

HUDSON, NH BOARD OF SELECTMEN
Minutes of the April 26, 2011 Meeting

1. CALL TO ORDER - by Chairman Jasper the meeting of April 26, 2011 at 7:00 p.m. in the Selectmen's Meeting Room at Town Hall.

2. PLEDGE OF ALLEGIANCE - led by Selectman Maddox.

3. ATTENDANCE

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

Absent: Ted Luszey

Staff/Others: Mark Pearson, Assistant Town Administrator; Donna Graham, Executive Assistant; Jim Michaud, Assistant Assessor; Dave Yates, Recreation Director; Shawn Murray, Fire Chief; Jason Lavoie, Police Chief; Gary Webster, Town Engineer

4. PUBLIC INPUT

Chairman Jasper asked if any member of the public wished to comment on any matter before which the Board has jurisdiction. No response.

5. NOMINATIONS & APPOINTMENTS

6. CONSENT ITEMS

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

Selectman Coutu asked to remove Item 6. B. 1. a Water/Sewer item.

Motion by Selectman Coutu, seconded by Selectman Maddox, to approve consent items A, C, D and E, as noted or appropriate, carried 4-0.

A. Assessing Items

- 1) 2010 Tax Abatement - Map 122, Lot 5, w/recommendation to adjust
- 2) 2010 Tax Abatement - Map 148, Lot 63, w/recommendation to adjust
- 3) 2010 Tax Abatement - Map 222, Lot 1, w/recommendation to adjust
- 4) 2010 Tax Abatement - Map 177, Lot 5-102, w/recommendation to adjust
- 5) 2010 Tax Abatement - Map 173, Lot 1, w/recommendation to adjust
- 6) 2010 Tax Abatement - Map 162, Lot 28-2, w/recommendation to adjust
- 7) Current Use Lien Release - Map 123, Lot 1, w/recommendation to approve
- 8) Elderly Exemption Application - Map 190, Lot 146, w/recommendation to deny
- 9) Disabled Exemption Application - Map 184, Lot 001; Map 178, Lot 013, Sub 016, w/recommendation to approve
- 10) Elderly Exemption Applications - Map 168, Lot 002, Sub 015; Map 168, Lot 068, Sub 014; Map 174, Lot 234; Map 105, Lot 032; Map 174, Lot 128, w/recommendation to approve

B. Water/Sewer Items

- 1) Water Abatements, W-UTL-10-19, 36A Street; W-UTL-10-20, 13 Park Avenue; W-UTL-10-21, 7 Riverside Avenue, w/recommendation to approve

With regard to item 6. B. 1), what astounds Selectman Coutu is that the abatement amount is for \$32,996.70. It would appear that having gone through it the readings would indicate that this person was overcharged by \$32,600. Who has Water Utility now? Selectman Nadeau said he does now. Selectman Coutu asked if Selectman Nadeau was there when they recommended that we abate this. Obviously we need to abate something but I want to know what caused this error. It seems that we're having an awful lot of errors in meter readings for whatever reason. I want to make sure that if it's a problem with Pennichuck. I know if I were receiving a bill that said \$32,000 and my bill should only be about \$300, I'd be panicking. Selectman Nadeau said her water bill should be about \$32.00. Selectman Coutu said she has a bill for \$32,000.

Chairman Jasper said that was a clerical error and that individual who is responsible is no longer employed by the Town of Hudson. Selectman Coutu said he got it.

Motion by Selectman Coutu, seconded by Selectman Nadeau, to approve Consent Item 6. B. 1., carried 4-0.

C. Licenses & Permits

- 1) Request to solicit funds by Hudson Kiwanis
- 2) Request to solicit funds by Swift Water Paddlers Girl Scouts

D. Acceptance of Minutes

- 1) Minutes of the April 5, 2011 Meeting

E. Calendar

04/27 7:00 Benson Park Committee - Landscape Subcte - BOS Meeting Room
04/27 7:00 Planning Board - Community Development Meeting Room
04/28 3:30 Trustees of the Trust Fund - Community Development Meeting Room - CANCELLED
04/28 7:30 Zoning Board of Adjustment - Community Development Meeting Room
05/03 7:00 Board of Selectmen Workshop - BOS Meeting Room
05/04 7:00 Planning Board - Community Development Meeting Room
05/05 3:30 Trustees of the Trust Fund - Community Development Meeting Room
05/05 6:30 Recreation Committee - BOS Meeting Room
05/05 7:00 Benson Park Committee - BOS Meeting Room
05/09 7:00 Conservation Commission - Community Development Meeting Room
05/10 7:00 Board of Selectmen - BOS Meeting Room
05/11 7:00 Benson Park Committee - Landscape Subcte - BOS Meeting Room
05/11 7:00 Planning Board - Community Development Meeting Room
05/12 6:00 Sewer Utility Committee - BOS Meeting Room
05/12 7:30 Zoning Board of Adjustment - Community Development Meeting Room

7. OLD BUSINESS

A. Votes taken after Nonpublic Session on April 12, 2011

- 1) *Motion by Selectman Coutu, seconded by Selectman Maddox, to authorize the termination of Sarah Unger as the Part-Time Utility Clerk as of April 15, 2011 as recommended by the Finance Director and the Town Accountant, carried 5-0.*
- 2) *Motion by Selectman Coutu, seconded by Selectman Luszey, to approve the posting and hiring process for the Part-Time Water Utility Clerk for 30 hours per week at a starting pay of \$14.77 per hour in accordance with the first step of the current contract, carried 5-0.*
- 2) *Motion to adjourn at 10:11 p.m. by Selectman Luszey, seconded by Selectman Maddox, carried 5-0.*

8. NEW BUSINESS

A. EnerTrac CDBG Grant

Chairman Jasper recognized Gerald Coogan to talk about the EnerTrac CDBG Grant.

Good evening Mr. Chairman and members of the Board of Selectmen. Mr. Coogan is familiar to the Town. He's worked here as a consultant in the past on grants and CDBG applications. I'm now with a company called TF Moran. We were awarded the contract to administer the Community Development Block Grant to the Town. Basically the Town received \$450,000 of which \$330,000 will be sub granted to the Regional Economic Development Corporation of Southern New Hampshire and they in turn will loan out \$425,000 to EnerTrac, which is a local company based here in Hudson. They will employ 23 people as a result of this grant. They are a high tech type of company that uses sensing technology to monitor home, heating, oil, and fuel distributors so that they can have a good handle on how much home heating oil there is in an oil tank in a home.

[Gerald Coogan] There are some housekeeping activities that have to be taken as a result of this grant. You do have information on those. One is to move to accept a Code of Ethics and some other items. These are all what I would

call housekeeping types of required CDBG forms and procedures. You have done these in the past when you've done prior CDBG grants. I'd be happy to answer any questions of a gentle nature or a specific nature.

Motion by Selectman Coutu, seconded by Selectman Nadeau, to adopt the CDBG Code of Ethics.

Selectman Maddox asked why they couldn't use the one that have in Town. What is missing in ours in Town rather than adopting this one page Code of Ethics?

Mr. Coogan said this was a required CDBG form that they like to have. Once the Town adopts it, it just makes everything go smoother from the point of administrating the grant. The Town has adopted this similar form in the past for prior grants. I think it's consistent with what you have.

Mr. Chairman if I may and you're signing it so I'm just going to sit on the sidelines but Selectman Maddox said it says that you're doing something. Do you know what Section 3 of the Housing and Urban Development Act of 1968 says? The question that Chairman Jasper has is relative to all of these adoptions. This is really just for the purpose of the grant is it not? Mr. Coogan said correct. Chairman Jasper said he would like the maker of the motion and the seconder to amend that to make that clear that we're adopting these Code of Ethics for the purpose of the Community Development Block Grant. We're not adopting this as the Code of Ethics of the Town of Hudson.

That's where Selectman Maddox was kind of going with this. If these are already covered in our Code of Ethics, I don't see anything that's here that wouldn't be in our Code of Ethics. Why we're putting this one page that it's adopted this date, we're setting ourselves up for confusion.

Selectman Coutu asked Mr. Coogan if these were required. Mr. Coogan said yes. Selectman Coutu was willing to amend his motion.

Motion by Selectman Coutu, seconded by Selectman Nadeau, to adopt the CDBG Code of Ethics for the sole purpose of compliance with the EnerTrac CDBG Grant, carried 4-0.

Motion by Selectman Coutu, seconded by Selectman Nadeau, to adopt the required CDBG Financial Management Plan with checklist as required for the grant, carried 4-0.

Motion to designate the Chairman of the Hudson Board of Selectmen as the Environmental Certifying Officer for purposes of the CDBG Environmental Review.

Before Selectman Coutu makes a motion if he might. Gerry can you get into that a little bit please.

Mr. Coogan said basically this is just a finding that the project is categorically excluded which is one of three categories for environmental review. There's basically not going to be any disturbance to the site. There's not going to be any disturbance to the building. You just have to have a record which I prepared and then we have to sign a document that says request release of funds. It doesn't have to be published and notice in the newspaper like other ones of a similar nature do. It's an exempt activity from notice procedures.

Selectman Coutu asked if Mr. Coogan was the person who will be monitoring for the Chairman of the Board of Selectmen and assure him that the compliances are met. Mr. Coogan said right. Hopefully the Board will designate the Chair as the Chief Environmental Certifying Officer. He signs the piece of paper but I'm doing all the staff work sort to speak. Selectman Coutu said he was satisfied and willing to make a motion.

Motion by Selectman Coutu, seconded by Selectman Nadeau, to designate the Chairman of the Hudson Board of Selectmen as the Environmental Certifying Officer for purposes of the CDBG Environmental Review as per the requirements of the CDBG Grant.

Selectman Maddox said it says at the bottom of the page that Mr. Jasper as the Chairman of the Board of Selectmen now is the Chief Executive Officer will sign that that's his signature above. Is that just the way the government works? The bottom of this page it says that he's certifying that those are the signatures above, which one of them is his.

Mr. Coogan believed he was looking at a different form. I think that's the Submit the Claims form. We're going to come to that shortly. This is the one that designates the Chair as the Chief Environmental Officer. That's a requirement.

Vote: Motion carried 4-0.

Motion by Selectman Coutu, seconded by Selectman Nadeau, to authorize the Chairman of the Board of Selectmen Shawn Jasper and the Town Administrator Stephen Malizia to submit CDBG claims as required by the EnerTrac CDBG Grant, carried 4-0.

Mr. Coogan said there was one more form. There's a form called "Request for Release of Funds". Now that you're the Chief Environmental Officer for the Town of Hudson, you have the authority to sign that document. Chairman Jasper said fine but we've taken all the action we need to as a Board.

- B. Benson Park – Request by Dominique Kaempf & Elizabeth Abbott of Girl Scout Troop 12053 to create an audio tour of the history of Benson Park for their Silver Award Project

Chairman Jasper recognized Dominique Kaempf and Elizabeth Abbott.

Dominique Kaempf of 21 Brook Drive in Hudson. Elizabeth Abbott from Bear Path Lane, Hudson, NH.

Chairman Jasper asked the girls to tell the Board what their proposal was pleased.

Ms. Kaempf said basically for our Girl Scout Silver Award Project we want to do an audio tour of the history of Benson Park. We're going to go through and some of the landmarks that they have today on MP3 Players we're going to say what they used to be when it was Benson's Animal Farm. We're planning on putting it on 5 or 6 MP3 Players and leaving it in the Library so people can check them out and walk through Benson Park so that they can learn more about the history.

Chairman Jasper said it sounded very nice. We were wondering how they were going to get those. That seems like a very good way of doing that. Does the Board have any questions?

Selectman Coutu said he watched the presentation they made at the Benson's Committee. They had a lot more to say to them than they did to us. I think they condensed their presentation somewhat. I think it's a great idea girls. I commend you for wanting to take the time to put all of this historical data and I think it would be very beneficial to people who want to have an idea of where things existed at Benson's. I commend you for wanting to do this. I think it's a great asset for Benson's Park and for the people who want to visit Benson's Park.

Selectman Nadeau said the Benson Committee members were all in favor of this also at the meeting. They went into it a little bit more detail. They gave them some ideas to work on, people to interview for part of the history, and I'd like to thank you guys for going out and doing this project and look forward to going to the Library to get one of them and walk around.

Motion by Selectman Nadeau, seconded by Selectman Coutu, to allow Dominique Kaempf and Elizabeth Abbott of Girl Scout Cadette Troop 12053 to create an audio tour of the history of Benson Park to achieve their Silver Award Project, carried 4-0.

- C. Request of the Hudson Lions Club to use the Community Center and waive the fee for the Alvirne High School scholarship dinner

Chairman Jasper recognized Assistant Town Administrator Mark Pearson.

Mr. Pearson said there's a written request to the Board of Selectmen tonight to abate the costs of the Community Center for the Hudson Lion's Club for their annual scholarship dinner for Alvirne High School to be held on Monday, June 13, 2011.

Motion by Selectman Maddox, seconded by Selectman Nadeau, to allow the Hudson Lions Club to use the Community Center and waive the rental fee for a scholarship dinner for Alvirne High School, carried 4-0.

D. 2012 Property Value Update – Commercial/Industrial Valuation Component

Chairman Jasper recognized Assistant Assessor Jim Michaud.

Good evening to the Board. Mr. Michaud said the contract proposal they have in front of them and the Memo is to lead towards one component of three components for the revaluation in 2012 of all the town property we have. The last revaluation in 2007 we had broken up the revaluation into three similar components. We had a public utility component, commercial industrial component, and then an all other residential component. Just as it was in 2007, our plan was to also have the in-house staff do the residential end and go out to contract for commercial industrial and also go out to contract per the public utility valuation. We presented the contract to the Board from the same company that we had used in 2007 – Property Valuation Advisors, and they're also the same firm that helped represent us in the Wal-Mart and Sam's Club appeals as well as some other appeals that we had at the Board of Tax and Land Appeals recently.

Mr. Michaud said they've conducted 17 revaluations of commercial industrial property since 2004 between New Hampshire and Maine. They had a really solid track record. Steve Traub is their principal appraiser. We have a good working relationship. He knows the Town; we know him; he knows us. I'm asking the Board for their okay to waive the bid process on this. I'm doing this early enough in the process that the Board decides not to waive that and for us to go out to bid; we can still accomplish our time frame. That's all I have.

Chairman Jasper asked if anyone had any questions.

Motion by Selectman Coutu, seconded by Selectman Maddox, to waive the bidding requirements and award the 2012 commercial/industrial valuation contract to Property Valuation Advisors in the amount of \$36,000 as recommended by the Assistant Assessor, carried 4-0.

Mr. Michaud said it was obvious but the source of the funding would come out of the Capital Reserve Fund for the property revaluation. For the record and for the minutes, that would be the source of the funding. Chairman Jasper thanked Mr. Michaud for that.

E. Benson Park Playground

Chairman Jasper recognized Recreation Director David Yates to talk to us about the Benson Park playground.

Good evening. Per the Board of Selectmen's direction, Mr. Yates said the Recreation Committee met with the Planning Board on March 23rd to get the release of the funds not to exceed \$100,000 for the play structure at Benson Park. The Planning Board has approved the release of the funds and I'm here tonight to get the Board of Selectmen's final approval.

Selectman Coutu was willing to let Selectman Maddox take the lead on this. I'm going the same direction you're going to go. What concerns Selectman Coutu is that I have been a strong advocate for the playground structure at Benson Park and so have you for that matter. We know it's going to be an asset to the park. I think that at this juncture they did due diligence in having gone before the Planning Board in order to seek the release of the funds in an amount not to exceed \$100,000. I think we're at a point Mr. Chairman where I don't want to act in haste here. I would be more comfortable proving the project once they have put together a request for proposal, we see exactly what is going to go in the park, and we know its exact cost. I think we can make a more intelligent decision at that time whether or not to award the contract and to whom. I also would like to see in the bid specifications or the request for quotes a work history of the company that has been selected so that we can do some references. You have as much pride as the rest of us do as to what we want Benson's to look like. This is going to be a focal point for the younger generation that's going to visit Benson's. We want to make sure we get a good bang for our buck. I would be more comfortable putting this aside at this time Mr. Chairman until such time as the requisition for bids has been put out, we take a look at it, and we see what the product is going to be.

To that end, Chairman Jasper was fine with that. I don't know that there's any reason we can't do it that way. In the bid specs., and I think it's appropriate that we talk at this point as to whether we wish town forces, i.e. the Highway Department which has experience putting playgrounds together to do the physical work if that was part of the plan or the plan was to pay someone to do it. My personal feeling is we should have town forces do it so that all we're really bidding is the physical components and have the town forces put the playground in place.

It is Selectman Coutu's understanding, and he's worked on this with Dave and the Recreation Committee for the past year, that all we're doing is going to be buying the components. Jeremy Griffus, the Chairman of the Recreation Committee, has been involved in erecting a couple of playgrounds at the School Department. He's very familiar with the process. As I understand, and you can correct me Dave if I'm wrong, the company who is going to be selected depending on how the bids come in usually provides one technical assistant on site as part of the bid process. You have either a group of volunteers or however we do it – if you want to have the Highway Department, and he helps them once the ground is level and it's met those specifications, he would assist them in assembling it. It comes in multiple units. I explained to Selectman Maddox this past week we talked about this, one of the things you can do is they can come in and propose a structure and they might say its \$125,000. Well we know we're not going to spend \$125,000. They can eliminate certain components and reconfigure it. It comes in pieces. It's like a puzzle but it can be reconfigured to fit whatever we require. To that end, I don't know which way we want to go whether we're going to do it the volunteer crew or if you want to use the town crew or a combination of both.

Selectman Maddox thought what they told us at the Planning Board level was that it was going to be done by volunteers. The ground would be cleared and leveled or whatever by Highway but the actual assembly would be done by volunteers correct Mr. Yates. Mr. Yates said yes. I've already met with Kevin at the site. He said they'll do whatever it takes to get the site ready. He'll have equipment there. His guys are not going to bang the hammers and turn the screws but it will be a community build. We'll put the word out. As you mentioned Roger, there will be an engineer on site from the company. That is in the bid package. I do have a draft bid package that I'm still going to run through the Recreation Committee Playground Committee so that we can go one last look at it and make sure all the minimal requirements that we're asking for are in the package, and we'll pick four contractors to send it to and also post it.

Selectman Coutu suggested that before they do anything with that regardless of what they do at their level, it should go to our Town Administrator to review the bid please. Mr. Yates agreed. We're waiting for Steve to come back next week and before it goes out, I'll run it by Steve to take a look at it.

Selectman Maddox said it sounded like it's going a much more logical way. When I saw your request for the release of the \$100,000 I didn't understand. What we were told at the Planning Board level was that this was going to go through the normal procedures, which would be go for an RFP, then bids come in, and all those types of things. This was just a little confusing. That was the concerns the Planning Board had. They said there's really no plan here. They're just saying can we have \$100,000. I said no. It has to go through the whole vetting process, through the Selectmen, and this package really doesn't look like that. It looks like we got approval from the Planning Board off we go because I know they said several times that they were going to be looking that would be a not to exceed because they were looking to do some grant writing to facilitate maybe keeping that cost down. Again I just was kind of surprised by the package that was put before us today.

Chairman Jasper thought that was the logical way to go. To release the amount then what do we do we put some of it back. I think what we need to do...Selectman Coutu moved to defer. Without objection, Chairman Jasper said this item will be deferred until such time as the bid has been awarded.

Mr. Yates asked if we can send the bids out. Chairman Jasper said when Steve reviews them. Mr. Yates said they were going to meet again with the subcommittee and Steve. Once it's ready to go even though the money isn't firm, this Board will approve it there. Chairman Jasper said it's there. This Board has bought on. There's no objection. Mr. Yates said the subcommittee thought once they get the bids in, then they would interview each contractor and have them show us exactly what they're offering us. So the night before they make the final selection and the recommendation to the Board of Selectmen. Chairman Jasper thought that's a fine process. Your next step with us will simply be to come back with a recommendation and at that time, we will award a bid and release the necessary funds.

Selectman Coutu would also suggest Mr. Chairman that he may not be available but perhaps if they're going to do an interview process that Selectman Nadeau who's the liaison should probably be invited to attend if he can make it so he can represent us in the process. Selectman Nadeau said if he can make it, he will be there. Mr. Yates asked if they were good to push forward with this project. Chairman Jasper said they're good to push forward just as soon as Steve is satisfied that the document is in good order. Hopefully we'll get there sooner rather than later.

- F. Public Hearing – Acceptance of a donation for the Fire Department valued at \$2,577 from Southern NH Medical Center for three modems, maintenance programs and LifeNet subscriptions for the three ambulances

Chairman Jasper recognized Fire Chief Shawn Murray. We will be having a public hearing to accept a donation for the Fire Department of \$2,577 and the Chief will explain.

Thank you Mr. Chairman. Good evening. Chief Murray was here before you tonight to ask your consideration in a public hearing to accept a donation in the amount of \$2,577 from Southern New Hampshire Medical Center. The hospital has phased out their older transmission technology to transmit EKGs from the ambulance to the hospital emergency room. They are upgrading their technology and would like to provide that equipment and technology to the Fire Department at no cost. The equipment is also compatible with St. Joseph's Hospital EKG equipment also. The Fire Department will also be able to eliminate our current practice of transmitting data over the three cell phones that we have in the ambulances now. The equipment they will provide is 3 Medtronic CDMA modems with associated antennas and cable assemblies; 3 one-year comprehensive maintenance programs; 3 five-year LifeNet transmission subscriptions; a total monetary value of \$2,577.

Before Chairman Jasper opens a public hearing...Selectman Coutu said he was concerned about the 3 one-year comprehensive maintenance programs. Is there a cost associated with the continuation of this maintenance program? Chief Murray said they have not been told there would be any additional costs for the maintenance.

Chairman Jasper opened the public hearing at 7:31p.m. for the acceptance of a donation for the Fire Department valued at \$2,577 from Southern New Hampshire Medical Center for 3 modems, maintenance programs, and LifeNet subscriptions for the 3 ambulances. Is there anyone who would like to address the Board on this matter at this time? Seeing none.

Chairman Jasper closed the public hearing at 7:31p.m.

Motion by Selectman Maddox, seconded by Selectman Coutu, to accept a donation from Southern New Hampshire Medical Center for three modems, maintenance programs, and LifeNet subscriptions for the three ambulances for a total monetary value of \$2,577.00 and to authorize the Fire Chief to sign any maintenance and subscription agreements as part of the equipment and services donation.

Selectman Maddox asked about installation. Chief Murray believed they will do the installation also as part of the package.

Vote: Motion carried 4-0.

- G. Public Hearing – First reading of Ordinance 11-01 – changing the composition of the Sewer and Water Utility Committees

Chairman Jasper recognized Assistant Town Administrator Mark Pearson relative to a public hearing we'll be having relative to changes in the Sewer and Water Utility Committee ordinances.

Thank you Mr. Chairman and members of the Board. Mr. Pearson said this was the first of two public hearings required to conduct a first reading of Ordinance 11-01, which changes the composition of the Sewer and Water Utility Commissions. I believe you discussed this back on April 12th and scheduled it for two hearings, tonight and for May 10th. This would change the membership composition and allow two members that are not serviced by their

respective utilities to serve on each committee and to add an alternate position to the Water Utility similar to the Sewer Utility Committee.

Before Chairman Jasper opens the public hearing, I think there's one slight change that should be made before we go into the public hearing. Without objection, it's really a grammatical issue. On the fifth page in 270-2 "Intent; Sewer Utility Committee" where it changes 4 to 3 and then strikes out the last part. The "either" should also be taken out so that it would read, "Reside in the Town and reside in a dwelling unit which is serviced by the sewer system." For the purpose of entering into the public hearing on this ordinance, I think that's appropriate to make the change.

Chairman Jasper opened the first public hearing at 7:35 p.m. Is there anyone in the audience who wishes to speak to the proposed changes to the Sewer Ordinance? Seeing none, I'll close the public hearing at 7:35 p.m. This will go to a second public hearing on May 10th.

- H. Acceptance of a State of New Hampshire Highway Safety grant entitled "Hudson Statewide DWI Hunter Patrols" in the amount of \$2,250

Chairman Jasper recognized Police Chief Jason Lavoie to a Highway Safety Grant. Good evening Chief.

Chief Lavoie greeted the Board. As you can see by the agenda, I have a few grants to go through tonight asking for the first few are for acceptance of. The first one of which is the Hudson Statewide DWI Hunter Patrols. That one is in the amount of \$2,250. That grant is the one when we're out on active patrol and trying to enforce DWI laws. That's all those officers are assigned to do. They don't answer calls for service. They just do that. You're all familiar with all the grants that I am coming before you with tonight are all grants that we have received and done in the past.

Motion by Selectman Maddox, seconded by Selectman Coutu, to authorize the Hudson Police Department to accept the "Hudson Statewide DWI Hunter Patrols" project with the New Hampshire Highway Safety Agency in the amount of \$2,250.00 beginning June 1, 2011 through September 15, 2011, carried 4-0.

- I. Acceptance of a State of New Hampshire Highway Safety grant entitled "Hudson Sobriety Checkpoints" in the amount of \$6,000

Chairman Jasper recognized Police Chief Jason Lavoie.

Chief Lavoie said the next one is a DWI Sobriety Checkpoint, which is basically a road block. We've done this in the past as well. Last year we had a total of 8 DWI arrests out of this one including two open containers, possession of controlled drugs. There were an additional 20 field sobriety tests that were conducted on people who have been drinking. However, they were deemed to be all right to drive and they were sent on their way. This grant is for a total of \$6,000 and we're asking for the Board to approve the acceptance of this one as well.

Motion by Selectman Nadeau, seconded by Selectman Coutu, to authorize the Hudson Police Department to accept the "Hudson Sobriety Checkpoints (2)" project with the New Hampshire Highway Safety Agency in the amount of \$6,000.00 beginning May 1, 2011 through September 15, 2011, carried 3-1. Selectman Maddox in opposition.

- J. Acceptance of a State of New Hampshire Highway Safety "Join the NH Clique" seat belt campaign grant in the amount of \$3,750

Chairman Jasper recognized Police Chief Jason Lavoie.

Chief Lavoie said the next proposal is the Join the NH Clique grant. This one here is when officers are out on patrol looking to make sure that child safety seats are being utilized and things of that nature. They're check out at schools where parents are dropping off their children as well as the grocery stores and Wal-Mart throughout the town. This grant is in the amount of \$3,750.

Motion by Selectman Coutu, seconded by Selectman Maddox, to authorize the Hudson Police Department to accept the "Join the NH Clique" seat belt enforcement program with the New Hampshire Highway Safety Agency, carried 4-0.

- K. Acceptance of a State of New Hampshire Highway Safety "Hudson Enforcement Patrols" grant in the amount of \$5,500

Chairman Jasper recognized Police Chief Jason Lavoie.

Chief Lavoie indicated that the next one is an Enforcement Patrol for speed. The total amount of this grant is for \$5,500. Again, officers are assigned to patrols and that's all they do. They just deal with speeding motor vehicles and trying to get people to slow down and obey the speed limit laws.

Motion by Selectman Maddox, seconded by Selectman Coutu, to authorize the Hudson Police Department to accept the "Hudson Enforcement Patrols" project with the New Hampshire Highway Safety Agency in the amount of \$5,500.00 beginning May 1, 2 011 through September 15, 2011, carried 4-0.

- L. Application to the State of New Hampshire Department of Justice "Enforcing Underage Drinking" application grant in the amount of \$13,318.00

Chairman Jasper recognized Police Chief Jason Lavoie.

Chief Lavoie said the next one we are asking permission to go ahead and apply for this Underaged Drinking Grant. The total amount for this is \$13,318.00. Again like in years past, we want to make sure that the sales of alcoholic beverages are not being sold to minors. We work with the State on that.

Motion by Selectman Maddox, seconded by Selectman Coutu, to apply for the Enforcing Underage Drinking Laws application through the State of New Hampshire Department of Justice in the amount of \$13,318.00, carried 4-0.

- M. Application to the State of New Hampshire Department of Justice "Hudson DWI/DUI Patrols" grant in the amount of \$5,625.00

Chairman Jasper recognized Police Chief Jason Lavoie.

Chief Lavoie indicated that the remainder of these last three grants we're also asking to be able to apply for as well. This one here is, again, DWI Patrols. This is one of the ones where we've received a phone call from the State saying you guys work them. We're going to give you this money. Just complete the paperwork and do what you need to do. Again, it's for random DWI Patrols in the amount of \$5,625.

Motion by Selectman Coutu, seconded by Selectman Maddox, to apply and authorize the Hudson Police Department to enter into the Hudson DWI/DUI Patrol program with the New Hampshire Highway Safety Agency in the amount of \$5,625.00, carried 4-0.

- N. Application to the State of New Hampshire Highway Safety "Operation Safe Commute" grant in the amount of \$1,875.00

Chairman Jasper recognized Police Chief Jason Lavoie.

Chief Lavoie said this one here is for Operation Safe Commute. It's a total amount of \$1,875. Again it's just a matter of setting up patrols for officers to go out there and just enforce motor vehicle laws.

Motion by Selectman Coutu, seconded by Selectman Nadeau, to apply and authorize the Hudson Police Department to enter into the Hudson "Operation Safe Commute" Patrols with the New Hampshire Highway Safety Agency in the amount of \$1,875.00, carried 4-0.

- O. Application to the State of New Hampshire Highway Safety “Hudson Red Light Running” grant in the amount of \$5,500

Chairman Jasper recognized Police Chief Jason Lavoie.

Chief Lavoie said the last grant is a Red Light Grant in the amount of \$5,500. Just by the name of the title you can obviously figure out that this is for us to monitor red lights and look for violations of that nature only.

Motion by Selectman Coutu, seconded by Selectman Maddox, to apply and authorize the Hudson Police Department to enter into the Hudson Red Light Running program with the New Hampshire Highway Safety Agency in the amount of \$5,500.00.

Selectman Maddox asked if there was any availability to look at getting cameras to do some of this. We have a couple of intersections that could certainly warrant it. If you’re out shopping for – obviously you’re doing a great job. I’m looking at over \$5,000 worth of grant money here. Obviously somebody is looking for all those grants. Is that an option we might want to look at?

Chief Lavoie said they can explore that to look for some technology to do that. Recently we were considering that. However we had some money for technology but we had to update our “judge in the box” is what we call it so that’s where the money had to be spent towards.

Selectman Maddox said there are a couple of intersections to be aware of. The Fire Department goes out for accidents regularly. Thank you.

Vote: Motion carried 5-0.

- P. Proposed Ordinance Change – Amendment of Chapter 232, Article I, “Hawkers, Peddlers and Vendors”, Section 232-4 and Article II, “Solicitors”

Chairman Jasper recognized Police Chief Jason Lavoie.

A couple of years ago, Chief Lavoie indicated they had come across a problem that when he first took over as Chief, and he was pretty sure he had spoken to the Board about this once already regarding Hawkens and Peddlers Permits. The problem I have was all of a sudden I get presented with the large list of names and all these people living out of State and they want to go door to door selling stuff. There’s nothing I can do other than as long as they present a driver’s license to me, I have to sign off on it and allow them to go door to door. It did not sit very well with me. What I had known is that a lot of times we end up arresting these people because they’re in town and committing other crimes here. I started asking around in other communities. I spoke with Mr. Pearson and he relayed a couple significant assaults that took place in Salem during his tenure over there. Here in Hudson as well, we’ve had people that we’ve had to authorize going door to door selling. Keep in mind a lot of the people that go door to door and apply for the Hawkens and Peddlers are good people. They’re just out there trying to make an honest living and a wage for themselves.

[Chief Lavoie] However, we also have enough that come through these communities where their sole intention is to try to sell a little and they’ll steal a little if they can. Some of the people that we’ve arrested for committing other crimes when we run their criminal history, their III, we have a tool where we can run people’s records to find out if they’ve been convicted of any other crimes and what they’ve been arrested for. However, we are not authorized to use it. It’s actually a misdemeanor offense if I run the name without any legitimate purpose.

Chief Lavoie said one of the subjects that we had arrested, he was out of Oregon. He had been arrested for attempting to elude police, unauthorized use of a motor vehicle, attempting to elude by foot, reckless driving, theft first degree, criminal trespass, second degree possession of methamphetamines. Out of California, we had a second person who was convicted of unauthorized use of a motor vehicle, two counts, criminal mischief in the first degree, burglary second degree, kidnapping second degree. Hollis has had similar problems. Florida some other crimes. I called different locations around Southern New Hampshire so it wasn’t just getting a Hudson sampling. They all wanted to know if it was our problem or if this was wider than just us. Hollis, Pelham, and Salem had all significant

problems as well. In a conversation when I called up Chief O'Brien from Litchfield to see if he was experiencing similar similarities and he indicated he was in the process of working with State Rep. Laura Gandia on getting past a Hawkers and Peddlers background law/statute so that it would authorize police chiefs to go ahead and run and use the III, use the FBI's computer to check the background of these people. When I sign off on these cards authorizing people to go door to door to sell things, they present that card to you and if you do your diligence and say you've been licensed through the Town and my signature is there with the Police Chief's signature on that card, you're going to assume that I've done something to make sure that this person can come door to door when in actuality I haven't. I haven't done anything. You're going to be misled by that or you could be misled by that.

Chief Lavoie said that the law was passed. What I'm asking the Town to do is make an adjustment in their Ordinance. I did have to reprint it because there was one minor insignificant typo. If you note on the list you were given, it has the letter "C" right below the first paragraph. It should be the letter "D".

[Chief Lavoie] Representative Gandia was able to pass a Statue – RSA 31:102-b "Background checks for certain vendors". I'm asking that the Town accept that language of law to be included into our Town Ordinance. It needs to go in two sections the way our Town Ordinance is written. Under Article I there is a section entitled "Applications for License" where it should be listed as letter "D". In Section II under the "Solicitors" section, the same verbiage I would recommend should also be listed there as well.

Motion by Selectman Coutu, seconded by Selectman Maddox, to accept and hold two public hearings as recommended by the Hudson Police Department to 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 including a State and Federal check to be provided by the applicant as recommended by the Police Department.

Selectman Maddox asked if there was a cost to do that background check. Chief Lavoie said yes. Inside the Ordinance the applicant is required to pay the fee to the State. If the applicant is planning on going to multiple towns or multiple jurisdictions, the State will then run a background check and give them paperwork. That paperwork will suffice for our needs so that the applicant wouldn't be paying twice. Selectman Maddox was making sure that if we have to make changes to the Ordinance, there's probably something in there about the fees. I just don't want to roll it all into one.

Vote: Motion carried 4-0.

Selectman Coutu asked to make one comment before Chief Lavoie leaves. We've had this evening Chief several grant awards that were made to the Town and you've also been given the opportunity by this Board to seek other grants that might be available. Though the tone and language of most of them had to do with all highway safety which was driving while intoxicated patrols and patrols relative to speeding, and red light violations, I want the community to understand that it is not the nature of a town or a police agency to want to go out and hammer people with tickets. This is in the forefront of community policing. We want to have a safe community for our citizens to dwell in. Drunk drivers on the road do not provide a safe community. People violating stop signs and red lights do not provide a safe community. The ordinance that you're proposing that we adopt, again, provides for a safer community and that we're aware of who's on our streets hawking and peddling. I want to commend you for applying for these grants and hope we get approved for all of the additional ones. I want you to know that I understand the concept of community policing, and this is all part of it and it does make for a safer community for all of us to live in. I thank you for that.

Chief Lavoie thanked Selectman Coutu.

Q. Water and Sewer – public versus private pump stations

Chairman Jasper recognized Selectman Maddox.

Selectman Maddox said the impetus for this was there's a new development going up at Melendy and Belknap that neighborhood. They're going to have a sewer pumping station. There was a discussion, and two of the people are in the audience, about hooking that up to our system. There was some confusion. What this is meant to do is to have a discussion about public versus private pumping stations for both sewer and water. Since we are the sewer

and water commissions, we get to do a two for here. Basically how we want to go forward or what's in our regulations? Mr. Webster is in the audience and he's going to bring forward some information in regards to as these are becoming more prevalent, how we want these set up. The public versus the private part of it and the requirements thereof. It's meant to be a stakeholder. I'm sure that the Town Engineer Mr. Webster will come up and have more information for us.

Gary Webster indicated that they'd talk about the sewer first and then about the water. There was a question about private sewers and so forth and it was brought up by Mr. Maddox. So I went through the sewer utility book, which is the bible. Its 8 inches thick and there are a lot of good readings. I did condense a lot of it where they talk about private sewers, pump stations, and so forth and it's pretty much in our ordinance. They talk about public and private.

Selectman Maddox said, again, I know that we are all the sewer and water commissions but that book we probably don't read very often. I guess it's not on line I'm now being told by the applicant. Mr. Webster said it is. Again, Selectman Maddox said a lot of us remember back to the days when there was a failure on a subdivision in town that caused great problems for both the residents and the town. This discussion is meant to put into perspective the reality that there are going to be private substations connected to our public water and sewer systems. This Board should take a look at a) what is in the plans already if that is adequate. Again, I would like to see BPW – even though they're not going to maintain if they're private should still have input as to what we're going to require. It says a pump station. We could ask for a 4-wheel drive vehicle and think we're getting an Expedition and get an off road vehicle. I think that as these become more prevalent, we need to at least have some firm guidelines as to what we are expecting for these stations as well as whether they're being inspected. When the problem happens, we as the sewer commissioners, I think we're also the health inspectors, when there's a problem that people are going to come knocking at our door we best probably look at this in advance and this is what this discussion was meant to be.

Mr. Webster did highlight and took this out of the sewer manual. It does describe and the procedure private and public sewer. Everything is directed to the Sewer Utility and the Selectmen approving the layout of the plan and acceptance. Even if it is a private sewer, they still have to go through sewer acceptance just like it was a private sewer. All the inspections are done by the field, which is myself, and that everything is tested and passed. Testing the pump station will ensure it passes and it comes to the Sewer Utility. They accept my recommendation which is signed by the Road Agent, myself, Sewer Utility, and eventually the last one will be the Chairman of the Selectmen which is the Chairman of the Sewer. It does describe it in our regulation rate now. It has been there and probably no one has really looked at it because the book is so thick. I took the highlighted things and like I said, everything has to come through the Selectmen as far as private or public. That's the main thing. Like I said, I had to come for the allocation for this project. It has to come through the Selectmen which I did do. The sewer has to come through for review, which I have to review it. The Sewer Utility has to approve it, and then you as the Selectmen will approve the plan. That's the part that we kind of miss. We got the horse in front of the cart a little bit.

On the sewer acceptance, Mr. Webster said this was pretty black and white. Portions of the public sewer, private sewer – it's right on the application for acceptance by the town. That also has to be signed by me, the Road Agent, Sewer Utility, and then Chairman of the Board of Selectmen. That all comes through here. The difference is with public sewer it's usually in public right of ways. Those public right of ways are deeded to the Town of Hudson when we accept the street. Private sewers I don't think you want to get into it because most of our – I just did a quick thing with all these condo projects in town. Almost 50 percent of our sewer is private sewer. I went through all the private and I might have missed some. We have about 4,000 sewer users and that includes the industrial. So you're getting to the private sewer, we'd have to have easements. We don't own the land. Why would we want to own the sewer line that goes with it? If that was the case like we talked about, private sewers – and you get into accepting them as a private station private sewer and we have to maintain them, that means the Highway Department is going to double their job of working the sewer because they're going to be maintaining all these private sewers. For maintenance, they go in the project – it's private and not a town road. We do it fixing manholes, paving, and fixing things and all of a sudden the Association says you dug up all the road here, I think you're going to have to fix it and pave it. I think you ought to kind of keep away. Private is private and its really one of the main thing in here is on V2 – “private sewers, private pumping stations shall be designed, constructed, operated and maintained by the private ownership and shall not be the responsibility of the Town or the Sewer Utility”.

[Gary Webster] What Mr. Maddox was talking about this one situation there, it was private but there were things that didn't happen out there and I'm not going to get into details. Yes we ended up taking it over and fixing the station. These private stations now they set up a maintenance company, telephone numbers and so forth – emergency numbers if something happens that's where the phone call comes – it doesn't come to us, fire, and then to the sewer. It's going to be in the condo documents. A lot of the pump station especially – and I'll let Tony speak. This is Tony Basso from Keach-Nordstrom. He's the one that designed what the project about private and public sewers. What happened is we have a maintenance book that's come up.

Before you go any further, Chairman Jasper was getting a signal from other Board members questioning where we are going with this.

Selectman Maddox hoped where they are going is we all realize that there is a procedure that that gets transmitted. Somehow or another this got skipped as this part of this whether it was town staff not knowing that the Planning Board where it says in here on the first page – “The allocation shall approve prior to final Planning Board approval” kind of got mixed up. What I would suggest Mr. Chairman is to get the Town Engineer, the water/sewer maintenance and come together maybe with Mr. Basso's help or someone to come back and put together what we should be looking at as a project in its total. If we're going to go to have more of these, what the stations shall look like. What we have here is they have to be approved by there's no real design criteria. You have engineers going off and designing what they believe. Our thing right now says there's no submersible or what's the suction – yet that's what they've proposed for this particular development because supposedly they're now better. I guess we need to update what we're doing on our sewer and water Mr. Chairman as far as these connections.

Frankly, Chairman Jasper appreciated what Selectman Maddox was saying. Much of the process I see is being here. What you're talking about is really what the Sewer Utility should be doing. That's what we have asked them to do is make recommendations to the policies. I don't think we want to start going down that road. I think that if there are changes – who's the Rep. to the Sewer and Water Utilities? Is that Selectman Nadeau. Then if there are some proposed changes that need to be made, these gentlemen should be working with the Sewer and Water Utility to make sure that the Ordinance or the operating procedures are updated. I'm not sure that we're going to go anyplace tonight with this discussion. I think it is more appropriate to go there.

Motion by Selectman Maddox that the criteria for private pump stations both for sewer and water be given to the respective utilities for updating and then brought back to this Board.

Chairman Jasper said the motion prejudices. Would you like to just say to review for possible updates? Selectman Maddox said sure.

Motion by Selectman Maddox, seconded by Selectman Coutu, to direct the Sewer and Water Utilities to review their perspective guidelines for possible updates and recommendations to the Board of Selectmen.

Selectman Maddox said what they're trying to do is not have the failure to communicate. As I understand it, the documents that you pulled these all from are not on line. How are developers supposed to know what they're supposed to do? When the Planning Board gets a plan set, we assume that somebody is looking at those designs yet the designs they're saying they didn't have the design criteria. Again to clear up this because it's not going to happen any less in the future and I know we talked about we don't want to have the problem of it is private yet it is going to be our fault when it doesn't work, we said we wanted to give sewer and water utilities clear direction, I think this is what we're doing. We're coming here saying this needs to be fixed, looked at, updated, that's the job we are now giving them. They can go off and do that. With the help of Mr. Basso and Town Engineer, hopefully clear up how this should be done, what maybe changed in the wording as far as types of pumps, generator requirements, and all the things that we would have in a public station as well as procedures in place. You're talking about this particular entity will have list and contacts. If a failure happened in one of the ones that exist tonight, who would be contacted? Maybe that should be part of this whole big review.

Gary Webster said he agreed with everything Selectman Maddox said except one thing on the water. We haven't done sewer in a long time. We don't see any new sewer because of the limits. It was kind of my fault not going through this but what I'm making Mr. Basso do now – I'm reviewing the plans. It's going to go to Sewer Utility like it normally does. The procedure is right in here spelt out. It's going to go to them for their approval. It's going

to come to you to do the facility plan and approve it. That's what is going to happen with the gravity and the station. We'll have all the comments taken care of before it comes to the Board. On the other note just to let you know on water, we don't have private water pump stations. The Town owns them for a good reason. We don't want anybody fooling around with the water. That's why we have that. We don't like any more pump stations because it is a maintenance headache for us and we're working directly right now with Mr. Basso. We have a solution to take care of one of the pump stations and get rid of one pump station. It's just like in the water, there's a procedure. They have to come in for a line extension through the water utility which they're going to be doing that and also coming right back to you to approve that water line extension. So we have procedures in place except I missed this because it was October that we did this and all of a sudden then got approved. It was fast on my part too because I got the approval from the State. It has been reviewed by the State DES and they approved the pump station gravity. The next thing we're going to do is go through all this one more time and bring it to the Sewer Utility. The procedures that we have here are going to be followed. It's just one of those things that happened so fast. They got approved and then the Planning Board – it was too quick to sign.

Selectman Coutu asked Mr. Webster relative to the construction of sewer pumps is there any DES overview on the construction of a sewer facility. On the last one we had we were supposed to get the funding Mr. Webster said was Ottarnic Pond. They were down at all times. Selectman Coutu said he was talking about outside of Ottarnic Pond, the developments that Mr. Basso has proposed. Mr. Webster said they do come down. When they do test the pumps, they have to be there. Selectman Coutu wasn't so much interested in testing the pumps. He's more interested in the construction and the design of the system. Is there a set of State or Federal guidelines?

Tony Basso said there actually is a complete set of State guidelines. In this case for Oakridge, they had reviewed the design and approved it. Along with the design goes an operation to maintenance manual. What has to happen is the State actually has complete oversight of this. They review this document and the pump stations are now set up with telemetry to forward all the data to the maintenance company which has to be under contract with the developer and then ultimately the condo association. These pumps send their telemetry all the time. They can check them on the computer making sure they're operating efficiently and appropriately and also check and test the backup generator and all that stuff. All that is required under State rules which is all incorporated into the manual. There is quite a bit of oversight here at the State level. These are not just things that they rubber stamp up there. We did go through a review process. We did address comments with the State as well their Wastewater Division isn't like State subdivision or other rules where it's kind of rubber stamped. This is a lot more complicated.

Chairman Jasper wanted to point out one thing. On page two of the highlighted handout, what you're talking about is very specific here. It does say, "...are in compliance with Town and New Hampshire DES specifications..." Our policies are up to date in that regard and do require that.

Selectman Coutu said he's not a voting member of the Planning Board but I'll be attending more meetings to get more educated, but I've watched the presentations that have been made and things that Mr. Basso has presented. Relative to your holding that like somewhat of a bible for construction of sewer, what assurances do we have that all of the – I can understand the complexities that are involved in having to make those kinds of decisions in Mr. Maddox's seat as a voting member of the Planning Board, are all of the different developers must they comply in that all the systems have to be the same so that we're not dealing with 20 different...Mr. Basso said no. There are a lot of different possibilities out there as far as the design goes. There are 3 main types of pump stations. There's what they call a wet well dry well, which is the older town systems the way they used to be. They still do make those types of systems and it's an incredibly expensive system and that was an old standby and big volume pumping station. The second standard is suction lift station, which the own does incorporate. It's a Gorman Rupp System. It was really sold to towns about 15 years ago as a package type system that could replace the old wet well dry well systems and a lot less money for those.

[Tony Basso] Then there's the third alternative which is a submersible station. Submersible had a bad rap years ago. They've come a long way because they had to be able to compete and be allowed. That is the standard in private pumping stations is submersible systems. These submersible systems can be any type of pump. There's a huge amount but there are certain standards that have to be met. They have to be duplex systems. You have to have two pumps so that way you have a backup source. They have to have backup generation. You have to have a separate valve structure so it can be separated and turned off. You have to have the pumps mounted on rail systems so they can be removed easily and not have to have people go down and enter the confined space. You can actually

hook up a lifting mechanism to it and pull it right out along the rails. A lot of rules have developed regarding them. Those are kind of the standard in the private pump station world. The suction lifts are the standard in the municipal if the town is going to own them as a whole then they're all the same. What suction lift is basically a pump that's not in a well and it basically has straws. You go down into the well and they draw it out versus a submersible pump that is at the level that we have to have.

One final question if Selectman Coutu may. Any ongoing projects that we have presently, and Mr. Maddox perhaps you might be the one to answer the question, as a result of the tasks that we are going to pass on to the Sewer and Water Utilities are there any projects that might be held up as a result of having to await something from them or are you satisfied that...Selectman Maddox thought this could happen fairly quickly. Again, our regulations say the submersible pumps are one of the things you cannot, will not be allowed. Again, I think that's the kind of discussions that need to be corrected. As it sits right now, the submission that they have provided does not meet our regulations. That's why these need to be look at. This one I don't think is going to be held up. They're going to be a year between now and they're even going to have that station in place probably. Mr. Basso said this is actually in Phase IV. So it's actually 4 years out. Selectman Maddox said this is why again Mr. Chairman I think we as the Sewer Commissioners need to take a look at this. The same with the water Sir. Even though it is our private system, we don't want to have 20 little pump stations. We want to work with the developers through their ability to hook up to our water to either upsize existing so that we don't have all these little pump stations all over the place. These are the kinds of things I think that they need to take a look at and not the invoices, the minutia of that side of it but look at the big picture as far as new technology obviously the submersible pumps is where they would like to go, is that something that we want to hook into because right now it says they cannot.

One comment on the submersible pumps. Mr. Webster said all the private stations – Highland Woods and the other one is down by it used to be Sprague Drive down there – they have a big pump station and those are all submersible pumps. We haven't heard anything and I asked Jesse the other day just for the heck of it. He stopped in one day and shut the power off just to make sure the generator was running and they didn't so they called the association and they took care of it. That's one thing that we're going to go through this and I'm going to put my effort into it to get this off my table. We have resolved the water situation. I haven't had chance to talk to you about it. WE have a solution that's going to be in favor of the Town to get a River pump station. I'll be back for that.

Vote: Motion carried 4-0.

- R. Donation of \$250.00 from Aileen and Mike Grunder to be placed in the Hudson Ponds Donation Account

Chairman Jasper recognized Assistant Town Administrator Mark Pearson.

Mr. Pearson said two residents in the Town of Hudson, Aileen and Mike Grunder, have proposed to donate \$250 to the Town of Hudson Conservation Commission for the purpose of work to be done with the DASH Unit at Robinson Pond to remove exotic plants during the summer months. If the Board was so inclined to accept the donation, it would go into the Conservation Account #4559 for the Hudson Ponds for this purpose.

Motion by Selectman Coutu, seconded by Selectman Nadeau, to accept the donation of \$250.00 from Aileen and Mike Grunder with the Board's thanks and appreciation. Said funds to be placed in the Hudson Ponds Donation Account, carried 4-0.

- S. Community Center Activities

Chairman Jasper recognized Recreation Director Dave Yates.

Mr. Yates said at the Community Center earlier in the month we had a comedy night and there was also a private organization that had requested a comedy night a week prior. I had showed a little resistance because I thought it was going to affect our attendance. As it came out, it did not affect our attendance but come to find out, it wasn't exactly a comedy night that they held. They held a dinner dance with a comedian. It was a totally different venue than what we do oppose to back in September; there was another private group that came in. They held a comedy night with 3 comedians just like we do. That's when our attendance went significantly down. We held a comedy

night 3 weeks later and there was 193 people. It did affect our attendance. My request here is that we keep an eye on the people coming in and if they're going to ask for the same event, we as the Rec. Department at Town are already offering that we keep it down to maybe one other per season or per year. We hold three a year – October, January, and April. If 2 or 3 other groups came in and they want to hold one, now that's 6 a year and the novelty has worn off and I feel our attendance will definitely go down as it did in September. The Board wanted to know how our attendance this time was and it was fine but I think it was a totally different event.

Selectman Maddox said you know well in advance when you're going to schedule yours because you have to line up the comedians. So you already know the schedule that you're going under. Mr. Yates said yes. Selectman Maddox's question is what's going to be the criteria for the one that's going to get it other than the Town. I would think that if you're two months away from the ones that we already have scheduled, again, what are the criteria we're going to utilize to pick that one.

Chairman Jasper said we're not going to be making a motion. He's making a recommendation. We'll deal with it as it comes up. We'll need to consult with the Rec. Department and see what their scheduled is and we'll decide on a case by case basis whether we're going to approve it or not. It's merely his recommendation. There's no way we can adequately address this issue. The question was asked and answered. Unless there is Board action or there are further questions, I would move on to the next agenda item.

T. Rte 102 Water Line Extension

Chairman Jasper recognized Town Engineer Gary Webster.

Mr. Webster said we've been meeting with this developer relative to the project in Londonderry and they're trying to put their own water system in. They came to the Town and Steve Malizia and I listened to what they were trying to do. They want to try to extend the water main from the existing water main that we did for St. Joe's to the Londonderry line. Like I said, we did a lot of listening and so forth. Finally we had a meeting with Pennichuck Water Works to be involved with this. They're the ones who are trying to do everything with the developer and us. Like I said, we just listened to what they were going to try to do and they were trying to figure out what the abatement was and then they finally sent me an e-mail a few weeks ago. They're trying to put this together. Obviously they're trying to see if the Town would contribute funds towards the water main extension which benefits the Town and Fire. To develop the land there, it's all commercial property on 102 Robinson Road, West Road that would probably be a benefit. We've always talked about extending the lines down West Road and we've had conversations with a few Selectmen and so forth. They finally came together and we looked at what we had. Steve is the one who decided where the money was going to come from. My thing is what's the benefit to the Town of Hudson. That's what we have to look at.

In a nutshell, Mr. Webster said they sat down with them and they asked us. The came down with a cost. It's a 12 inch line they want to put in, put the pump station it which will be designed by Pennichuck, maintained by Pennichuck. There's no financial obligation as far as us maintaining the pump station which we just talked about. Also anybody that hooks up, we'd be getting all the hook-up fees in full and the developer is sharing it with him. So everything in Hudson we would be getting all the fees back to us. I brought this for discussion. I don't know if the developer is going to show up or not but I'm going to present this and let you look at it. It's something to look at and see if it's worthwhile and whether we want to do it. You as the water commissioners have the authority from the capital reserve fund to expend money. I didn't realize we had that much money in there but it is there. If you feel it's an advantage to the Town, this is what we're here to discuss.

Before Chairman Jasper takes comments on this, there is a proposed motion. I don't think that we're ready to go to that point tonight. I think we need to see some more design work and some proposals and certainly the bottom line what's going to be put in, where it's going to be put in, and all the agreements need to be worked out. There's a lot of ledge in that area. I don't know if they've taken that all into consideration and the cost of doing that because certainly going up the south side of 102 would be expensive and I don't know that it would be any cheaper on the north side either.

Mr. Webster said that's where it comes down to if they get into this thing. It's up to them to do all the test borings up there. That's on their nickel and not on ours. That's the thing they're going to face. It's always contingent with

ledge. We know definitely on the right side there's ledge there because they had to blast when the widen 102. I just threw a couple quick proposals in going in different directions. The pump station – they still have to acquire where they're going to put the pump station. That's going to be up to them. I showed 3 locations. It has to be in that area because anything above that because of the pressure/elevation, they have to put a pump station in. That's what I put on the Memo; it's for discussion and the Board's feelings. They're going to be here themselves to sell you. I'm just passing this on to you just to let you know and what they've asked for. They came through me. Not that I'm trying to pass the buck but if it's a discussion that you think is worthwhile and then we go into the next step as far as more design work and so forth and what side of the road they're going to go on. In my Memo, I had the final decision which will be between Pennichuck and us as far as where the line actually goes.

Chairman Jasper said one of the comments and one of the possibilities is to work on the extension out of St. Joe's. There are some possibilities there. I'm looking at going up 102 but we also know there's a development right there. Would it make sense since those sites are going to need to be serviced by water to run a bigger main up through that site and then go across and avoid that work on 102 altogether. So I think this is what we need to see is what's the final plan.

Selectman Maddox said we're both on the same page Mr. Chairman. This Board already spent \$43,000 to upsize the pipe that's showing on the existing from 12 to 16. I can't in good conscience say let's spend more money to go down the other side of the road. Why wouldn't we have this developer talk to that guy that owns that corner piece and go up his driveway while he has it all dug up and not have to dig up 102. I think this is a little premature as well as I would hope that they locate the pump station further back so that you're pressurizing both the existing of what we have now that future you're showing going off to Christine Drive and not have to have again multiple pump stations. Again I think the engineering isn't there for us to make a decision.

Finally Mr. Chairman, Selectman Maddox wasn't sure he wanted to spend water utility money when I think these people could probably garner additional partners in this project and cover the cost of that water line. Everybody that's ran that line down from White Hen has paid for it themselves. I just don't know how we'd say okay its okay for this one to pump water into Londonderry we're going to contribute. I think again it's a good discussion but I would hope that we would utilize the upsize pipe that we've already paid for before we go and run new pipe.

Selectman Nadeau's question is how many developable lots do we have in Hudson that would share the cost of the project. If we have 2 lots that we're going to get out of this by running this by them, I don't think it's worth it. The other thing is like Selectman Maddox said, we put all that extra money in upsizing our pipe to get to that point and why would we want to do the other side of the road type thing. As much as I think it's good for the business friendly north end of town up there, to be putting out \$100,000 of the water users money so that they can put a water source to a place in Londonderry –if it was going to benefit 22 new lots that we were going to have for industrial property with hookup fees in the future, it might be something that we should be looking at. I don't think there are that many lots between here and there that would be eligible.

Chairman Jasper would tend to agree with Selectman Nadeau. There are still obviously a few up along 102 on the hill. I think those are owned by Fuller Oil. I don't know when those would be done. I think his best chance is to go through the old Jakowich which is being developed right now. Run that line up there and if they can share the cost of doing that, I certainly don't mind doing this if we see a payback. But everything up on Rubble Road with the exception of those few lots seem to be developed and if they're not having any problem with the water quality, then what are the chances – if you have a good well and everything is going, there's no advantage to paying money out and hooking up to a system. Unless I can see some real payback to the Town, I'm not particularly interested in doing this either. There would have to be a demonstration to me that there would be payback. Ultimately that might be what makes it unnecessary is that they could just all get together and work this out to begin with.

That was Selectman Maddox's thought. If there are other users, contact them. The ones that you listed, they might want to buy into this ability to get town water. To simply say Town give us \$100,000 with no expectation of any return where we still have to do things at the Gordon Street tank that we're going to have to spend some money there – what's at the Marsh Road pump station. A number of things that are going to have to happen, I don't want to be spending money to pump into Londonderry.

Mr. Webster had one comment. What I looked at like you said with all these lots on the hill there, the main thing is fire protection. If they have town water up there, it would be salable up there with those building if they had fire protection plus the insurance rate and so forth. That's the only thing I could see. When we said that, like I said we listened to them and I'm just presenting it. There is that big parcel of land that goes all the way on Old Derry Road. That's Noury's piece. I've had conversations with him anyway about pump station and stuff. That could be the way. He has a big piece. If he finds a user and they need town water, obviously he'd be a big contributor because right now if he wanted to do something, we'd make him put a pump station in if he wanted to develop his parcel because it's above the elevation and he knows that. It's probably something on their part. Maybe they try to contact them. I know some people do want to hook up. Right across the street there's McDuffee and other people. I haven't gone out and asked the question about it. Like I said, it's for discussion and you have your points to make and that's fine with me.

Quickly, Mr. Webster said the expansion down West Road there is empty lots down there that down the road it could happen and even Robinson Road. If Christine Drive goes in there, that means we have the easement to go back out to Robinson. Everything in blue you don't need a pump station for. Everything on the other side of West Road and Robinson Road you need a pump station.

Chairman Jasper thought their direction is if somebody wants water down the road either way, that's going to be on their nickel not ours. Putting the pump station to pump up the hill where most of that line is probably not a lot of potential for us. Certainly I would encourage you, and I think the Board would agree, to work with them to try to come to a solution because having hydrants up on top of the hill in that area is not a bad idea. It's certainly an exposed area which is going to be difficult to get water sources to. I know both of the oil companies there have large cisterns but even then that's not necessarily going to be enough to take care of a bad situation. I think you have the sense of the Board that we're not really interested in participating monetarily.

Mr. Webster wanted to add to that because our philosophy is (Steve and I) you want water, you pay for it. We told them that. They sent the letter to us and that's been our philosophy. I'm going to feed them back and show us more information or it's on them. If they get a bad well on their side, they've got \$400,000 into this memo and they find the water is no good. There's a lot of things on our side and we say well why don't you just get the water and you don't have to worry about it.

Selectman Maddox said they did do that Mr. Chairman. We upsized that line from the 12 inch line to a 16 thinking of the future. I don't want to abandon that sitting there and run on the other side of the road.

Chairman Jasper said again if they come up with a proposal in terms of upsizing if they can work something, that's not to say that the Board wouldn't say all right you've come up with a proposal but we'll pay to upsize it. That's not really going to help them in that particular situation. I don't see us going down that path of starting to shell out money for areas like this they need to come up with agreements with the people who would directly benefit.

U. Authorization to Post for a vacant Firefighter position

Chairman Jasper recognized Fire Chief Shawn Murray.

Thank you Mr. Chairman and members of the Board. As you are aware, Chief Murray said we recently had a retirement of Firefighter Neil Pike after 22 years of dedicated service to the Fire Department. I'm here tonight to ask the Board to be able to post that position.

Motion by Selectman Coutu, seconded by Selectman Nadeau, to authorize Chief Murray to post for a vacant Firefighter position, carried 4-0.

9. OTHER BUSINESS/REMARKS BY THE SELETMEN

Selectman Maddox – I would like to address a couple of things. Number one on our Workshop of April 5th you came up with an idea that I voted for an thought it was a reasonable exercise to look at what the impacts would be to our various departments if there was a 10 percent reduction in funding. Somehow or another that has morphed into we're laying off 10 percent of our staff, which was not my intent and I don't believe it was yours either Sir. You

can certainly stop me if I'm incorrect. I think the intent was to do something that the Board of Selectmen is often accused of is not planning. We're actually going to take a look at in advance of the budget 3 day excitement and talk to the departments and see what impact reductions of funding would be on their departments. I think hopefully that this will explain my position, and I'm pretty sure from the shaking of heads the Boards is not to remove 10 percent of our work force and not do any of that but to explain to the citizens as the department heads are explaining to us what the impact would be if we had to. I know that at this point our funding looks relatively good from the State but there are still some questions. We might have to make some cuts. So at least now we would have the knowledge as opposed to just a random act and that's why I voted for it. I think it's still a good idea.

Next item – dance halls. Selectman Maddox said at our last meeting you sent me off to say go find out about that dance hall permit. What I found out Sir is I guess we don't do enough of these because infamous Mr. One, someone, no one, was involved in this process. I think the Assistant Town Administrator – and I had brief discussions – I think that the Town Planner needs to get put onto this. Everybody kind of gave me the Abbott and Costello routine about they did, so I did it. I think there needs to be some criteria why we did it as far as the form that was determined by the Board of Selectmen maybe needs to be updated. Again, the site plan and the reason why I voted against it was as the Planning Board guy I said this hadn't been before the Planning Board. Someone approved them to go to 20 people outside on the patio. Now it's 75. My concern was and it still is is where are those people going to go when it starts raining. I guess they have a canopy now but is the noise from the band going to be transmitted outside. At least a public hearing of some method whether we do it or the Planning Board would at least make people aware that they are now going to have noise outside. I think that we, staff, should take a look at that form and adjust it as necessary. I guess dance halls seem to be the new and upcoming thing Mr. Chairman. I guess we're going to have our third one in a very short time.

To that point Mr. Chairman if I might, Selectman Coutu said Selectman Maddox had expressed some serious concern about this particular permit. Not necessarily because of its nature but because of the methodology or the system that was used in order to approve it. Having spoken with him, I started asking around and asking a lot of questions about it. I have some very, very serious concerns Mr. Chairman. So much so that I'm ready to move to reconsider. I was on the prevailing side to reconsider our motion to grant it so that we can put this under a little more scrutiny. What I'm concerned about is that the seating capacity in that hall approved by the Fire Department, and you can correct me if I'm wrong Chief Murray, I believe is 45. Chief Murray said correct. Selectman Coutu said the seating capacity in this has now expanded from 20 to 75 seats on the outside. That would mean that if there was a sudden downpour, and it's not unusual in the northeast, 75 people are not going to run to their cars to leave the property. Seventy-five people are going to move into this building and now we're going to have a capacity almost three times what is permissible by fire standards and codes. Am I correct? Chief Murray said correct. Selectman Coutu said that raises some very serious concern. In looking at the size of the parking lot, let's just assume that they went two by two in the cars and there weren't 75 cars for the outside and 40 on the inside. Let's assume there are only 60 cars there for all of these people, I don't know where they're going to put them. They're going to be up and down both sides of that road.

Further, Selectman Coutu said one of the questions that I had asked when they were here to present this was the geography and how many people were behind them, across from them, and they said it was a wooded lot behind them, which it is. I think the noise could very well carry across the street and affect the residents in that immediate neighborhood. Unless I hear otherwise Mr. Chairman and it's not a question of having an objection, I move to reconsider the approval if we have the specific dance hall – whatever it was, I'll see where it goes. I'll make a motion if it gets seconded. Selectman Maddox said he'd second it for discussion.

Motion by Selectman Coutu, seconded by Selectman Maddox, to reconsider the vote to grant the dance hall permit for JD Chasers on Burnham Road.

Selectman Coutu said he stands by the remarks he just made.

Chairman Jasper is not necessarily opposed to this motion. I am concerned how we got to this point. It's probably a good thing that the Assistant Town Administrator is sitting next to me because it's his staff. Ultimately I think it started the ball rolling and should have reviewed this more carefully. I'm always in an awkward place when our staff has said everything is all set to go. I have to believe that they have looked at these items. The parking is certainly a valid issue. The occupancy inside the building is a valid issue because you're right. Somebody is

outside where are they going to go in a sudden downpour. They're going to go inside. That's the case and one would have to wonder a lot of things. You don't normally have a situation like that where you would have just people wandering in and out from out an area that doesn't have a fence around it or something because people just wander off without paying their bill or what not. I'm a little disappointed that due diligence was not done by the staff in my opinion for this to put the Board in this position. I think the parking issues – the noise, I think that's always a very subjective issue. You tend to have to deal with the noise after it happens. They told us the speakers were going to be inside and not outside. I'd hate to see us just – I think it might be noisy therefore and we're not going to give anybody the opportunity but in this case, I think there are a number of issues that are a great deal of concern and I will support the motion. It's unfortunate because we've granted it and I'm not sure how this is really going to play out. I think we're going to have to take that risk.

Selectman Coutu said further he had discussed this with the Fire Chief and met with him and his staff on a couple of occasions and they had some serious concerns about how they were going to get equipment into the parking configuration would not allow for the equipment to be able to get in there. If we have an emergency situation, they're going to be operating from the center of the street. So I was concerned about that as well. With regard to the staff not having done due diligence the way its set up, and this is why we're doing the study because Selectman Maddox and I both had some preliminary discussions with the Fire Department relative to combining the inspectional services. There was a situation where one person looks and said he must have done it so it must be okay so I'll okay it and that's where this went on. It was obvious to Selectman Maddox and I, and I say this gives more credence or more impetus for us to have to look at combining inspectional services so that we have everybody rowing the boat in the same direction. I share your concern. I don't know where this is going to go or how we can effectuate this now that we've already given them permission and maybe well underway. I think it's time to put the brakes on and take a real good look at this because they need to share our concern about public safety and that's what this is all about. As far as noise Mr. Chairman, 75 people sitting out on a patio in a confined area, that noise is going to travel somewhere. It's not just about the music, it's about the people out there drinking, and carousing, and making noise.

Selectman Maddox said that site plan that he was shown, which is the one that I guess the decision was based off of, had gas pumps in the parking lot. So the site plan is certainly not up to date. There's no gas pumps and I guess it was going to be a 7-11 many years ago. Again, not an up-to-date site plan. I know that's only one thing we're looking at. I think at the very least, we need to add to that list the Town Planner who needs to be signing off on this also to see if that site plan is adequate for the uses that they're proposing. Even if we don't correct this one, hopefully we've corrected the system and hopefully this won't happen again. I do know that there's another one coming in. I guess that must be the new trend.

The only thing Chairman Jasper would say is Mr. Pearson you need to make sure that when we're looking at things like this that your staff looks at it carefully in terms of – all right here's the seating capacity and what do you have for parking. This doesn't work on this site plan because there's not enough parking. I remember vaguely the whole issue when that was proposed as a gas station. It was a long drawn out issue and there was a lot of concern about his proximity to Ottarnic Pond. I didn't remember it actually being approved as a gas station, but there must have been some pretty severe limitations placed on there or issues about what the system had to be put in place in terms of monitoring. There was a huge concern about contamination of the pond. Ultimately, that may be why the pumps never got put in. That's not really relevant to the motion so if we're ready for the question.

Assistant Town Administrator Mark Pearson would like to speak to the issue. The ordinance was silent and never did have any planning director as a sign off. It was very specific to the people that did have the sign off. Just so the Board knows, this is the second instance that a similar event happened. The first one happened with the electronic sign ordinance that was approved by the Planning Board and then the Zoning Administrator who was intended to enforce the electronic sign ordinance after the fact, then he had some concerns about the whole electronic sign thing. So what we have done in the office, because it doesn't prohibit us to have additional people to look at it, is we have now added the Planner and the Zoning Administrator to everything that each one sees so that this hopefully will catch some of these instances. This isn't an excuse, but when this ordinance was written it never did include Planning Department oversight. I certainly agree. I think the issue that Selectman Coutu brings up about the capacity of seating in a building; I don't think that any dance hall permit was ever intended for something outside. When you're talking about capacity of a building, 45 seats, I don't think anybody envisioned on putting 75 people

outside the place because that clearly creates a problem. I definitely agree. I think this new dance hall needs to have the scrutiny to make sure that this doesn't happen again.

Vote: Motion carried 3-1. Selectman Nadeau in opposition.

Ms. Graham told Chairman Jasper that we do have one dance hall permit that didn't make it for this agenda for the next agenda. What do you propose? Do you want to look at it before we put it on the agenda or go back to the Planning Board? Chairman Jasper thought we better send it back and have it scrutinized for occupancy and parking.

Selectman Coutu suggested that it's not just a question of signing. It's a question of conferring with one another besides that. Anybody can just sign a document. Again, it comes down to well he approved it so he must have checked that so I'll okay that. They need to confer with one another. Chairman Jasper agreed.

Selectman Nadeau had a question about the permit what we're going to do with this permit that we're talking about. I drove by tonight and last year when I drove by it had those white chain fences that cordon off the outdoor area. I drove by tonight and there's a wood fence that is now cordoned off that outside area. When I drove by, the door was held open. The door was wide open. There was nobody inside or outside that I could see. I'm sure the establishment was open but the door was open. If they did have the jukebox on, the noise would be traveling outside. That was a concern for me. Just seeing the fence there, I don't know if they needed a permit to fence in the area. I saw the canopy there. It was like a portable carport type canopies. Is that acceptable with our zoning in that area? For safety, what happens if that blows over?

Chairman Jasper thought the liability for something like that is clearly not with the Town. I think that it would be appropriate to have the Zoning Administrator check the site out for site plan compliance. This is one of those cases where if a business is in operation outside of our hours, it would be appropriate to authorize an hour of overtime on a Friday or Saturday night when the place is in full operation to make sure that it is in compliance. If we go by there at 11 o'clock on a Tuesday afternoon, we may not see problems. I don't remember how that new fence ordinance would apply here. That's a site plan issue. He may be able to make a determination in terms of the physical layout outside whether it's in compliance or not. The parking issue – if you have delineated parking areas and we find on a Friday night that they're not able to stay within the site plan by parking in other areas, then that's a violation that needs to be dealt with.

In fairness Mr. Chairman, Selectman Maddox said unfortunately the horse has left the barn at a certain amount. I would recommend that Mr. Pearson and his staff as well as the Fire Department maybe go and work with this applicant and see if we can get them past the hurdles that they've heard about tonight and move this along but in the future going forward. If they can't, we'll have to deal with that. They represented they weren't going to be playing music. If that's what they're going to put in writing to the Assistant Town Administrator, then it will be an issue to be dealt with otherwise. Again, try to maybe soften the blow of us reconsidering this if they've already leaked over the next step. Maybe we can work it out so that they sit down and try to work this out to mutually agreeable. Chairman Jasper thought the staff will be glad.

Mr. Pearson said at this point, the Board just took action to rescind the permit. Selectman Maddox said no reconsider. We haven't rescinded it yet. We voted to reconsider. Selectman Coutu said what we've done is reconsider. It's actually being held in abeyance right now. It's in the air. We've reconsidered our action but we haven't made a motion to deny it. Chairman Jasper said the parliamentary situation is right now the permit is back on the table with a motion to approve. Selectman Coutu said to wait for the staff's report.

Motion by Selectman Maddox to defer until the Workshop to get a report from staff as to where we should end with this.

Chairman Jasper said since they haven't actually established what we're going to do at the workshop, can we just say for the next meeting. Selectman Maddox said sure.

Motion by Selectman Maddox, seconded by Selectman Coutu, to defer until the next meeting to get a report from staff as to where we should end with this.

Selectman Nadeau indicated that they picked up their permit yesterday and they paid. They have their permit and it's paid for. Chairman Jasper said that's why we're putting this off for another two weeks may not be the best thing to do. It may be the best thing to vote no on the pending motion and not cash the check and inform them that further information has come to our attention which requires that we felt that it's appropriate to rescind the permit.

Selectman Maddox said he would like to split that baby. Before I do, Chairman Jasper said the parliamentary situation they have a permit. Now we've reconsidered that motion. They don't have a permit, what would we tell them if we put this off? I don't think we can split the baby here. I don't think we can put it off. I think you have to deal with this tonight because they physically have the permit. We either have to tell them we've rescinded the permit or not. They'd be operating with a permit that is not totally valid but it's not invalid. I don't think you can go down that road that way. Selectman Coutu agreed with the Chairman. There's no doubt in my mind that you're correct in this issue. We need to have some clarity. I agree Selectman Maddox. He's correct. I'm going to withdraw my second and then I reserve some time...

Chairman Jasper asked if there was a second to the motion. Motion dies for lack of a second. We're back to the question of approving the permit.

Selectman Coutu knows that the motion to reconsider obviously passed and we can let this hang in limbo. I would be more comfortable if I knew that the Fire Chief, or Deputy Fire Chief, or whoever the Chief assigns, and the Assistant Town Administrator whoever he assigns went and met with these people as quickly as possible. I beg to differ with you with regard to liability. The Town I think could be held liable because we granted this permit. Chairman Jasper was talking about and I just want to clarify it, I didn't mean to interrupt. Ben's talking about a tent. We don't have any liability if the tent blows. Selectman Coutu said if they put a tent up and the thing blows over and hurts somebody, that's their insurance. In terms of the safety, we granted a permit for something that could present a serious hazard for people. If they fence the area in, where are these people going to run if they have to run somewhere? I'm concerned that it's not our fault. We based it on the fact that there was a document presented to us that everyone signed off and said this is okay. Apparently, it's not okay. I don't see the harm in suspending this but having the Fire Department and a member of your staff go there and explain to them that it is imperative that we examine this more carefully and they sit down and try to – with them there physically, they can see well where are you going to sit these people? Where are all these people going to park? If it means doing it at night at 7 or 8 p.m. when they know it's going to be packed and we have to pay a couple of people overtime, we just want to make sure that people are safe.

To that end if what I'm hearing, and I'm not sure exactly what I'm hearing, Chairman Jasper said you may want to amend the motion to grant a temporary permit whether it be for two weeks or a month until the issues can be resolved.

Amended motion by Selectman Coutu, seconded by Selectman Maddox, that the Board of Selectmen grant a 30 day permit or until such time as a recommendation for further action is made by staff

Selectman Maddox said we're trying to do right by both sides here – the public, the applicant. Again this is why on a single piece of paper we didn't have all the information we needed to make a decision. This is correcting that flaw.

Without objection, Chairman Jasper said he's going to take this amendment as the main motion so that we only take one vote if this is adopted. It will be the final vote.

Vote: Motion carries 4-0.

Mr. Pearson said he'll work on that right away and there is no overtime. The staff members are salaried. Selectman Coutu asked that he coordinate it with the Fire Chief.

Selectman Maddox had one last thing. I know that this Board wants to be pro business. We just agonized over this routine, and I think the same concerns at the Planning Board. I know you've had some concerns about dragging people along. I'm looking for some guidance from this Board as to where we want to go at the Planning Board level. Again as I saw it Mr. Chairman, we tried to give the applicant every possibility to take a look at a challenging

parcel and make some adjustments, make some modifications and different ideas. They came in as conceptual but now it has gone on for quite a bit of time. That was I'm sure your concern that it looks like it's going to be approved at some point. I think that maybe this Board needs to tell me and I need to convey to the Planning Board and whatever that we at least need to tell the applicants up front that even though it goes on for a long period of time, there is a possibility that this plan could still be denied.

Chairman Jasper interrupted and said if you're looking for guidance, I think that when it comes to waivers, the waivers need to be dealt with up front particularly the case of a waiver for the 100 or 200 foot setback. Those types of things need to be the first things that are addressed. I don't think there's any sense in looking at anything else having the applicants do anything else. If you drag them along for 6 months and they're doing everything that they can and they're spending a lot of money on traffic issues, redesign and relocation of the building and you get everything done and you say tough luck we're not granting the 100 foot waiver, that is grossly unfair. They need to come in and say we need a waiver for 100 foot and in order to get that we're going to put a berm with a fence on it and shrub. The Planning Board needs to say up front, right then, yea or nay. You can't put people in this situation in my opinion where at the end of the day their site plan can't possibly be approved if they don't get that waiver. To me that's a really egregious thing is to drag that out, and out, and out. Waivers need to be dealt with right up front.

Again, Selectman Maddox said the Planning Board has tried desperately to give everybody the option to come in with 16 different versions of the apple. I think it's a case of saying right up front it's not going to work because of X. The waivers won't pass then yes. Again, they kept on saying we want to come back and try something else. The Planning Board let them and then shame on us. If that's your opinion, then I will take that to the Board. I'm just looking for guidance from this Board as to how this vote should proceed.

Selectman Coutu said he can't address a specific case but I will concur with Selectman Jasper. If there are specific waivers that are going to be required in order to make the site compatible or approvable by the Board, I agree. The waivers should be dealt with up front. It seems to me in looking at that particular case – I don't like discussing that particular case but we'll take about it in general. There's 4 or 5 of them. When you look at those cases if someone is going to invest money in designing plans, and moving the plans along, and hiring people to come in and speak on their behalf whether it be an engineering firm or an attorney, then they're into it for \$40,000 to \$50,000 and then all of a sudden one or two of the waivers are not passed which prohibits them from constructing, that is certain unfair that they invested that kind of money. That should have been dealt with right up front. You can say we're not going to grant the waiver for a specific reason. We'll allow you to come back. We'll do it without prejudice but you're going to have to try to resolve this. At the second meeting if they haven't resolved it, then you say this isn't going to work. I think that the Planning Board in general based on my observation, especially the past year, has been relatively business friendly. I think that overly so. I think what they did is they put the cart before the horse on several of these and they need to deal with these waivers. I agree with you. I can't disagree with you. If it was me and I had spent \$50,000 and then I found out that because of one waiver I wasted \$50,000, I'd be upset. I support what he said.

Selectman Nadeau agreed that if you have tough waivers like that, they should be up front and deal with them so if they have to go to the ZBA for other things, they can be dealt with in a timely manner so that the applicant is not out a lot of money.

Selectman Nadeau – I have quite a few things for this evening. The first one is the Benson Park Committee had a meeting last week. One of the things they were talking about was painting the gorilla house. They want to paint it a light green with dark green trim and keep the gorilla cage black. The conceptual drawings were upstairs in the Selectmen's office. I believe most of you have seen it. I just wanted to make sure that it was okay to go ahead with painting those colors. If nobody has any objections, they've already started priming it with their white that they need to put down for the base coats to cover up all the graffiti that's in there. They have to prime it with two coats. Chairman Jasper said the next step is they have to pressure wash it again because I had put a stop to the painting in the back last year because there was some painting going on over the algae that had formed. They're going to pressure wash everything before it is painted again. That's the next step. Selectman Nadeau said the other thing was if the Board doesn't have a problem with the painting, I'm sure they'd be happy to start on the next warm day. Selectman Coutu said he didn't want to be involved with picking colors. I think that should be at their level. Selectman Nadeau wanted to make sure it's okay to go ahead and paint it.

The next thing Selectman Nadeau had was for all those who didn't know, there was an egg hunt last Friday at Benson's. It was a very well attended event. The cars were parked all the way down past Cahill's and a lot of the people in the park saying that this was the first time they had been in. It was a wonderful place and there'll be more people going in there for enjoyment of the nature trails. I'd like to thank the Rec. Department for hosting the Easter egg hunt there. It was very well attended. The Cable Committee had somebody there videotaping. I'm sure that we'll see little clips and segments on cable TV I hope.

[Selectman Nadeau] The other one was the Recycling Committee went to an event that was put on by the Chamber of Commerce at Southeast Container. They had a very nice display to show what we do for recycling and what residents can do to increase their recycling. The Recycling Committee has really stepped it up with the articles in the HLN. If you haven't seen those, they've been running informational articles on different things on recycling.

The last two that Selectman Nadeau had is the rabies clinic that we had last week that was put on by the Junior Woman's Club at the Animal Control facility. They had 150 dogs that they vaccinated for rabies and they registered I believe 100 dogs through the Town Clerk's office being there.

The other event that we had last weekend was the Bunny Breakfast, which was held at the Hudson Recreation Center. Again, that was very well attended and people really enjoyed going to that. So it was another good use of our facilities. That's all I have this evening.

Selectman Coutu – I just have a couple of things. First of all I want to express my sincere gratitude and I'm sure on behalf of the Board to Gary Webster. I had advised him that I had received a call from the Governor if you remember a year ago about the potential of us applying for a trails grant. I asked Mr. Webster if he would look into it. I gave him all of the contact information, where the grant application was on the internet. I suggested to Mr. Webster that once he gets all of the packet together that I would sit down with him and he could advise me in writing the grant. Mr. Webster grabbed it by the tail, carried it all the way through, and we just received a letter from the Department of Resource and Economic Development telling us that we certainly made the cut for a grant approval and it will be in the amount of \$30,000 to develop further grants. Mr. Empey also worked in designing the trails that were presented to the Bureau of Trails in Concord. With that, it's just a matter of a few days I would expect, or a week or two, we're going to be officially notified that we received the \$30,000. So thank you.

The only other thing Selectman Coutu had is that I'm going to ask that if there's no objection, the ice cream social be held on Wednesday, June 1. I work with the Recreation Director this year. It appears that we're renting the hall out more often than what we have been in the past. So we'll start it at 6:00 p.m. Let's plan on Wednesday, June 1st, at 6 p.m. If I could ask Donna if you would send out the appropriate notices or however you did it in the past to invite all of our volunteers to come to the ice cream social at the Community Center on Wednesday, June 1, at 6 p.m. As Selectman Massey would say, "Bring your scoops and your aprons and we will serve and dish out the ice cream". That's all I have Mr. Chairman.

Selectman Nadeau forgot one thing. Last night at the Recycling Committee meeting – I brought the poster that I saw outside in the hallway – the 30th of April they'll be collecting your unused prescription drugs at Wal-Mart and at Walgreens this Saturday and you'll see it scrolling on cable TV. I believe it's from 10 to 2. There will be a uniformed police officer there. They will be collecting them and disposing of them properly. It's been a problem in other communities that the prescription drugs are starting to end up in the water systems and ruining some of the sewer systems because the antibiotics does something to the sewer treatment facilities. So this is a great way to recycle your old drugs by having them disposed of properly. Again, it's at Walgreens and at Wal-Mart on Saturday, April 30th. Thank you.

Selectman Jasper - I have a few things. The first is we don't have anything scheduled for the May 1st Workshop. What is the Board's pleasure? Selectman Coutu said no meeting. Selectman Maddox said it would be a great use of meeting with the land use boards. Chairman Jasper said not a lot of notice time to do that though. By the time we get the notice out. If that's something we should do, we need to give people more notice than that. Chairman Jasper said that we will not have a May 1st Workshop.

[Chairman Jasper] A couple things I have. The first reaction is to write a letter. That just tends to keep things going. One letter that was in there that was directed at me I found very unfortunate. It was by Mr. Lemieux who had

been a friend of the family for 35 years, and I think this goes under the category of no good deed goes unpunished. When I first saw the letter that went out to Mr. Lemieux, I immediately left Town Hall and stopped in to see him to discuss the issue. He was very upset about the situation. It was one of those little hoop buildings because he has some walking disabilities. He was just going to take it down. I said I'd be glad to work with you, go through the ZBA, we'll get this resolved. He was adamant that no, no, no and he was very unhappy with his treatment by the Town because he got a letter that said if you don't contact the Town within 10 days, legal action may be taken. I tried to explain that's pretty much the way we do things. He misquoted me in talking about Mark. Mark doesn't send out the letters. I never said we hired somebody to be the Assistant Town Administrator who was a cop and does this. That wasn't an accurate quote as to what happened at all. I left it with Mr. Lemieux that once he decided what he wanted to do, he should contact me. I never heard from him again, although a couple of letters came into the Board. I don't think there was anything other than really just the anger in those letters. In the meantime, I was monitoring the situation and looking into what was going on. Things were ultimately resolved in Mr. Lemieux's favor. Nonetheless, he decided to write that letter. The most amusing things that I found was that he said I love to take up space in the paper. I know for a fact I haven't written a letter that's in the Hudson news since at least November. So I don't know where that came from. It was very disappointing. I reached out and tried to help someone, left it to him to contact me, found out it was resolved, and this is what we get.

The other issued you've addressed is relative to the 10 percent. Chairman Jasper said suddenly we're going to cut 10 percent of the staff. I said at the time and I think I said I know that some people aren't going to pay any attention to what we're saying here. All they're going to hear is we're cutting 10 percent instead of we're planning and the reason we go to 10 percent is as we find out what the reasons are, we may find that as we do the budget 5 percent doesn't work every place, or 3 percent, or whatever it is we're looking for. So we go beyond what we think is reasonable to be able to have those comparisons and to have the department heads give us the impact of every position that is removed. Ultimately the Board may say none of that is acceptable. A tax increase is more acceptable than cutting positions. But of course we have people who want to criticize us for doing that, and then when they get the tax bill, they want to criticize us for not cutting enough or looking at things. All we're trying to do as Selectman Maddox is plan and look at things reasonably. Again, there are those who anonymously love nothing better than to criticize those who stick their necks out and they're trying to do the best job that we can. I guess there's nothing we can do about that with a paper that loves to stir it up. The fact that they would ever have printed a Thumbs Down saying what do the Selectmen care about the tax rate, they don't even live in town. How a paper in good conscience can every put that in without at least putting a little aside saying all the Selectmen have to live in town. It strikes me as being irresponsible.

[Chairman Jasper] Finally, the Center Farm. Probably another one of those no good deed goes unpunished. There was a great vision for the Center Farm development. It used to be part of the Nadeau Farm with a wonderful concept. Unfortunately the two principals died and the person who bought that property has absolutely no vision of what it was supposed to be, allowed someone to run off with all the loan that was supposed to dress the sides of the shared roads – I hesitate to call them driveways because they're really not driveways. They're shared roads. Now because the place looks like hell quite frankly wants to come in with a different concept. I'm going to be appearing. I won't be appearing on behalf of the Board but if someone who has an interest in that project only because I was someone who really pushed for the concept originally. I don't think that any effort has been made on the part of the owner to actually make the concept work. I don't think you should be rewarded for that with additional house lots. Particularly house lots that when you look at the slopes and everything don't work either and we'll end up with more problems. I just wanted to make the Board aware of that. I think it's an awful proposal.

Just to make everyone aware of what happened, Chairman Jasper said many of our departments right now do not have operating e-mail accounts. We were infested with a Trojan worm last week that came in and I guess was looking for information to take away. So the entire network was shut down so that nothing could escape from Town. It's a very labor intensive process to get things back up and running. Our IT Department has been putting in incredible amount of hours trying to go through every single computer individually. They have police and fire back up first in terms of dispatch. They have the Town Clerk back up so that she can do registrations and things that need to be done but we still have many computers that are down. So if you've been trying to contact anyone in Town via e-mail, you may have to do it the old fashioned way, pick up the invention of Alexander Graham Bell, and dial 7 numbers, and get a hold of a person one on one. That's I have.

Selectman Nadeau was hoping that we will have an action report similar to what we have with major incidents that happen in Town on how we can prevent this in the future and what we did just like the ice storm or any of the big pallet fire incidents or anything like that. I really think this is important that we should have a report on this to the Board of Selectmen. Chairman Jasper said we will have a report, but they're not going to be writing a report until they get everything back up. I will say that preventing a new virus like this would be much like trying to prevent an ice storm. You just can't possibly do it. These things people create them, they come in, and there's no fire wall that's going to prevent some of these things. In terms of preventing it, I think you'll find that that's not something we can do. There's always somebody out there looking to outsmart the smartest person who's creating firewalls and putting in antivirus programs. We will certainly hear from the IT Department at least through our liaison as soon as possible.

Selectman Coutu said that is was not a new virus Mr. Chairman. This is the rerelease of an old virus. Chairman Jasper said he didn't want to get into an argument, but it was a new release of an old virus. It did say up here that it was something that...Selectman Coutu said they're saying that Symantec called it a low level and it was really the high level. Selectman Nadeau said we should be looking at our antivirus software that we have. I think there's a lot that we should be doing. We'll go into it later I'm sure.

Chairman Jasper said what it said is that it's a new release of an old virus that hit us before our antivirus subscription had the necessary patches for it. I take it as an updated version of an old virus. At any rate, they're working to see. There are other places that got hit with the same thing. They're going to see if they can figure out where it came from.

10. NONPUBLIC SESSION

Chairman Jasper said following a 5 minute recess, we enter into nonpublic session.

Motion by Selectman Maddox, seconded by Selectman Coutu, to enter nonpublic session under RSA 91-A:2 I (a) Strategy or negotiations with respect to collective bargaining; RSA 91-A:3 II (a) The dismissal, promotion, or compensation of any public employee or the disciplining of such employee; (b) The hiring of any person as a public employee; and (c) Matters, which if discussed in public, would likely affect adversely the reputation of any person, other than a member of the public body itself, carried 4-0 by roll call.

Nonpublic Session is being entered at 9:35p.m., thus ending the televised portion of the meeting. Any votes taken upon entering open session will be listed on the Board's next agenda. The public is asked to leave the room.

Motion by Selectman Coutu, seconded by Selectman Maddox, to exit nonpublic session, carried 4-0.

Open session is being entered at 10:28 p.m.

Motion by Selectman Maddox, seconded by Selectman Coutu, to terminate Chris Scurini as a Call Firefighter with the Hudson Fire Department effective April 26, 2011, carried 4-0.

Motion by Selectman Maddox, seconded by Selectman Nadeau, to hire Sam White as an intern in the Engineering Department at \$13.00 per hour and Morgan Miller at \$12.50 per hour from May through August 2011 as recommended by the Town Engineer, carried 3-1. Selectman Coutu in opposition.

Motion by Selectman Coutu, seconded by Selectman Maddox, to hire for the 2011 Summer Staff at the Recreation Department as Counsel I: Brandon Doyle, Kathleen Foley, Amanda O'Donaghue, Briana Parisi, and Ashley Tomaswick at a rate of \$9.25 per hour; Counselor II: Matt Brownrigg, Lauren Chesnulevich, Jenna Lambert, Larissa Miller, Allison O'Donaghue, Quinn Sendall at a rate of \$9.75 per hour; and Counselor III: Ralph Carpentiere, Frank Girginis, Michele Martineau, Sean Sendall, and Debra Smith at a rate of \$10.50 per hour effective May 27, 2011, carried 4-0.

Motion by Selectman Coutu, seconded by Selectman Maddox, to hire as Substitute Counselors/Robinson Pond Attendants as Counsel I: Jorge Alvaeyero, Chris Brownrigg, Courtney Clark, and Jacy Pack at a rate of \$9.25 per

hour; Counsel II: Ernie Gifford, Meghan Kostro, and Vinnie Scurini at a rate of \$9.75 per hour; and Counsel III: Tom Tollefson at a rate of \$10.50 per hour effective May 27, 2011, carried 4-0.

Motion by Selectman Coutu, seconded by Selectman Maddox, to hire 2011 Summer Counselors In Training: Michelle Alvayero, Nicholas Bunker, Kevin Kauffman, and James Tomaswick at a rate of \$7.25 per hour; and Substitutes: Arielle Chamberlin and Kelly Robinson at a rate of \$7.25 per hour effective June 1, 2011, carried 4-0.

Motion by Selectman Coutu, seconded by Selectman Maddox, to hire 2011 Tennis Instructors: Lisa Terwilliger at a rate of \$13.00 per hour; Catherine Lynes and Travis Terrio at a rate of \$10.00 per hour effective June 1, 2011, carried 4-0.

Motion by Selectman Coutu, seconded by Selectman Nadeau, to deny Step 2 Grievance: Court Time Three (3) Hour Minimum, carried 4-0.

11. ADJOURNMENT

Motion to adjourn at 10:45 p.m. by Selectman Maddox, seconded by Selectman Coutu, carried 4-0.

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