, seconded by Selectman Luszey, to approve Item 6. C. 3. as noted and appropriate to have inspections and traffic control with the Hudson Police Department, carried 5-0.

Mr. Matthews thanked the Board for the opportunity to get here and take away any questions you might have. I'll make sure that is followed up.

- 4) Request to Solicit Funds by Friends of Benson Park
- 5) Request to Solicit Funds by Teen Challenge - New England
- 6) Request to Solicit Funds by Lil' Iguana's Children's Safety Foundation
- 7) Request to Solicit Funds by Nashua High South Music Boosters

D. Acceptance of Minutes

- 1) Minutes of the April 26, 2011 Meeting

E. Calendar

05/25 7:00 Benson Park Committee - Landscape Subcte - BOS Meeting Room
05/25 7:00 Planning Board - Community Development Meeting Room
05/26 3:30 Trustees of the Trust Fund - Community Development Meeting Room
05/26 7:30 Zoning Board of Adjustment - Community Development Meeting Room
05/30 MEMORIAL DAY - TOWN HALL CLOSED
06/01 7:00 Planning Board - Community Development Meeting Room
06/02 7:00 Benson Park Committee - BOS Meeting Room
06/02 6:30 Recreation Committee - BOS Meeting Room
06/07 7:00 Board of Selectmen - BOS Meeting Room
06/08 7:00 Benson Park Committee Landscape Cte - BOS Meeting Room
06/08 7:00 Planning Board - Community Development Meeting Room
06/09 6:00 Sewer Utility Committee - BOS Meeting Room
06/09 7:30 Zoning Board of Adjustment - Community Development Meeting Room
06/13 7:00 Conservation Commission - Community Development Meeting Room
06/14 7:00 Board of Selectmen - BOS Meeting Room

7. OLD BUSINESS

A. Votes taken after Nonpublic Session on May 10, 2011

- 1) *Motion by Selectman Luszey, seconded by Selectman Nadeau, to hire Eric Fedorchuk and Robert Cantanzano as the two seasonal laborers in the Highway Department at a rate of \$12.00 per hour with no benefits effective May 29, 2011 for a period not to exceed 12 weeks, carried 5-0.*
- 2) *Motion by Selectman Maddox, seconded by Selectman Coutu, to hire Karen Lawton and Donna Rosso as part-time Telecommunication Technicians at the rate of \$16.78 per hour according to Police Union Local #3657 contract effective July 1, 2009 with the hiring date to be determined according to their current employment schedules, carried 5-0.*
- 3) *Motion by Selectman Luszey, seconded by Selectman Coutu, to approve the granting of a full abatement on all property taxes, plus associated interest and penalties, for 51 Mobile Drive,*

Tax Map 178, Lot 13-61. This motion also includes the authorization to the Tax Collector to release the recorded lien presently filed for the 2010 property tax year, carried 4-1. Selectman Maddox in opposition.

- 4) *Motion by Selectman Maddox, seconded by Selectman Luszey, to waive the interest for the period of time prior to notification (2007 and 2008 in the amount of \$2,385.34) and have the Applicant sign an Affidavit under oath stating the applicant wasn't aware of the nonpayment of taxes (time of notification 2009 to date - Applicant is responsible for interest totaling \$3,361.43), carried 3-2. Selectmen Nadeau and Coutu in opposition.*
 - 5) *Motion to adjourn at 11:05 p.m. by Selectman Luszey, seconded by Selectman Nadeau, carried 5-0.*
- B. Staff Report on License for Dance Hall & Entertainment Places of Assembly for J.D. Chasers Bar-n-Grill 2B Burnham Road, Hudson, NH (Map 176/Lot 16) and modification to Application for Dance Halls and Entertainment Places of Assembly

Chairman Jasper recognized Assistant Town Administrator Mark Pearson to speak to his report.

Mr. Pearson said on April 26 the Board asked me to come back to the Board within 30 days with a staff recommendation concerning J.D. Chasers. As you remember, there was an issue brought up by the Board about the number of people outside on the patio, what it's permitted for, and perhaps what the site plan was. There were concerns about the outside picnic tables, and a variety of issues. I met with staff, which included the Police Chief, Fire Chief, Deputy Fire Chief, Zoning Administrator, Planning Director and myself. We met and discussed the Ordinance. We discussed the issues that the Board wanted some clarification and staff report on. We made a site visit to J.D. Chasers. We did research on the site plans that we could find. We consulted with the Liquor Inspector and had a meeting with that same group at a later date. On May 19th we met with the Liquor Inspector. We wanted clarification on how the liquor inspector's view places that have outside places of entertainment and so forth. We got clarification on that. We came away as a group understanding what everybody is looking for.

Mr. Pearson included in the Board's package the history of the establishment at 2B Burnham Road, which goes back to 2008. It shows that the original permit was for 70 people. The following year was 70 people -2009. 2010 was 70 people, which is 50 inside and 20 outside on the patio under a different name - Linda's Sports Bar. Then there was an updated permit on July 21, 2010 for Linda's Sports Bar of 150. It was 50 people inside, 75 seated at tables and chairs on patio or 100 standing. That was a permit to operate a place of assembly issued by the Fire Department. I just want to bring to the Board's attention that they are looking at from the Life Safety Code perspective. As we move on, J.D. Chasers applied for and received a similar permit and Place of Assembly Permit from the Fire Department. That was for 125 people; 50 inside and 75 seated at tables and chairs at patio. So you can see it went from 70, to 150, to 125.

[Mark Pearson] Basically the overview is that there's not enough parking spaces for that facility to have more than the 70 people that have previously had a permit for. Doing the calculations with the Planning Board, they're real close with what they have on site right now to accommodate 50 inside and 20 outside. From the Liquor Commissioner's point of view, they told us that they have several establishments in New Hampshire that may have 300 people on an outside area and 50 inside. It's not uncommon. They used an example in Manchester. I was a little surprised to hear that under the example of if there's a thunder storm or something happens, what do you do with 300 people and they don't run inside? They basically said it's the responsibility of the establishment to proctor the people outside making sure that they comply with the Life Safety inside, that they comply with the liquor laws, and so forth.

They used another example up on Elm Street in Manchester for an outside seating area. If they exceed the limit, the Liquor Inspectors can come in and cite them for violating the liquor law. The responsibility is on the owner on that number of 70 if the Board so chose to reduce it to 70. There's a variety of issues that have happened at the site or haven't happened. There has not been a formal site or plan approval for that patio area. It morphed over time under the previous ownership. The site plans we have show that there was a loading area and a dumpster area on that site where the current patio is located. The dumpster has been moved to the north side and the patio has been put in there. There never was any parking constructed behind the building that was on the original site plan. Also in front of the building it showed a gas pump for a convenient store, and that was never built either. There was a conversion of the building by a plan in 1987 for additional sewerage and septic capacity for a restaurant kitchen, and then of course the evolution of Linda's Sports Bar came and the patio went up on the outside. The Liquor Commission requires some type of containment in an outside area. That's what the fence is there for under Linda's when they had 20 people outside. So the recommendation from the committee after looking at all of the data and facts that we could find is to go back to the 50 people inside and 20 people outside if the Board chooses to do that. The other option is to

make the applicant go back to the Planning Board for approval of that outside area. With that, I will entertain any questions.

Selectman Coutu said to Mr. Pearson that he went to J.D. Chasers and asked if there was a problem with the alarm when you got there. Mr. Pearson said "no". Selectman Coutu said there was no problem with the alarm system when you went in it. Chairman Jasper said that was a different location. That was at the old 20th Century Plaza.

Selectman Maddox had a problem. He asked for a written explanation of how the zoning determination was made for this. I did not see anything. I read hear that "someone", the infamous number one, gave them an approval for this outside patio with no documentation to support who that Mr. One was or Ms. One was. Again, I was just wondering how a zoning determination was signed off on without going back and looking at the records that they did after the fact. So there obviously seems to be some disconnect on this form as far as does somebody need to look at the site plan to say that it doesn't have gas pumps out front and the parking that everybody either thought was there is not there. If they go back to 70, so be it. I was kind of surprised if someone tells the staff well someone before said I could have this. That's perfectly acceptable. As Selectman Massey used to say, "If it isn't in writing, it didn't happen". I'm looking for the Assistant Town Administrator to answer how that determination was made.

Mr. Pearson assumed Selectman Maddox was referring to the Memo from the Zoning Administrator dated May 16th to the Board. Selectman Maddox said yes. Mr. Pearson said the Zoning Administrator basically articulates that he was being consistent with previous decision by early administrators on that site about the dancing that was allowed inside and the outside usage. As you know, he became the Zoning Administrator in 2009. As you know by those permits there, those permits were reissued from 2008, 2009, and 2010 before it started changing to a higher number. This place ended up with an outside patio area without Planning Board approval. It happened sometime before 2008 because 2008 is as far back as we could get a permit for an outside patio with Linda's. It happened in 2008 or before. Selectman Maddox said it didn't answer my question. Did you go back and find a record of who signed off on the outside patio? Mr. Pearson didn't think there was any document of anybody signing off on any outside patio. I don't think that document exists. Selectman Maddox said it just says here "I was trying to be consistent with the previous decisions of earlier administrators. So you're implying that that is the Fire Department Occupancy Permit.

As Mr. Pearson understood the Fire Department occupancy permit, they go out there and look at the building from a Life Safety Code and square footage. They're not given a cart blanche that you can do whatever you want. They were looking at it for the egress and Life Safety Code. They may issue a permit and say we're okay with 125 people but the process is to fill out the Dance Hall and Place of Entertainment Application starting at the Police Station under the current process by ordinance and then proceed through. It if makes it past the 3 people on the application, it comes to this Board and the Board reviews it and either grants or doesn't grant it. Starting back in 2008 from the records, Linda's was given a Place of Assembly and Dance Hall Permit for 70 people and it came to this Board.

Selectman Maddox guessed this was our learning experience and your department. I would hope that in the future the research is done before the fact rather than after the fact to verify if in fact that site is capable of handling what we're approving. Again, I've heard rumors of a site with 500 people outside of it. I know that's going through the process. We need to get this right the first time. Secondly has this place then now requested a lower number? Mr. Pearson said they have not.

Chairman Jasper said there certainly have been some inconsistencies here. It looks like what you're recommending based on the parking a total capacity of 70 would be appropriate. We don't have a new application in front of us; however, the old application expires on the 26th. It would appear to me that it might be appropriate for us to move to amend the permit that we granted for a total of 70..Mr. Malizia believed under 100 they're not required to have a permit per our Ordinance.

Mr. Pearson asked to speak to that. I reviewed over the ordinance several times and of course I wasn't here when it was designed and implemented but it appears under Chapter 185 there's 2 sections under the definitions. One's dance hall and one is places of entertainment. It clearly talks about a dance hall being an activity on its own that is covered by the ordinance. The second part of it is the entertainment place of assembly that's more than 100 people. The dance hall doesn't talk about a number of people. It just says dancing whether it happens once or it happens all the time, they need that permit. So the permit is dual functional. I would say it really doesn't matter what they have for numbers. They need a permit for dancing whether they have 70 people, 50 inside and 20 outside, they need a permit for dancing and that's that same permit - Place of Assembly Dance Hall Permit. That's my interpretation of reading it. I stand to be corrected if I'm wrong. The only place it does say more than 100 is the place of entertainment. Chairman Jasper said that's State law. You don't need a place of assembly permit under State law if you're fewer than 100 people. A dance hall would probably be different. Selectman Maddox went back and looked and I believe it was 2002 during the RAVE that this was enacted. The big problem was people were taking over storefronts, buildings, houses. You could have less than 100 in there. I think that's why the Town of Hudson, good or

bad, enacted this ordinance for the dance hall part of it. There was quite the discussion at the Town Meeting about numbers and whatever.

Chairman Jasper thought Selectman Maddox was correct. I guess the real question is here are they truly operating a dance hall or is this a sports bar with dancing. Mr. Malizia said it states here that they don't even have a specified dance floor or stage. Selectman Coutu said it's for listening to music is their application. Chairman Jasper said it would appear that they do not need, as long as they do not exceed 100, they do not need a permit from us at this time and that the fee that they paid, the \$62.50, should be refunded. Mr. Pearson still reads in that dance hall definition that it doesn't matter. It's if any dancing occurs. "Any part thereof where dancing occurs." Selectman Coutu said the application we have here specifically says a description of the activities bans Karaoke - just listening to music. No specified dance floor or stage just a floor with tables and chairs for an outside patio fenced in according to what I'm reading. They don't intend to allow any dancing there. If people get up and dance, they're not supposed to. A lot of people do things in places of assembly and they're not supposed to. You just have to try to control it. I certainly wouldn't dance to Karaoke.

Chairman Jasper would concur with that. This is our application, which is dance halls and places of assembly. I think there could certainly be a question about whether our dance hall permit would be necessary or even legal if it's under 100 because the State doesn't require a place of assembly permit. I think we're on a fine line there to begin with that ordinance. Clearly there's no indication here that this is intended to be a dance hall. I think at this point it would be appropriate to probably deny the permit and state that we feel that 70 people for the facility is appropriate with the provided parking, return the \$62.50 to them, and if they wish to go for an occupancy greater than that allowed under the zoning that they need to return to the Planning Board.

Selectman Maddox almost agrees. I just don't want to become the dance police. If that is something that does end up happening, they would they have to come back and amend it? Would they be just better off getting the dance permit and be done with it? Chairman Jasper would say that if they want to do that - because of the permit in what we're talking about here, we don't have a new permit. I think that's why it's better if they want to do that they can come in and interpret this. At this point, this permit really is not functional in my opinion. It can't be applied to.

Motion by Selectman Coutu that we deny the permit on the basis that a permit is not necessary on the basis of State or Town regulations and we refund the application fee originally submitted.

Chairman Jasper asked Selectman Coutu if he would agree to include in that the indication that any occupancy over 100 does require a permit and that our current zoning based on parking would indicate an occupancy of 70. Selectman Coutu said good. We'll specify the numbers.

Motion by Selectman Coutu, seconded by Selectman Luszey, that we deny the permit on the basis that a permit is not necessary on the basis of State or Town regulations and refund the application fee originally submitted. Any occupancy over 100 requires a permit and that our current zoning based on parking would indicate an occupancy of 70, carried 5-0.

Mr. Pearson said the second part of this was the form. As you know, the Board adopted the previous form. What I did include in your package was a copy of the form that now includes a section for the Town Planner at the bottom. It delineates the Fire Chief, the Police Chief, the Building Official, and the Town Planner what they're looking for on that application if the Board chooses to adopt that. That was what Selectman Maddox wanted was to add in the Town Planner to be part of the process. As I mentioned before in reference to the earlier comments about making sure that it is done right, I can facilitate the meetings. I've already facilitated two meetings. If we have applications that come in the future, we can meet as a group. We can discuss all the issues. We can research all of the plans. We can make sure that there is a site plan. We can direct the people to the proper venue such as the under 21 club. We found that it was not permitted in that district by zoning. They need to first go to the ZBA. They may in fact have to go to the Planning Board before they can actually apply for a Dance Hall Permit and come before this body to get approval for that dance hall. Clearly that 500 number is something that they would need to get that permit for. We are meeting as a group right now. If that's the direction that the Board wants me to continue, I can continue that. This is just a simple form adding in those areas that weren't addressed under the previous form having to do with landscaping, storm water drainage, and all the Planning Board activities (inaudible) somewhere where you would modify a site out there or come in and overuse a site relative to parking, fire lanes, and so forth.

Selectman Maddox thought the form was still lacking inasmuch that I think there needs to be the applicant giving us more information - how many patrons so that the Police Chief has some idea of whether this is going to be 40 people or 400. Are they going to provide food, hours of operation? Something that, again, give the Town the ability to make an informed decision. Without that, I think we're going to keep falling in this hole of guessing what the applicant was intending.

Selectman Coutu recommended that we defer this matter and ask Selectman Maddox who is the land use expert on our committee and also I believe the liaison to the department to meet with them and come back with an appropriate form and something that they can all agree to and we can agree to.

Chairman Jasper thought that would be appropriate and I think the Board would no doubt like you to continue pursuing the course of action that you outlined unless there's objection. Thank you.

8. NEW BUSINESS

- A. Public Hearing - Second reading of Ordinance 11-02 - amendment to Chapter 232, Article I "Hawkers, Peddlers and Vendors", Section 232-4 and Article II, "Solicitors"

Chairman Jasper to recognize Police Chief Jason Lavoie.

Chief Lavoie said this was his second or third time now coming before the Board to discuss this. I'll try to wrap it up in a nutshell. In essence, this ordinance is allowing me to do background checks on people that are going to be soliciting or going door to door selling items. They come from literally all over the country to do this. This would allow me to try and reduce the risk of anything bad happening to one of our residents.

Chairman Jasper opened the second public hearing at 7:41 p.m. Is there anyone in the audience who would like to speak to ordinance?

Leo Bernard - 3 Bungalow Avenue. I have a question on this ordinance. This means if we asked the person do they have permission from the Town that they're going to show us something. I don't understand it and that's why I'm asking about this.

Chairman Jasper said they would be issued a permit from the Police Department and if they were asked, they would have to produce that permit. Am I correct on that Chief? Chief Lavoie said that our ordinance already allows that to happen now. All this does is it allows me to tell - say Mr. Bernard wanted to come in and sell his wares and go door to door. When he comes to apply for the permit, I can direct him to the State of New Hampshire and have a criminal history check done on himself and then presented to me so I can issue it. Yes, I'm giving someone who I feel is safe enough and is reasonable to go door to door. Selectman Maddox asked if they get a card or something. Chief Lavoie said they get a card from me. It a card that says I verify that they have come in, all the steps have been taken to ensure that they're good to go and I am aware of them. If they don't have a card, they're not authorized to be going door to door.

Chairman Jasper closed the second and last public hearing at 7:43 p.m.

Motion by Selectman Coutu, seconded by Selectman Maddox, to adopt Ordinance 11-03 which would amend Chapter 232, Article I, "Hawkers, Peddlers and Vendors", Section 232-3 and Article II, "Solicitors", Section 232-13 "Application for License" for the purpose of an addition including a State and Federal check to be provided by the applicant as recommended by the Police Chief.

Selectman Coutu wanted to make one statement. I can attest to why this ordinance is necessary. Approximately 3 years ago and shortly the summer of the year that I was appointed by the Board to serve on the Board of Selectmen, we had someone walking in our neighborhood. We had been in the planning stages of organizing a neighborhood watch. One of the neighbors had called me and said that they thought that this young man at 7:30 at night was not familiar to the neighborhood and suspicious. I noticed him walking between yards and I called the Police Department. The police officer responded, asked me if I knew where the kid was, I said he was on one of the five streets. They found him, they questioned him, and there was an outstanding warrant for his arrest for assault. I believe it was in Kentucky. This is not unusual in this State nor is it nationwide. There have been many people who go around supposedly selling magazines for their college education. These are all scams. We've seen them on 60 Minutes and other shows where these kids are hauled in, put in motels, they sleep 15, 16 to a room and its forced labor on these kids. Most of these people do not have solicitation permits and do not want to deal with police departments. I think it is necessary in order to protect our community and I wholeheartedly support the ordinance. Thank you.

Vote: Motion carried 5-0.

- B. Job Description Update - Police Department Custodian

Chairman Jasper recognized Police Chief Lavoie.

Chief Lavoie said he could be brief with this. In the course with CALEA and doing our reassessments much as we do, this is just one of those areas that we wanted to identify and articulate more what the duties of our custodian. So basically we just created a job description for the things that he does. We have it there to refer back to and it's been extremely helpful to us having the maintenance person that we do have. Where the Board is the hiring and firing authority, we wanted to just present this to the Board.

Motion by Selectman Maddox, seconded by Selectman Coutu, to approve the Police Department Custodian job description dated May 5, 2011 as recommended by the Chief of Police.

Selectman Maddox said there was nothing in here about vehicles. Doesn't he also handle some vehicle issues - cleaning, etc? Chief Lavoie said no maintenance vehicles, no brake jobs or anything like that mechanical. Selectman Maddox thought he was also...Chief Lavoie said the officers really take care of the cleaning of the vehicles. We do have a part-time person, a student, who does all of that. Again under the caveat of our any other stuff done I need.

Vote: Motion carried 5-0.

C. Replacement of sprinkler mains at Hudson Police Department

Chairman Jasper recognized Police Chief Lavoie. We had deferred the issue of the replacement of the sprinkler mains at the Police Department.

Chief Lavoie indicated that getting the sprinkler system stuff has been difficult to say the least. Unfortunately, I don't have any control or authority over the companies in which we work with in order of how we'd like to have things speced out. We sent out a sheet out indicating what we want the proposal to look like and we get back whatever it is that we get back. Fortunately we did have the help of Selectman Maddox throughout this process. He did make a nice catch on one of the footage of the piping was different. That last sheet I just sent you from that company had to make an adjustment to their original bid, which was an increase. However, that company is the lowest bid. The bid is to change out all the flat pipe - all the mains. There's 3 and 4 inch pipe that needs to be changed out.

Selectman Coutu indicated that the lowest bid here is Hampshire Fire and we have a document from Tyco Simplex. Chief Lavoie said if you look they broke it down and put the \$13,800. The original one, I believe, is from the weeks before we sent...Mr. Malizia said its less pipe and its \$6,890.

Selectman Luszey asked if the total for Simplex then \$36,800 or \$23,000? Chief Lavoie said 23. We do not need to change the uprights. Selectman Maddox was up in our attic with us. I don't know what you call these lines but they're basically angled upwards. Those don't need to be changed because water does not sit in those lines.

Selectman Maddox said they're angled up into the attic spaces. So they all drain down into these mains. So the mains because they're black pipe, condensation sits inside of this and is rusting out. So that's why they want to change them to galvanized. Unfortunately, the first time they came up with a number of only ones they thought were going to need to be replaced. Not all of them which we were looking for to have this done once and be done with it rather than try to decide which ones are the new ones and whatever. They'll all be galvanized and they'll be completely obvious.

Selectman Coutu said he was still confused. Chairman Jasper said he was too. We have in front of us now a bid from SimplexGrinnell to do the work we want for \$13,800. Is that correct? Chief Lavoie said that was correct. Chairman Jasper said they are now the low bid where the last time they were replacing everything for \$23,000 and Hampshire Fire would have been the low bid at that time at \$17,100. Our low bid when we're looking apples to apples is SimplexGrinnell at \$13,800. Chief Lavoie said yes and the other three companies the prices they've given are just for the mains. I'm saying that they're laying flat. They're all at a slight pitch but due to settling, some of them have the pitch has changed with the settling of the building. That's the price from that other company is the low bid is \$13,800.

Selectman Luszey was still a little bit confused. On the second page of the packet that we were handed out, I believe is the request. It specs out what you're asking the scope of the work to be - to replace a 3 and 4 inch mains, replace the mains throughout the attic with the schedule 10, and it also talks about replacing of the branch lines. That's the exclusions. When I go through all these bids, Simplex is the only one that addresses those specifically. I still don't understand what the other folks are doing.

Chief Lavoie said the other companies were given all the same instructions. They said that's my bid to change out those mains that you want changed out in its simplest form. That's what they said. One of the companies said they didn't have time to come back and measure out every foot of pipe that you have. We're too busy. That's my price to do the job of changing out the mains.

Selectman Luszey said Hampshire Fire is quoting out 620 feet of pipe. If you read their spec, they're replacing 9 schedule 40 in the heads.

Selectman Maddox said sitting in the attic are all of the mains. They're basically sitting horizontal. Off of them, they've cut out taps to go up to the risers. Those are all schedule 40 not schedule 10 which all of the mains are. Again, the water drips back down into those mains. So there's really no reason to replace pipe that a) is much thicker and b) not rusting because the water is not sitting inside of it. So why would we want to spend the money to replace all of the piping when really what you're looking to do is get rid of the problem areas that they've had which is the leaking in the mains because the condensation has built up. There's no pitch any more so it just sits and rusts and now they have the potential for a water leak when the valve opens because the air has come out. The first number I guess was quoted to replace only the mains. The total system replacement, which we wouldn't want to do - well we could but why would you spend the money, is to replace everything.

Chairman Jasper said to Selectman Maddox, "You are comfortable with the SimplexGrinnell bid with replacing the 420 feet?" Under full disclosure Mr. Chairman, Selectman Maddox said he used to work there but he doesn't any more. I know Mr. DePietro and again he outlined what we're getting. I think that's important. This is what you're getting. You're getting those Triseal dry couplings. When you don't change out those couplings, that's where you're going to have a problem. So this tells you what you're going to get for how much money. Unfortunately when he first did it he thought we only wanted to replace that pipes that were now leaking, or rusting, or problematic. I think what we all want is to replace all of that flat pipe, all of the mains so that it's all done. It's all galvanized and no more problems. They will also when they do this they're going to make sure that the pitch is correct so that it doesn't pool inside. I guess the building over its years there's a certain amount of settling that happens in the attic space, the hangers. That needs to be addressed. Again, it's only in the mains.

Chairman Jasper asked if the Board was all set. Even my suggested motion was confused. We'll try this.

Motion by Selectman Luszey, seconded by Selectman Coutu, to accept the Police Department's recommendation to contract with SimplexGrinnell in the amount of \$13,800.00 to replace the sprinkler mains in the attic from black steel to galvanized piping, carried 5-0.

D. Zach Attack 5K Fun Run

Chairman Jasper recognized Mike Carbonneau.

Mike Carbonneau, 21 Lenny Lane. I'm a close friend of the Tompkins family. I helped with the event last year. So this will be called the Second Annual Zach Attack 5K. It will be a family fun run. We'd like to have it over at Alvirne High School. The date of the event would be August 26th on a Friday evening at 6:30 p.m. I believe the Board has the packets of the course. It's the same course that we did last year and also the same course that I think the month before the Hergenhan family will be doing their event. I've enclosed the \$2 million insurance. We're going to get insurance once this is approved. We have the assumption of risk form that is required. We'll have anywhere from 25 to 50 volunteers to help with the event. I know last year I believe that the police detail was waived. I don't know if that is something that can be done this year. All proceeds from this event are going towards the Town of Hudson to build a stadium which the kids of this town will be able to benefit. It's not like something that's going to be not used here in town. I would ask if you could possibly do that again this year. I spoke with the secretary today and I believe the Recreation Director Mr. Yates is on board with this. I spoke with a Lieutenant at the Police Department. I have not spoken with Chief Lavoie but the Lieutenant informed me that he was on board with this. There is a letter that we send to the neighbors to inform them when the event will be happening so that they know what to expect. If you have any questions.

Selectman Maddox indicated that Mr. Carbonneau indicated 6:30 and your form says 6 p.m. Mr. Carbonneau said probably the start of the race would be 6:30 but we have to have people come a little bit earlier to pre-register. That was going to be Selectman Maddox's question. He did have a citizen call him today and say the traffic back up and all of that. I did talk to the Chief briefly this afternoon and he felt that possibly starting it at 6:30 would give a lot of that traffic on 102 time to dissipate as opposed to 6 p.m. If that would be something that we could look into and anything else that we could utilize to be able to - I guess the problem was when the race was ending, and Selectman Coutu you were in that - crossing over 102 is the issue. I guess coming across.

Selectman Coutu asked when we finished going across to the library for the final. It was not a problem. It was well protected. I believe we had some police out there. It was well coordinated. Well organized. I saw no hitches. I was surprised when I saw this Memo there was something about somebody painting lines and we're going to see if we can put chalk down instead. That was up through that housing development that we went through. I did see the painted lines but I thought it was approved. As long as it's agreeable to the property owners that we can use chalk instead so

we don't paint the roads. It was well organized. Mr. Carbonneau said instead of chalk, we're going to actually use a volunteer type system because we want to have zero impact on anybody's property. If it requires putting caution tape and literally having volunteers that just lead the people in the same paths so that there's no possible way that anything - we understand that these people are letting us use their property to go through and even the streets and we appreciate it. So we'll do anything we need to do to make sure.

Chairman Jasper said that the Chief did talk in his Memo about reaching out to them to have them unlock the gate. Is that something you did last year and you'd be doing again this year. Mr. Carbonneau said yes. Chairman Jasper was curious about the detail. You really only need officers as they cross 102. Selectman Coutu said they don't need them along the way. Chief could you tell us what the police effort was last year relative to this. Chief Lavoie said last year what we did was we had officers on mountain bikes up with the race up front in back. Some of them were directing traffic. The only problem that we had was the crossing of 102 at the end line. Sometimes traffic would back up a little bit and that was because we were stopping them until all the runners came through safely. As soon as we get a break in the runners, you let traffic go. I don't know if we can resolve that by maybe pushing back the start time a half hour, I'm not sure how that figures with the darkness. They did an outstanding job conducting the race. The only other thing I would add in is we did get a call afterwards, and it wasn't because of the Tompkins race, there was a race prior to that and someone had spray painted an arrow at one of the communities on the roadway in their area and of course, they couldn't get it up. My only recommendation would be sidewalk chalk or something.

Chairman Jasper said the question was there was a request for a waiver of detail. How do you feel about that? Chief Lavoie was fine with that. After having the experience, Chairman Jasper wanted to see. Chief Lavoie said it was well run. Cleanup was unbelievable down there. They did a great job. Chairman Jasper said that Mr. Carbonneau had indicated that you probably weren't really going to start until 6:30 anyhow. Are we actually looking then for a start time at 7 p.m. or 6 p.m. Mr. Carbonneau was not positive of the exact start time, but I want to say that it was between 6:30 and 7. I can try and find out exactly. You'd like to push it off as late as we could and that's what we'll shoot for. Selectman Maddox said and still be safe for the people at the end of the race. Selectman Nadeau thought 6:30 would be good because last year we had people coming in as it was starting to get dark. I was at the start line and at the finish line last year. It was a very well attended race and it was very well staffed as far as volunteers. The police officers watched down 102 when they took off and once they got into the back, Old Derry and out back there, and then they were there to cross them. I think if you go any later than 6:30, you're going to have the families that are walking that take the longest coming back. I think 6:30 would be an efficient start time. The other thing we could do is try to use a detour route to go down Derry Lane and around if they wanted to. Chairman Jasper thought that was a long way around. Selectman Nadeau said through Litchfield? Chairman Jasper said yes depending. If you're going to Old Derry Road, that's a heck of a long way but if you put a detour sign out, people would think that was a detour and end up way out of their way. I think they would probably be better to wait 4 or 5 minutes. Now you're getting into a whole other town too.

To that end Mr. Chairman much like we do with the boot drives, Selectman Maddox thought maybe a sign down on 102 saying road race in progress, expect delays. Maybe that is enough. If these people know why it's stopped it's not like is there an accident up ahead and what's going on. They're expecting a delay or something of that nature.

Chairman Jasper asked if they could agree on a 6:30 start time.

Motion by Selectman Coutu, seconded by Selectman Maddox, to approve Mike Carbonneau's request to hold a Zach Attack 5K Fun Run to be held on Friday, August 26, 2011, at 6:30 p.m. Said details of race are outlined in Mr. Carbonneau's Memo dated May 5, 2011 and to waive the police detail fees, carried 5-0.

E. MDA Boot Drives

Chairman Jasper recognized Greg Rich.

Greg Rich, 20B Holly Lane. Good evening Mr. Chairman and members of the Board, it's about that time of the year again for the Professional Firefighters of Hudson to run our annual boot drives. As always in the past, several years we have 3 drives planned for this year. One on June 4th, one on July 9th, and one on the 20th of August. We'll have our signs up at the bridge coming into town and up on 102 as usual. Members will be wearing the vests. No one runs in the traffic when there's green lights. It's all done during the red light. I believe last year roughly about \$13,058 is what we raised. We were not the first place finisher this year so we will be trying to reclaim out title. I know we were outdone by Windham this year. That is basically it for the boot drives. Are there any questions, comments, concerns?

Motion by Selectman Coutu, seconded by Selectman Nadeau, to approve the Professional Firefighters of Hudson's request to conduct MDA Boot Drives on June 4, 2011, July 9, 2011, and August 20, 2011 with the stipulations previously placed on the event by the Board.

Selectman Maddox said it took a while to get there and I think that's what we're seeing with the Zach Run and all of those. It takes a few cycles to know that there's some issues that need to be addressed. In the last couple of years, no complaints to this Selectman as far as surprise, whatever they know what's happening. That sign that you have up telling people what you are doing makes it so much nicer. Again, the requirements that you put on your people - no kids running out and all that stuff, but they're all wearing the vests at least has worked out tremendously. Again, it takes us a while, but we get there. Thanks for your help and 99 times out of a hundred you have great weather. I'm looking forward to these dates.

Mr. Rich said they usually start at about 8 a.m. and we're done somewhere between 2 and 3 in the afternoon.

Vote: Motion carried 5-0.

F. Oak Ridge Condominium - Map 184, Lot 032 Facilities Review

Chairman Jasper recognized Town Engineer Gary Webster.

Mr. Webster said as part of the sewer process and application and allocation and so forth, we make the applicant come in for the facility plan that we review. Mr. Burns, the Road Agent, Jess Forrence, and myself reviewed the plans. At this time, there was a pump station there. We did not include that in the facility plan at this time. We have reviewed it. We've located it and the Sewer Utility has but I had this application in prior. That's 4 years down the road so we're not going to worry about it now. What they're looking for is the 72 units plus the clubhouse approved by the Selectmen as the facility plan. We went through the betterment and the allocation. Like I said, we reviewed all the plans. That's all on gravity systems so there's no pump station involved at this time. There was a concern with our sewer regulation which we've worked that out and we're going to come at the next Sewer Utility meeting. We did review it at the last meeting and they looked at the whole thing. There seemed to be no problem with the Board at that time. It goes through the process of approving it so they can move on. We have DES approval and eventually what happens down the road when they do come in and need building permits, the Sewer Committee will approve the lines, and then it will come forth to the Chairman to sign. These are private lines out there just to let you know. We still have an easement and we have to inspect them just like a regular sewer and a regular road. It's a process we're doing now. It's good record keeping. I found out with water we've had a few problems down the road. We're doing the same situation with water now that we're going through the line extension. Sewer is the same thing. They used to review it before and it never came through the channel. You are the Sewer Commissioners, so we're making sure this goes through the channel. Everybody knows what's going on. If there's any questions.

To be clear, because there is some confusion on my notes here with the pump station, Chairman Jasper said what you're looking for is to approve Units 1 through 7, 26 through 86 and 97 through 100. Mr. Webster said that was changed. What happened was I had an old plan and I just received a new plan. I thought I changed it for the meeting. It should be Units 1 through 9, 28 through 86, and 97 through 100.

Selectman Maddox said it was the Planning Board's fault. When we moved the club house away from the neighbors on Hinsdale. That skewed all the numbers.

Selectman Luszey asked if the allocation has already been allocated. Chairman Jasper said yes. Mr. Webster said that was the first thing they do is the sewer allocation. Mr. Webster said that's the first thing we do is the sewer allocation and then through the process.

Motion by Selectman Luszey, seconded by Selectman Coutu, to accept the Facilities Plan Approval (units 1 through 9, 28 through 86, and 97 through 100, including the club house) for the Oak Ridge Condominium project located at 109 Belknap Road, carried 5-0.

Just to make mention about the sewer allocation, Mr. Webster said we had less allocation that was allocated for the land. We got that balance back to our kitty as they say. They didn't use the whole allocation so it came back into our inventory. That was a plus thing on it.

G. Oak Ridge Water-Line Extension - Map 184, Lot 032

Chairman Jasper recognized Town Engineer Gary Webster.

Mr. Webster said this has been a negotiating factor. The original plans had an individual water pump station on Oak Ridge. We discussed it with Weston & Sampson. We didn't like another pump station because there's another expense on the Town's part to take this over as a pump station. I did the research on Woodland Heights. That pump station was designed to take care of that whole area way back in 2003. All you had to do was change the pumps and so forth. That was the idea was to use the Woodland Heights pump station to take care of that whole area. We sat down a couple of weeks ago and we came up with a solution. I know those plans I gave you are very small, but what it is we own the pump station on Woodland Heights. We own it and maintain it. It's the high pressure line. The blue line is existing water lines. That's the low pressure line. This red line that we're going to add is the high pressure line. It's going to come up Belknap Road. We're going to tie in Hillindale. Hillindale has a little pony pump, a small pump station in there. We're going to eliminate that pump station, which we just spent some money on that a little while ago. We eliminate that pump station. It really adds to this whole neighborhood now and now they'll have pressure. We take the station that we have to maintain, we take that right off line, and of course there's only one hydrant out there. Probably down the road at the end of Hillindale we'll probably have to put another one in. Now they have fire protection. Much better than what they had before. It was just a pony pump. It's a better thing all the way around. It would come up Belknap Road right next to the almost existing line. Then it comes in to Oak Ridge. They had a pump station and we eliminated that. We're going to eliminate one proposed station and one existing station.

[Gary Webster] They're probably going to do the whole road now. Continental is going to be doing the work. They'll be doing the whole road all over again. That's all the expense on the developer upgrading the Woodland Station, which we need done on his nickel and not ours. A new skater system that we don't have. We had problems in there last week. I sent you a copy of the minutes that we had at the meeting and their proposal. They're going to keep an eye on it and what the Town should have for pumps in there. To me it's a win/win situation by getting rid of some pump stations and some expenses. We're not paying anything for it. It's all on the developer. Chairman Jasper said except that we'll be on the hook for \$238,800. Reimbursement by the Town. Mr. Webster said for each one that hooks up, \$2,380 if someone hooks up. Everybody is on water out there already.

Mr. Malizia said if somebody happened to hook up to that water line, somebody new, there's a reimbursement charge for the first 5 years of \$2,380. Chairman Jasper said the way it reads to me it looks like for every person in the development that hooks up, which would be 100 units...Mr. Webster said they still have to pay the access fee. Each one of those units in Oak Ridge pays. What happens is this is a standard agreement that we've done way back. You have to look at the supply. We were paying some people back \$1,200 a few years ago but now its \$2,380. Chairman Jasper didn't like the language. Mr. Webster said he could take it right out. When I talked to Manny, he said not to even put it in there because everybody was on water except for someone that has an agreement on the back that might want to use this. The way Chairman Jasper read this, "The Town shall reimburse K & M the amount of \$2,388 for each property owner which ties into the municipal water system from and through the premises." The premises being Oak Ridge. Selectman Maddox said it should say exclusive of Oak Ridge.

When Chairman Jasper reads this, I assume these properties are individually owned in a condominium association, so I'm looking there's 100 property owners in there, that's \$238,800. Mr. Webster said it was actually \$4,404 that we're going to be charging them for that. Chairman Jasper understood that but it looked like we were going to be giving them half their money back. Mr. Webster said we set this agreement up on a couple of others. It was people on one road that they tied into it they had to pay that fee within 5 years if they hooked up. Belknap Road everybody is on town water already. I'd gladly just take it out because I don't know who's going to tie into it except the person that's going to come off of Manny's project and they still have to deal with us anyway.

Chairman Jasper thought they'll do it with taking it out in the motion and if Mr. Sousa has any heartburn over that, we can revisit the issue but I'm not prepared to try to rewrite this at the time.

Mr. Webster said that Steve Buckley finally called us. He looked at it today. I was going back and forth sending stuff up to him. If you want to approve it subject to Steve Buckley's comments, I would do it that way if you wanted to. I'm just suggesting that. He wants to probably do the water line out there when school is done, which is only a month away. Chairman Jasper wanted to defer this and do it at the next meeting. Selectman Maddox said if that's the only issue. Mr. Chairman I agree. Let's make it right. If Mr. Sousa wants to have something in there that's off his premises. If someone was to develop coming off of his water line, then he should be able to get some money out of that. Mr. Webster said that was an easy change to make. Selectman Maddox said if it could even be misconstrued to say we owe them money, no sense in going with this document.

Motion by Selectman Maddox, seconded by Selectman Coutu, to defer review of the Agreement until the next Board of Selectmen's meeting.

Selectman Maddox said we are deferring this but this was a great effort by the Town Engineer and Westin and Sampson. We don't want more pump stations. We want one good adequately sized and get that pony pump off of this. So this kind of takes care of a multiple of sins with one agreement. Again, kudos to Mr. Webster.

Vote: Motion carried 5-0.

H. GPS Unit - Trimble 89000-21 GEOXT 60000 System

Chairman Jasper recognized Town Engineer Gary Webster.

Mr. Webster said looking through the money he had left over and at our GPS unit. We've had it for 5, 6 years now. As soon as we bought the thing, it was outdated. Anytime we have a fix we have to bring it up there. They don't even make batteries for it any more. So we have 4 batteries in there and they only last 1 hour a piece. When the interns go out, they have to have them all charged and keep switching them back and forth. We spent about \$700 in repairs on it already. It is old. I was looking around for something that was comparable to it. At one time what happened we had to have a guy from Toronto, Canada to come here and teach us how to use it and had to pay for it. It wasn't cheap. The unit wasn't bad - I believe it was around \$6,000 at that time. I actually went to the distributor on this new type of unit. He's a lot more than what MTS, which is the Maine Technical Source. They're the ones that supply New Hampshire. They knocked \$1,500 off of it. One thing they had in there they had \$800 in training. We don't need training because my interns know how to do it. They're going to give us \$450 on a trade in on the existing unit that we do have. It still runs. The newer unit is much better in the woods because it has a flood light on it and it can pick up the coordinates and the satellites in the woods where the other one we don't. We have a hard time because it wasn't made for that. I figured this is the last chance we're going to be able to get anything for it for a while. I figured it would be a good idea if we could get it. The final price was \$10,320 from Maine Technical Source in Yarmouth, Maine. That's the one we bought the other unit from.

Chairman Jasper asked Mr. Webster to tell us about the account that you're taking this from. Mr. Webster said he's taking out of 5585-225 - outside engineering services.

Motion by Selectman Coutu, seconded by Selectman Luszey, to approve the purchase of a Trimble 89000-21/GEOXT-6000 System from Maine Technical Source in the amount not to exceed \$10,320.00, which includes a trade-in of \$450.00. Said funds to come from Account 5585-225 leaving a balance of \$7,520.47.

Selectman Maddox said this is a case of here's a piece of equipment that you're going to need all summer long. When it breaks, and I guess there's some very fine wires that are going to it, it takes days to get it fixed. You have to send it out to wherever. Again, this is a tool that we need to have in house.

Vote: Motion carried 5-0.

I. Fund Balance Policy

Chairman Jasper recognized Finance Director Kathy Carpentier.

Good evening gentlemen. Ms. Carpentier comes before you today to ask for your concurrence on a fund balance policy. The Governmental Accounting Standards Board (GASB) issued Statement No. 54. It's a fund balance reporting and governmental fund type definitions. It is used to address how fund balances are reported from town over town. We do not currently have a fund balance policy. It is my opinion that we should adopt this statement and adopt a fund balance policy. I have drafted a policy for your review and approval, and I have obtained an legal opinion showing that the provisions are compliant with Statutes, laws, and regulations.

Selectman Coutu said relative to adopting this policy, will this make our auditing process when they're looking at it a little more easier for them to accept. Ms. Carpentier said no. I believe it's more for the layman users to see what part. If you look at our fund balance right now, it just says \$5.7 million. It gives the users a look at what's restricted, what's non-restricted, what's committed, what's assigned. Those are all things we're doing but it's all in that one number that they currently see in the audit report. Selectman Coutu said it is a GASB compliant recommendation to help us go a little bit anyway. Ms. Carpentier said it is. If we do it right now, we will be in compliance by the end of this fiscal year and we'll be right on time. There is no more additional costs for doing this. It's just a different way of looking at the fund balance.

Mr. Malizia said if you had a bond rating (inaudible) it would allow them to compare our town to other towns that have adopted it. It does give you at least that benefit if possibly you needed a bond rating or something financial. It just gives them another way for citizens or the rating agencies to look at your town and evaluate it apples to apples.

Motion by Selectman Coutu, seconded by Selectman Luszey, to adopt GASB Statement No. 54 to record Fund Balance as of June 30, 2011 as recommended by the Finance Director and to adopt the Fund Balance Policy as reviewed by legal counsel and recommended by the Finance Director.

Selectman Maddox asked if this now means that we have always been shooting to be between 5 and 10 percent. We're actually going to now be over the 10 percent utilizing this even though the numbers with the dollar amount is still exactly the same. Ms. Carpentier said the dollar amount is exactly the same. What I did on page two of your document is try to compare apples to apples. The top page, and this would be looking back at last year June 30, 2010, that's how we currently would look at it. Down below would be the bottom part. So it would go from a 9.4 percent to a 10.6 percent. The Fund Policy at the back is just saying that your minimum would be 5 percent and your target would be 8 percent. If this Board or future Boards decided some other number, you could change the policy or you could still practice to be at a 10 percent if that's what this Board chose.

Again, Selectman Maddox said we are now above what even we were shooting between 5 and 10. I'm just making sure that we went from 9.4 to 10.6 by just moving some numbers around. I want to make sure we're understanding what that means Mr. Chairman. Chairman Jasper will keep that in mind. The way things are going, I think the fund balance is just going to continue to go down. It probably will be somewhat irrelevant.

Ms. Carpentier said if you look at the second to last page, we've always operated on the 5 to 10 scale, that's the Department of Revenue has always targeted to be between 5 and 10. The GFOA, which is the Government Finance Officers Association has recommended 8 to 17. There are probably no communities out there doing 8 to 17 percent.

Chairman Jasper didn't think that really changed. We said 7 ½ was our target before. I don't think that's significant.

Vote: Motion carried 5-0.

J. Application and Participation Agreement - LGC

Chairman Jasper recognized Town Administrator Steve Malizia.

Mr. Malizia said in front of you there's an Application and Participation Agreement from the Local Government Center, which is basically a risk management pool. As you're aware, we get our property liability insurance as well as a piece of our health insurance from LGC, Local Government Center. It's been probably 16 years or more that we've had an agreement and they've asked that we renew our agreement. It doesn't commit. It just means that we are still purchasing those insurance products. I had the opportunity to give this to our attorney for review. He sees no issues with it. He recommends it. Again, this is where we procure our property and liability insurance as well as a piece. Not all but a significant piece of our health insurance. In order to keep participating, LGC has asked that we sign this Agreement.

Motion by Selectman Coutu, seconded by Selectman Luszey, to approve the Local Government Center Application and Participation Agreement for the Town of Hudson's participation in the Health Trust and Property Liability Trust and to authorize the Chairman of the Board of Selectmen to sign the Application and Participation Agreement on behalf of the Town of Hudson.

Selectman Maddox asked if this was the group that is still in debate with the State in regards to how much money they're holding in that pool. Mr. Malizia believed this is the organization that's been having discussions, debate, or something regarding the amount of surplus they've retained for their insurance. Selectman Maddox asked if any of this new document changed anything from what is existing today. Not that Mr. Malizia was aware of when he had Attorney Buckley review it. It doesn't commit us. I'm not aware that it does.

Vote: Motion carried 5-0.

K. IT Action Report - Computer Virus

Chairman Jasper recognize IT Director Lisa Nute.

Thank you Mr. Chairman. As you may have heard, Ms. Nute said we had a little incident. I had passed out an after action report as was requested. I am here tonight to briefly give you an overall of what happened. If you would like to go into details on the actual virus, its habits, how it moved, timeline or anything like that, I would ask that we go into nonpublic for security reasons.

First I'd (Lisa Nute) like to start out by thanking my staff Vin and John for going above and beyond the average 57 to 59 hours on site for the first 3 weeks of this or the 3 weeks that it took us to clean all the systems. That is not included remote time and their time for researching and things like that. In addition to that, we had another 18 to 20 hours by our intern. We were at the very end of an intern cycle. So we had him assisting us as well. By week 4 even though it wasn't cleaning systems any more manually, we still had support calls which we averaged 50 to 60 percent higher than normal directly related to things like this and pushing people earlier than expected into Windows 7. Steve and Donna know all about that. So when you do that, we don't have the time that I anticipated to train people and test things. We end up with driver incompatibility and things like that. We are by no means out of the clear only because we are at least a month behind in our regular work and support calls are still up due to this. It's because of the diligence of my team as well that I can tell you that we are doing things properly. We had virus protection in place. Firewalls in place, and we did not have a recurrence and that was part of the reason that some people thought this took more time than necessary.

[Lisa Nute] I can explain a little why something like this takes so much time. Mr. Coutu had mentioned at the last meeting why couldn't we be back in 5 days like a neighboring agency was who happened to get the same virus that we did within a couple of hours of us. One, they have 35 people on their IT staff and we have 3. We did not get a recurrence, which I also can say is different than that agency. What this entailed was manually going around to PCs whether that was out at Nashua District Court, Burns Hill Fire, or any of our other departments let alone remote sites and physically cleaning these on site more than once. This was a Trojan worm and when it migrated, it also did a very good job of hiding itself coming back. It was a matter of you clean with several different tools, reboot, find it again, reclean several with several different tools. You also need to keep in mind that we were ahead of the patch by our antivirus. They didn't even know about this one yet. That's difficult as well. Rather than wait around for that patch like the neighboring agency, we delved right in. We had public safety to be concerned about and two dispatch centers to clean, which got our priority. We did have some pretty good tools under our belt that we were familiar with anyway for things like this that have happened in the past. Never to this extent. They've always been a single system that's been taken down and had to be cleaned. We had some effective tools but, again, this was fairly new. As the days went on and our antivirus vendors caught up, it became a little bit easier. We saw that with less passes and things like that. A more thorough job initially than what we were dealing with in the first 24 to 48 hours.

Ms. Nute said you say to yourself how could this happen when we did have what I considered everything necessary in place. We do our due diligence. We have a great team. This particular virus we need to be concerned with things like our banking and things like that. So for peace of mind, I did have a security expert come in. Yes that cost me a little money in the budget above and beyond what I had anticipated but was worth doing, verified that we do have a good firewall in place. We do have the things we need to have in place and verified that we were doing things properly in our cleanup as well. Banking was not going to be an issue. We have a very secure system and they confirmed that it was safe again to go ahead and do our banking. At that point, there was 2 ½ to 3 that we watched the servers and allowed our people to continue their banking. I did feel very good about that and that was worth doing the self assessment. That is all I have for now unless again you want to go into nonpublic and go into more detail.

Chairman Jasper asked if anyone wanted the IT Director to stick around for nonpublic to discuss any of the issues. Selectman Coutu said yes. I just want to let her know that yes I did raise some concerns. Selectman Luszey set me straight and I made some inquiries. I respect his knowledge as well as yours. I'm certainly appreciative of all of the work that your staff did. Obviously it was not easy to contain. It wasn't easy to find because it did keep moving around and hiding. I wanted to say that I understood what you were saying Ted with regard to the hospital system. It's so much more uniform than ours is and it was easy to contain it. We operate obviously in a much more complex system and I understand too that you were pulling laptops in off of cruisers and trying to clean those out as well. The only question I have is as a result of the extra person that you brought in to review our system and those safeguards that you put in place were any modifications recommended or made to our firewall at all or were what they found was very stable. Ms. Nute said they found that our firewall is an excellent one and it's unfortunate that that vendor got out of the business. It was one of the one things they did very well. I know that down the road I'll need to find another type, but this is a very good firewall that we're currently using.

Chairman Jasper said you didn't cover it. You said you would recommend a source of contingency funding to bring additional staff on board if anything like that happens again. The Board of Selectmen has a contingency fund and that would be the source. We don't need to put an additional one in for something that may only happen hopefully once every 10 years or more. Ms. Nute said 26 that she's been on it. Chairman Jasper thought we would all agree that if something like this happens again, we need to rally quickly and make a determination whether you need more resources in and certainly understand there were a lot of issues. You were going on vacation shortly, didn't know the extent on how long it was going to take, and I think next time - if there ever is a next time and hopefully none of us will be here if there is - that you immediately contact Steve and we authorize whatever it takes to get additional help in to get the systems back up and running as quickly as possible.

Ms. Nute would like to say one thing as well in that every budget season you've heard me come in and say we really need more support staff. By that I mean the help desk. The lower end tech to go help with things like that. It's very time consuming when you ramp down on a project and then have to ramp back up because somebody can't print for some reason and you go to find it's something silly maybe not but its time. There's a lot of calls that come in daily. We could definitely use somebody. This is a perfect example why it's good to have a resource like that even if it's a part-time person because they've already been through a background check, they're already familiar with our system. You bring somebody on short notice, that almost wasn't feasible here because now I've got to take the time away from getting public safety up, do a background check on someone, interview them, and that is a problem. Chairman Jasper said certainly that's part of what you should be looking at if there are people that work for some company that we could do advance background checks on to know that there are people that are secure. I think I'm confident saying we certainly won't be hiring anybody full time probably in any position in the Town in the coming year. If you can convince the Board that there's a need for that, it would probably be in the part time range. I suggest you work with Ted on developing a rational and talking about that for the budget.

Selectman Luszey asked to make a comment. I think Lisa and her team did an outstanding job in containing this and getting the Town back on line. In addition to what she presented here right now, we've actually been looking at the disaster recovery business continuity plans. You'll be seeing some very distinct recommendations. One of them is we understand that there is a contingency budget if you will or a bucket of money for the Board of Selectmen but what really needs to be in place is a way that that can be accessed without a very lengthy process. It would have been nice to know like on the 4th or 5th of hour of this event given it was probably midnight when that occurred that the IT Department would be able to kick in this particular fund to go out and have a person pre-authorized that's been screen and all that. Whether it's an agency with some names or what not. We're looking at a number of improvements to that plan.

Chairman Jasper thanked Lisa Nute and said we'll see you in nonpublic.

L. Recommendation - 2 Copy Machines for Fire Department

Chairman Jasper recognized Finance Director Kathy Carpentier.

Ms. Carpentier said back in January I received a request from the Fire Department to sign a lease agreement for their two machines. At that point, I asked all the department heads if we could create a user group, got everybody on board - Torrey Demanche, Kathy Wilson, Dorothy Carey, Betty Holt, Susan Kaempf, Priscilla Zakos, Julie Kennedy, Lisa Nute, and myself were a user group. We looked at the needs for the copiers town wide. Unfortunately right now all of our copy leases are all on different terms. We looked at trying to buy them out, came to the conclusion that that's not feasible at this point. We did go out to bid for all 9 machines. We have A type, B type, and C type machines. Torrey Demanche who did the lion's share of all the work on analyzing all the information coming to the conclusion that we're unable to buy out the terms at this point. When they expire we will hopefully go back to the same vendor. The vendor I'm coming to you tonight is to go back to the original request to replace the two copiers. They're currently paying \$315 a month for their two fire copy machines. Through this process, we've been able to get it down to \$191, which is \$2,292 for the year for two machines. We spent a lot of time and effort on this. We've done a very good job at dual diligence. Unfortunately, we've come back to the beginning of our process. Mr. Malizia said but you've saved money. Ms. Carpentier said we did save money.

Selectman Luszey said they probably need the machines and I'll give them that. What I'm uncomfortable with is a 4 year deal. This is one of the items or areas where I think if we can get the Joint Planning with the School Board off the ground, this is an excellent opportunity where we could combine forces and get a master contract if you will for the Town for all copiers both in the Town and in the school. The other question I had is I didn't see in here or it doesn't say whether these are pure copy machines or if they're multi-function printers where they copy, fax, and printers where we could then begin to reduce the numbers of printers in the Town and things like that.

Ms. Carpentier said two parts. We did reach out as part of the due diligence to the school. They have a lot of machines and a lot of them are hosted by this same company that we're going to. I think we've tapped into the economy of scale there. The reason we picked 48 months was so that our other contracts as they come due we could catch up with them and try to get all on the same terms. That is why we went out with 4 years on this one. It's \$191 for two machines, which is a good deal. I don't know how to answer your second question. I think that even though we're not on a town-wide contract by picking the same vendor, I think that in the future...Selectman Luszey was okay with part one. Part two what I don't know is if you get these two copiers and if there were multi-function printer, copier, or fax can we eliminate printers in the areas and thereby reducing operating costs even more. Ms. Carpentier said she might need to look back. I do not believe that any department was looking for faxing capabilities but they definitely were looking for scanning capabilities and printing. Selectman Luszey asked if they were MFPs.

Ms. Nute said one of the reasons too I asked again I think for that reason - not necessarily get rid of printers but definitely as a backup. Highway is a perfect example. When one printer goes down there, there's no reason they can't be sending to a copy machine as a secondary kind of thing. They'd have to walk across their building but it's still definitely something to look at and I guess possibly as far as bringing in additional printers for sure and we would look at consolidating. Not every machine though is (inaudible) the bigger machine. A lot of these are just like dispatch and police - just a small thing that they could have for the 24 hour thing. You pay more the bigger the machine the more capability.

Motion by Selectman Coutu, seconded by Selectman Nadeau, to approve the 48 month lease to Oce North America in the amount of \$2,292.00 per year for two (2) replacement copy machines as recommended by the Fire Chief and the Finance Director, carried 5-0.

Without objection before we get into remarks, Chairman Jasper declared a 5 minute break at 8:50 p.m. The Board was back in session at 9:01 p.m.

9. OTHER BUSINESS/REMARKS BY THE SELECTMEN

Selectman Luszey - Thank you Mr. Chairman. I really don't have anything from the Conservation Commission other than they still need to work with the Finance Director to get their accounts broken out by line item so that they understand where their funds are being held, broken out, and all that. I think we will get there one of these days.

The seniors committee again asked me questions around the state of the deed and where we are with that. They wanted to know whether or not who in Concord is actually working it. Is it the Attorney General's Office or DOT and is there any specific person on this Board that's actually working to try to expedite that. Chairman Jasper said Selectman Coutu would speak to that and then I'll back clean up on that. That's all I had with the Senior Council.

Selectman Luszey said they asked about the playground. Unfortunately Mr. Coutu I didn't get your text during the budget meeting because I had my phone turned off. They asked around where the playground was being paid for. It's coming out of the impact fees. The other question was are there any permits required for the 9/11 structure. That's it for that.

Chairman Jasper spoke to the first one about the funds. Those are recreation contributions also known as impact fees. Particularly for the person who wrote the Thumbs Down in the Hudson News about that. That is a handicapped playground. Yes we have many playgrounds around town but that is the only one we'll have that will be ADA compliant and that will be paid for not with taxpayer dollars but with donations for recreation. It is an appropriate place and appropriate use of those funds. Whoever wrote that is just very grumpy.

Selectman Luszey's last item is this past week I had 2 people stop me in my general walking around town to talk about the gate to the main parking lot - the one that goes down at Benson's and its width. It's very narrow. Both people said when there were two cars - one trying to come out and one trying to go in, there's really no enough room. I don't know if that's something we can look at in the future of making that gate wider to accommodate. Chairman Jasper said there are a couple schools of thought on that. One is before we spend any more resources on that, wait and see what happens with the senior center. If the senior center goes in there and we begin construction, chances are we'll just eliminate the gate altogether. There will probably be another similar gate that we could relocate but to take the time to do that now may not be a good use of funds. People will just have to pay attention to what they're doing for a while longer. I would envision that eventually that barrier will be removed entirely and that we'll either do something in the lower parking lot or not even worry about it. I think as things are coming along, people are being very respectful with not having the problems down there that we did when the park wasn't opened. I think security is becoming less of an issue at least in that area.

Selectman Nadeau - I have quite a few things for this evening. The first one I'll start with is the Chamber Business Expo that was held at Alvirne High School. Very well attended. Probably one of the best Chamber Business Expos that I've been to. A lot of people from out of town looking at what Hudson had to offer, asking questions of the police officer and the fire officers that were there. I was very disappointed to see that the Community Development Office did not have a table at the Chamber Expo. In the past, we've had one with information on it about different things such as permits and what you need to do for different things. The explanation I was given is we had interns last year that did it. That didn't cut it for me. We had staff there last year at this table. A lot of the people that were there from the businesses had questions for the Town and we did not have that office or that part of our Town represented there. We did have the Police and Fire Department there. We did have John Cashell who was there walking around. I don't know if it was just after he got out of work here or what it was, but I did run into him. That was one thing that was commented on by a few people that were there.

I know that the Town Administrator is working on but I've had questions about is the library property that we own on Ferry Street. I know that you had some people...Mr. Malizia said I had two property managers out. I'm waiting for their punch lists and their final proposals as to rent contracts, etc. I actually personally walked them through with the library custodian facility, Bob Gagnon. We went through the property. Both of them are preparing punch lists or you need to put a refrigerator in, you need to do this. I haven't received those yet. Once I get those and their recommended marketing and/or rental income

plans, I'll bring that to the Board for your consideration. Selectman Nadeau didn't want those to slip through. I haven't heard anything. Mr. Malizia has not received their responses back and they were there about a week ago. It should be any day.

The next thing Selectman Nadeau had was at the Benson's Committee meeting we talked about a few different things. As people see when they're walking through the park they'll notice the places getting a lot more plants. The stuff that's being done in the park are called "adopt a spots". People have adopted a certain section in the park whether it be an island or a little section. The Girl Scouts have adopted a section. George Boyer has adopted a section and many people in town have adopted sections. Just so the people know that these sections that are being developed and cleaned up and maintained are done by these volunteers. It's not being done by the Highway Department, which people had concerns over. The adopt the spots that you see are from people adopting them and buying all the plant material that are being brought into them.

The next thing is the Memorial Day Parade will be on Monday. For those Selectmen, we've all received invitations. I don't know if any of you plan on marching in the parade but if you could let Donna know. Chairman Jasper asked what time it was. Selectman Coutu said at 1 o'clock we meet at Hannafords. Mr. Chairman you'll be giving the address? Chairman Jasper indicated that nobody said anything to him. I haven't been asked.

Selectman Nadeau said on June 4th is the Chili Fest that will be at the Hills House put on by the Friends of Music. That's from 11 to 3. You'll see that rolling on the screen also as an announcement. I will be a Judge there along with quite a few others. Selectman Coutu said they haven't asked him since they threw him off the tent. I was cheating. I ate too much chili. Selectman Nadeau said this is the State Chili Fest Cook-off. They do have a very good attendance. There are a lot of local Hudson competitors too.

Selectman Coutu - Before I go on to more important things, I want to ask a question specifically from you Mr. Chairman. It has been brought to my attention that several people have made inquiries as to the location within Benson Park where the 9/11 Memorial is going to be built. I wanted to know what would be the procedure without having to go because we are the Board of Selectmen and we make those decisions. Would it be possible for us to authorize the 9/11 Memorial Committee to put up a temporary sign on the site to say this will be the future home of the 9/11 Memorial? Without objection, Chairman Jasper thought yes.

[Selectman Coutu] I'll deal with the most important issue of the day. No pun intended but I don't want to steal any of your thunder, though I created all the thunder today. I guess what you want me to do is give an overview of what transpired today and then you'll clean it up. Selectman Luszey I know that a lot of seniors are going to be watching this evening because the word was out that I was in a tear this morning. I first spoke with the Governor's legal counsel. I had spoken with him on a couple of occasions - Jeff Meyers. I also had an opportunity to speak with Lindsay the Governor's Aide and she was surprised that I hadn't called him directly. I said though I have his cell phone number, he doesn't want to hear me right now. I am absolutely livid. I had a conversation with the Department of Transportation Deputy Commission Jeff Brillhart. I had asked to speak to the Commissioner but he was rushing out the door. I was absolutely livid as a result of what I felt was inaction and stonewalling that was going on. If there is one thing I discovered today, and it came to a head tonight when Selectman Jasper and I met in the parking lot, I didn't realize that Selectman Jasper also a State Representative so that people will know firsthand based on all of the conversations that I've had today has been very active in trying to get DOT to move their butts and get something committed to allowing us to build and to make the necessary language change within the deed to allow us to build the senior center at Benson Park. I thank you for that Selectman/Representative Jasper. I didn't realize how involved you were.

However, I have concluded as a result of my conversation with the Department of Transportation Deputy Commissioner Brillhart that Selectman Jasper was being stonewalled and was not being lead in the right direction. I think that the Governor's legal counsel, Jeff Meyers, acted in good faith and with all of the best intentions in referring both Selectman Jasper and I to DOT. Mr. Brillhart and I had a very brief yet very curt conversation and he knew that I was livid when I finished with him. I reminded him, thank you Selectman Maddox, that the acronym for NHDOT - I said to him I hope you understand what that acronym is. He said of course I know what it is "New Hampshire Department of Transportation". I said no Sir, it "Never Having Done On Time". This again is what you have proven to me that one of the Selectmen who pointed this acronym out to me is so true and I slammed the phone on him. Shortly after that, my cell phone rang and it was the Commissioner. He was very apologetic and explained to me that we knew what the process was. The process that's being stalled is DOT needs to go out and appraise the land where the red barn is located in the historical district and do a fair appraisal of the land that we have selected near the parking area and ascertain whether or not there's a value in excess on one side or the other. I said if the historical land was worth more than the other land, are you going to give us some money back or vice versa. This is a wash. They have yet to go out and do the appraisals. I reminded him that if I were to go out and buy a house I could have my house appraised within two days. DOT has a staff of engineers and a staff of appraisers that are readily available to go out there. They have been deliberately from my perspective stalling this. The Commissioner has assured me, and I'm sure Selectman/Representative Jasper who also got a phone call from him, because he told me he would call Selectman Jasper, will clear some of that up. They're going to expedite trying to get these appraisals done and then I believe at that point Senator Carson and you would be involved because you would have to bring this before the Long-Range Planning Commission. From there once there's an approval, I guess you're going to have to get a vote on that, once that's approved, then it will go to the Governor's council and the Governor for their signatures and then we can move on. I explained to him, and I think Selectman Jasper from my conversation with him, also told him the same thing that in light of the fact that the citizens of this Town voted to appropriate or to spend monies in order to put together the plans for the senior

center and this money was available July 1, that we felt it was necessary to get this moving because the later we go into the year and nothing is done, we could forfeit all of those funds and have to go through the whole process again and delay this another one or two years. He assured me and told me that I had liberty to tell you and the citizens of this Town that he is putting this to the forefront. He's going to do everything he can to expedite this and he told me and I'm going to quote him, "July 1 may be a reach but it is not out of the question." I'll leave it at that if you want to pick it up from there.

Chairman Jasper thought Selectman Coutu's covered it for the most part. A little background is I have been in contact with the Governor's legal counsel on a very regular basis about this. Much was wrapped up in their budget presentations and their budget process. Once he got through that, I really began to talk to him on a more regular basis. In the last couple of weeks, we talked about this whole appraisal that finally got word from DOT that that's what they wanted. I had Jim Michaud contact Jeff Brillhart about the process because at that point they weren't sure who was going to do the appraisal. I was fairly confident that they weren't going to ask us to appraise the property but nonetheless that it would be appropriate to have Jim involved in that process. He has been in contact with people from DOT but that's been dragging. My latest e-mail with Jim was last week and he hadn't heard back. I said let me know this week if you haven't heard back and I'll see what I can do. In the meantime unbeknownst to me, Selectman Coutu got his Irish up, and I got the surprise phone call, and then ran into Jeff Meyer in the hallway at the State House later in the day and we had another conversation. I think things are on track. While I wish I had known what Selectman Coutu was up to, it probably lit a fire where it needed to be lit. I like to try to be a little bit more diplomatic. My diplomacy certainly seemed to be less effective than Selectman Coutu's ire. I may have to keep that in mind if I'm dealing with that department.

Chairman Jasper thought the Board was aware last week I dealt with Assistant Commissioner Brillhart on the traffic light situation where we were locked out of the traffic lights. I called him immediately and he assured me he would call me right back. He was going to make a phone call and get right back to me. Right back to him means within 24 hours, which isn't what it means to me. That sort of gives you an idea of their schedule there if right back is 24 hours, then getting to something shortly could be months. I'll just have to start to be a real pain to make sure this moves along.

Selectman Coutu thought also you realize as I did that these people have no idea what we've done with Benson Park. So you want to bring that up. When Chairman Jasper spoke to the Commissioner I said to him that he really needed to come down if he was down in this area and come in and take a tour of Benson Park to understand what we've done in there and the park that we are building for the State of New Hampshire. He assured me that once things calm down that he would come down and he would give me a call and if that happens, I'll make sure I contact all of you and we can show him around. As you remember when we had the grand opening, the Governor was there but nobody from DOT was able to attend. I think they need to get a better understanding of what's really going on there. I reiterated to him just how disappointing it has been dealing with them. We've sent them letters, we don't get any response. We make phone calls, we don't get any response and that it is very frustrating not to have that response. I understand they're a department dealing with the whole State; the lack of response just is very troubling.

Next Wednesday, June 1st, at 6 p.m. at the Community Center, Selectman Coutu asked all of them to bring their aprons and your ice cream scoops. It's for the thank you to all of our volunteers. I believe as of this morning's memo Donna we had 45 people. Donna Graham said we now have 49. Selectman Coutu said I want to tell you we had invited former Selectman Massey to come and join us. This was his idea. He will not be in town for the event. I called a couple of places. The first place I called told me only they had was vanilla ice cream. I'm looking around to buy the ice cream. I finally got a hold of Michelle at Countrybrook Farms and asked her to give me a price. Michelle today told me that she is, again, this year donating all of the ice cream and the toppings. It has a value of \$234.

Motion by Selectman Coutu, seconded by Selectman Luszey, to accept a donation of ice cream from Countrybrook Farms in the amount of \$234 with the Board's thanks and appreciation, carried 5-0.

Mr. Chairman as you and other members of the Board are aware, Selectman Coutu said that Deputy Fire Chief Neal Carter submitted his resignation for his retirement, which will be effective June 1. He has served in the New Hampshire Fire Services for approximately 25 years. Most of that time was in the Town of Hudson and obviously at this point as a Deputy Fire Chief. I've had very long conversations with Deputy Carter and I know Mr. Chairman from firsthand experience that you hold and maintain the same amount of respect that I have and that we share for Deputy Carter. Deputy Carter not only served our Town well, has become a good friend. A lot of that is thanks to Selectman Nadeau for pushing me in that direction several years ago. There are a lot of rumors, innuendos, insinuations about this. I can report to you that Neal is leaving for a lot of reasons. Most of them are personal reasons. He has a new child, recently remarried. A year ago I interrupted him in his honeymoon. I called his cell phone by mistake and I forgot he was on his honeymoon. He's leaving with a very positive attitude and he has offered his services to assist in any way he can to help us work out whatever few problems that remain in the Fire Department. I appreciated that and I have spent a lot of time trying to convince him to withdraw his resignation. That hasn't happened. I want to wish him well and I know this Board does as well.

As far as the Fire Department, Selectman Coutu said Engine 2, the 2008 Pierce, is back in service. It was out of service for a few days due to an injector issue in the engine. That's been taken care of. The new tanker will go into service I believe by the end of this week. They're going to have driver training and familiarization with that new piece of equipment. Selectman Maddox and the Fire Administration and I met with the representatives from Bedford and the Merrimack Fire Departments to discuss the possibility of consolidating the inspectional services. Selectman Maddox and I came away from that meeting, I

believe, with the same opinion and we will sit down and put our notes together and we'll come back with a full report to the Board and perhaps we'll have one or two more meetings with some of the staff to see how we can accommodate something that's going to be a little cohesive in terms of inspections for the Town of Hudson. We're not necessarily going to recommend that we move people around or combine forces at this time. We'll put our notes together and we'll come back to you with that.

Dispatcher Amanda Turcotte and Firefighter/Paramedic Leslie Scott, and Firefighter/EMT 1 Sarah Graham have all successfully completed their probation period and they're to be congratulated. With that Mr. Chairman, I thank you.

Selectman Maddox - On a serious note Mr. Chairman before this evening's meeting and I know several other Selectmen stopped. I stopped at the wake of Richard Quinlan, Sue Ellen Seabury Quinlan's husband. I offered on behalf of this Board and the community our deepest condolences. Just tragic. If any of you received the Brad Seabury e-mail, it was just heart wrenching.

I have a question of either you or the Town Administrator. Is there a policy of how information is disseminated to the entire Board in regards to an e-mail or a letter from a citizen or an employee? How we do our exit interviews? Is that just going to the Liaison and the Chairman? Say if an employee wrote a letter to the Town Administrator would we get a copy of that? Mr. Malizia said not necessarily. It depends on what the letter is about, what the matter is, if the matter is resolved at my level why would I give it to you? No offense. If it's resolved at that level or maybe the Liaison level, that would be it. Selectman Maddox wanted to make sure he had the policy correct. Again, I'll accept the Thumbs that we take if I'm part of it. If I don't know what it is that I just didn't do, it just makes it confusing. I would hope that there's a program in place. Cryptic enough. Selectman Coutu didn't think he was being fair. Unless we have to go into nonpublic, I...Selectman Maddox believed the person we talked about Mr. Carter sent a letter to the Town Administrator. Mr. Malizia said he actually sent it to the Fire Chief. I received a copy of it. Again, Selectman Maddox said how would that be distributed or what is the policy that we've taken on what gets distributed to all the Selectmen.

Chairman Jasper didn't think there was a policy and I think that very often there are things that department heads would share with their Liaison and the Liaison would determine whether or not that was something that needed to be brought to the full Board's attention. I think that's appropriate. I don't think that we can or should get copied on every single piece of correspondence that comes out of the department. That's what we're there for as Liaisons.

Selectman Maddox reminded everybody to have a safe holiday on Monday.

Selectman Nadeau had two other things that he forgot. First on is Connie Owen. She submitted a letter of resignation from the Recycling Committee as of July 1st. We have an alternate on the Board now, Todd, and I'd like to know if we could tonight move him up to the member's position as of July 1st and then post with the rest of our things on line that we have an opening for an alternate. Chairman Jasper thought that would be a bad precedent for us to do that. We have alternates on virtually every committee. We've never done anything like that. We've just gone with the policy of having everyone submit their application. As we've done in the past if we've appointed an alternate, we've then taken somebody who's applied for the position and put them in there. I think to now start automatically moving people up without the interview process...Selectman Nadeau said we just interviewed him. Chairman Jasper said that may be. I have no recollection of who that individual is but we have a process and I think we should stick with the process. This would be something that we have never done before. Do we get into a situation where we pick and choose we're going to do this with one person, we're not going to do it on the Planning Board or Zoning Board, or are we going to do it on one board and not another. I think when you're dealing with appointments, we're best to follow a process.

Selectman Maddox said we have appointed people without them coming in to be interviewed. I know a couple of them that I didn't vote for them because they didn't come in. I think that we have done this. I don't remember if this person was in recently. Chairman Jasper said the positions were all advertised and there were people who at least the majority of the Board knew who they were. I've never voted for someone who hadn't previously been appointed or I couldn't put a name with a face. I would agree that there have been a couple of times when we have done that.

Selectman Coutu more directly to the point Mr. Chairman. He is an alternate. That's the position he applied for I believe. We have not had a request from him formally that he wishes to be put on the Board as a voting member. In the interim if there's a vacancy on the Board and they need an additional voting member, he can be seated. That's what an alternate status is, and he can formally apply, and we can go through the process as you suggested. We don't formally have a request that he wants to be a permanent voting member. I think it would be inappropriate to assume that that's what he wants. I think he should request it. I agree with you.

Just so everybody knows, Selectman Nadeau said Thursday May 26th from 2 to 4 Jeanne Shaheen will have a staff member here at Town Hall. The card says, "Jeanne Shaheen will have an available staff member here if there's any Hudson area resident seeking help with federal government agencies such as Veteran's benefits, housing, immigration, or social security issues. The office hours will be Thursday, May 26. If you have any questions, you can call 647-75000. The office hours will be attended by a staff member only. Senator Jeanne Shaheen will not be present." The hours are from 2 p.m. to 4 p.m. on Thursday the 26th. So if you'd like to come down and meet with their staff member, you may. I received 3 of the cards in the mail.

Chairman Jasper indicated that Selectman Nadeau was the point person on getting the additional conflicts inscribed on the monument. Can you give us an update on that? When Selectman Nadeau talked to the lady at the office, they are going to do it. They wanted to know which way because the monument is two sided if they wanted it more on one side or the other. They were trying to see if the monument had an order that they are. When I went out today, it looks like they're just on each side of the monument. They're not all in order from the way they went down. We're going to balance it one on each side so that they're even now. There's no rhyme or reason to how they're on the monument. Chairman Jasper asked if that was going to get done this week. Selectman Nadeau said it will not be done this week.

Selectman Coutu asked about the speakers. Selectman Nadeau said they're working on that too. The sound system - the Fire Chief is working with the Legion to make sure that they have the sound system taken care of.

Selectman Jasper - Obviously we have a bit of a problem with our leash ordinance and the enforcement at Benson Park. While we have a leash law in Hudson, apparently it doesn't apply to Town property. Even though we have as part of the ordinance for Benson Park all dogs must be on a leash, apparently there's no real penalty there. I think we need to...Selectman Luszey asked if that meant that leash laws only apply to private property, your dog on your own property. Chairman Jasper didn't know. This was the e-mail that I received and it didn't make any sense to me but we need to have the dog officer and the Police Chief look at the Town's leash law, the ordinance at Benson Park, and come up with some verbiage for us that will make the leash law enforceable at the park. There are some people who are being very obstinate. There's one woman in there with one of those electronic collars. That really doesn't give you the control of the dog if it suddenly runs up and attacks a small child till it's too late. That's not a leash. Apparently there are some issues there. Steve if you could task the Police to look at that issue and see what we need to do to be able to enforce dogs on leashes at Benson Park. Mr. Malizia asked if wouldn't we want to do that on all Town property. Chairman Jasper said yes. Since that's the only place we have a specific ordinance with rules and regulations and now they're saying that's not enforceable, that's an immediate concern. Hopefully none of those people with dogs not on leashes are watching right now. They can apparently tell them they're in violation. I think they can at least throw them out of the park because I think that's the intent if you violate the rules of the park, you get asked to leave. That's just me. Selectman Coutu said we can ban dogs from the park if they want to push it. Look how we straightened out the skateboard park when we threatened to shut it down. It straightened that right up. As always, Chairman Jasper said it's a few ruining it for everyone.

Finally as Selectman Maddox said Chairman Jasper's thoughts and prayers and he was sure all members of the Board our prayers go out to the Seabury/Quinlan family for the loss of their husband, father, and son-in-law. Very tragic. I stopped in the calling hours as well. Suellen and I were classmates all the way through school and graduated together.

10. NONPUBLIC SESSION

Motion by Selectman Luszey, seconded by Selectman Coutu, to enter nonpublic session under RSA 91-A:3 II (a) The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, unless the employee affected (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted; (b) The hiring of any person as a public employee; (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; and (i) Consideration of matters relating to the preparation for and the carrying out of emergency functions, including training to carry out such functions, developed by local or state safety officials that are directly intended to thwart a deliberate act that is intended to result in widespread or severe damage to property or widespread injury or loss of life.

Selectman Maddox said going from part time to full time. How is that non-public? Chairman Jasper assumed that the personalities and questions about performance may come into consideration. Selectman Maddox said it's just saying he wants to increase someone's part time to full time. I didn't see how that fit into this. Certain if in fact the Board finds that there's nothing to do with nonpublic issues, Chairman Jasper said we will come back into public session. That's been the request and not knowing. Selectman Maddox thought maybe Chairman Jasper knew something. Chairman Jasper did not but your point is well taken.

Vote: Motion carried 5-0 by roll call.

Nonpublic Session is being entered at 9:40 p.m., thus ending the televised portion of the meeting. Any votes taken upon entering open session will be listed on the Board's next agenda. The public is asked to leave the room.

Open session is being entered at 10:57 p.m.

Motion by Selectman Maddox, seconded by Selectman Nadeau, to hire Barbara O'Brien for the position of Part-Time Water Utility Clerk at a starting rate of \$14.77 per hour for 30 hours per week with an anticipated start date of June 13, 2011, carried 5-0.

11. ADJOURNMENT

Motion to adjourn at 10:58 p.m. by Selectman Luszey, seconded by Selectman Maddox, carried 5-0.

Recorded by HGTV and transcribed by Donna Graham, Recorder.

HUDSON BOARD OF SELECTMEN

Shawn Jasper, Chairman

Richard J. Maddox, Selectman

Benjamin J. Nadeau, Selectman

Roger E. Coutu, Selectman

Ted Luszey, Selectman