

HUDSON, NH BOARD OF SELECTMEN  
Minutes of the March 7, 2011 Meeting

6:30 p.m.

Attorney-Client Session, pursuant to RSA 91-A:2 I

1. CALL TO ORDER - by Chairman Massey the meeting of March 7, 2011 at 7:03 p.m. in the Selectmen's Meeting Room at Town Hall.

2. PLEDGE OF ALLEGIANCE - led by Executive Assistant Donna Graham.

3. ATTENDANCE

Board of Selectmen: Ken Massey, Roger Coutu, Rick Maddox and Ben Nadeau. Shawn Jasper was absent.

Staff/Others: Steve Malizia, Town Administrator; Donna Graham, Executive Assistant; IT Director Lisa Nute; Town Engineer Gary Webster; Stephen Lichtenberg, and 2 residents from Alvirne Estates

4. PUBLIC INPUT

Chairman Massey asked if there was anyone in the audience who wished to address the Board on any issue at this time. None.

5. NOMINATIONS & APPOINTMENTS - NONE

6. CONSENT ITEMS

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

*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) Veteran Tax Credit Applications - Map 156, Lot 006, Sub 053; Map 156, Lot 036, w/recommendation to approve
- 2) Elderly Exemption Applications - Map 174, Lot 071; Map 136, Lot 006; Map 204, Lot 006, Sub 838; and Map 175, Lot 034, Sub 002, w/recommendation to approve

B. Water/Sewer Items - None.

C. Licenses & Permits

- 1) Raffle Permit by St. Kathryn's Youth Camp
- 2) Raffle Permit by American Cancer Society
- 3) Request to Solicit Funds by The Half Moon Sober Festival, Inc.
- 4) Request to Solicit Funds by St. Kathryn's Youth Camp

D. Acceptance of Minutes

- 1) Minutes of the February 22, 2011 Meeting

E. Calendar

03/08 7:00 a.m. to 8:00 p.m. TOWN ELECTION  
03/09 7:00 Benson Park Committee - Landscape Subcte - BOS Meeting Room  
03/09 7:00 Planning Board - Community Development Meeting Room  
03/10 6:00 Sewer Utility Committee - BOS Meeting Room  
03/10 7:30 Zoning Board of Adjustment - Community Development Meeting Room - CANCELLED  
03/14 7:00 Conservation Commission - Community Development Meeting Room  
03/15 7:00 Cable Utility Committee - BOS Meeting Room  
03/16 5:00 Water Utility Committee - BOS Meeting Room  
03/16 7:00 Council on Aging - Community Development Meeting Room  
03/17 7:30 Budget Committee - Community Development Meeting Room  
03/17 7:00 Benson Park Committee - BOS Meeting Room

03/21 7:00 Energy Committee - Community Development Meeting Room  
03/22 7:00 Board of Selectmen - BOS Meeting Room  
03/23 7:00 Benson Park Committee - Landscape Subcte - BOS Meeting Room  
03/23 7:00 Planning Board - Community Development Meeting Room  
03/24 3:30 Trustees of the Trust Fund - Community Development Meeting Room  
03/24 7:00 Zoning Board of Adjustment - Community Development Meeting Room  
03/28 7:00 Recycling Committee - BOS Meeting Room

7. OLD BUSINESS

A. Votes taken after Nonpublic Session on February 22, 2011

- 1) *Motion by Selectman Jasper, seconded by Selectman Nadeau, to seal the minutes of the nonpublic session, carried 4-1. Selectman Maddox in opposition.*
- 2) *Motion by Selectman Coutu, seconded by Selectman Nadeau, to hire Matthew Keller as Babe Ruth Baseball Director for the fee of \$600 effective March 1, 2011; Kimberly Buccarelli as Summer Program Director for the fee of \$5,500 effective June 1, 2011; and Cindy Holton as Ladies League Softball Director for the fee of \$600 effective March 1, 2011 in accordance with the Recreation Director's Memo dated February 7, 2011, carried 5-0.*
- 3) *Motion by Selectman Coutu, seconded by Selectman Jasper, to transfer Deb Graham from Communications to fill the vacant Records Clerk position at \$22.02 per hour in accordance with the Hudson Police Union Contract (AFSCME Council 93 and Local #3657) and per the Police Chief's Memo dated February 11, 2011, carried 5-0.*
- 4) *Motion by Selectman Nadeau, seconded by Selectman Jasper, to transfer Tracey Rancourt from part-time to full-time Telecommunication Technician at \$17.65 an hour in accordance with the Hudson Police Union Contract (AFSCME Council 93 and Local #3657) effective on or about March 13, 2011, carried 5-0.*
- 5) *Motion by Selectman Coutu, seconded by Selectman Jasper, to remove Howard Dilworth as an alternate member of the Sewer Utility Committee for conduct unbecoming, carried 3-2. Selectman Nadeau and Selectman Maddox in opposition.*
- 6) *Motion to adjourn at 10:51 p.m. by Selectman Jasper, seconded by Selectman Nadeau, carried 4-0.*

8. NEW BUSINESS

- A. Acceptance of an Eagle Scout project for the construction of a bridge on the Haselton Farm trail at Benson Park and acceptance of a cash donation in the amount of \$100.00

Chairman Massey to recognize Stephen Lichtenberg.

Stephen Lichtenberg, 9 Kestrel Lane. He completed his Eagle Scout project at Benson's Park and he has a donation that he was going to give the Town. It was actually more than \$100. It's \$112.52.

Selectman Coutu asked Stephen how long it took him to do this project. Mr. Lichtenberg said it took him about a month and a half but there were only three work days. It took him three days, 20 plus hours for one person. Selectman Coutu asked if it was a good learning experience for him. Mr. Lichtenberg said yes. Selectman Coutu said that they have pictures and they're pretty clear. Stephen did an outstanding job and he's very impressed with the work that he did number one. Number two, he was very impressed with the fact that Stephen was able to raise the funds to do so and had an excess of funds that he's contributing to the Town. Selectman Coutu assumed that Stephen has a designation for that money he would the Board to use it towards. Would you like them to use it towards Benson's? Mr. Lichtenberg said yes. Could the money be used for improvements at Benson's Park? Selectman Coutu said okay. An outstanding job on behalf of the citizens of Hudson and the people in the State of New Hampshire who are going to use this park and are going to be traversing Stephen's bridge at one point or another, especially this spring with the amount of water we have. He commended him for what he did in his leadership in tackling this project, completing this project, and to his contribution to help keep this park open and beautiful for the citizens to enjoy. Thank you Stephen. Great job.

Selectman Nadeau said he's been out to the park a few times since Mr. Lichtenberg's bridge has been completed. When they had the first snow storm, there were people snowshoeing and using the bridge. So it's already being

used. It was used in the fall once it was completed in December. Again, Selectman Nadeau wanted to thank him for an excellent job in doing his Eagle Scout project at Benson's and he hoped Stephen encouraged other people to follow in his footsteps and pursue projects at Benson's.

Motion by Selectman Coutu, seconded by Selectman Nadeau, to accept an Eagle Scout project from Stephen Lichtenberg for the construction of a bridge on the Haselton Farm trail at Benson Park and acceptance of a cash donation in the amount \$112.52 to be used for Benson Park projects, carried 4-0.

Chairman Massey said he remembered Mr. Lichtenberg coming to the Conservation Commission and it appeared to him that he took their comments to heart. Thank you for what you did in making Benson's even better than it was before. Thank you.

C. 2011 Public Utility Valuation Contract - Appraisal of Public Utility Property, George E. Sansoucy, P.E., LLC

Chairman Massey recognized Town Administrator Steve Malizia.

Mr. Malizia said they did this every year. This is for the valuation. It's a pretty specific specialized field for the valuation of the utility properties - PSNH, NE Hyrdo, Tenaco, Energy North, etc. We use Skip Sansoucy. We've been using Mr. Sansoucy for a million years but he does a pretty credible job for the Town in values. He's an expert in the field. What this is is his proposal for next year in the amount of \$10,000 to do the public utility valuation update for the Town of Hudson recommended by the Assistant Assessor Mr. Michaud.

Selectman Maddox asked what it was budgeted for. Mr. Malizia said he didn't bring it with him because he didn't look. Jim has a sufficient budget. Jim would not have proposed something without the budget.

Motion by Selectman Maddox, seconded by Selectman Coutu, to approve the 2011 Public Utility Valuation Update contract with George E. Sansoucy, P.E., LLC in the sum of \$10,000 as recommended by the Assistant Assessor Jim Michaud, carried 4-0.

D. Permission to Cross Town-owned property Map 138, Lot 89

Chairman Massey recognized Town Administrator Steve Malizia.

Mr. Malizia asked Mr. Webster up just in case there were any technical questions. He and Mr. Webster worked on this. The Board has a request in front of them from Hudson Five Associates to cross town-owned property located at Map 138, Lot 89. Most of them know where Freedom Field is. That's the property that Freedom Field is on. It runs from basically with Route 102 to Route 3A. That's the Town's property. The Town acquired it by a vote at Town Meeting about 10 or 12 years ago from the State of New Hampshire. It was originally going to be part of the circumferential system. There was a swatch of land. Hudson Five Associates owns two very large lots in the vicinity. One below that piece and one is above that piece. If you recall, we've seen those lots before because the Town of Hudson got their permission to drill three test wells to see if they'd be sufficient for our water supply. It turned out that they really didn't have an appropriate yield so that project has fallen by the wayside as far as that property goes.

Mr. Malizia said Hudson Five Associates intends to cut trees on their property. They've filed an Intent to Cut with the Assessor's office which eventually comes to the Selectmen. As a matter of fact, we have it here tonight. They're going to be taking trees off their property, selling the board footage, or whatever. In order for them to get to both of their large lots, the logical thing is to cross town property which is in between the two large lots. You'll see maps there. That's what they've asked for is the Board's permission to cross our Town lot. At this point in time if Mr. Malizia is not mistaken, they're going to be coming in on a paper street called "Mansfield Drive". Mansfield Drive is off of Derry Lane. So for those of you who know Derry Lane, it's on the Route 102 end. It's never been constructed. It's an old subdivision that was recorded. They have a legal right to traverse that paper street to get to at least their front lot. In order to keep this from being disruptive to others, it's probably prudent that the Town gives them permission to cross it so that they don't have to come in through Alvirne Estates, which when the Road Agent and the Town Engineer look at it, it wouldn't be very good because logging trucks could cause a lot of damage disruptive to that neighborhood as a whole. What they worked on was putting together some sort of an agreement/permission that took those things into consideration. It will require those folks when they log to come out and exit so they go right onto Route 102. They will not be able to go down Derry Lane to Webster Street. They will be coming out Route 102 onto Derry Lane, taking a left, and then going onto Route 102. They need to put our property back in whatever condition they found it. If there are ruts, they need to correct those ruts. In addition, we're asking them to post \$5,000 so that if they do any damage to our street, we can at least have some assurance that if they don't fix it, we'll take their money and fix it.

Bottom line, Mr. Malizia said they have the right to harvest trees and what not on their property. They're just asking permission from the Selectmen to cross their property. Gary is also here if the Board has any questions. Chairman Massey has had some familiarity with this because there's been some questions raised. Obviously when folks want to do something with their land such as this, it raises the neighbor's concerns. We try to address that by minimizing the impact and at least getting some sort of agreement/permission that they felt would be in the best interest of the Town.

Chairman Massey wanted to add a couple of things. If you look at the first map in your documents, it's listed as Map 138. On 138, you'll see a street called "Dell Street" which comes out onto Alvirne. If you look at Lot 82 on Alvirne Street, the applicant owns that lot. They originally wanted to come into the property from that road. Based on the conversations that Mr. Webster and our Town Administrator had with the applicant. It was deemed that this was an inappropriate place to bring the logging trucks because of the topography of the Alvirne Estates area and in particular Alvirne Drive. The logging trucks would almost certainly not be able to navigate those roads without serious damage to the roads and also because there is a high water table there. He didn't know if they recalled, they recently did an upgrade to the sewer down in that area and it was partly because of the water table problems with the abutters to where they extended the sewer were having. They've been told that it was inadvisable to come through that location.

Chairman Massey said the other one that they were looking at is just north of the paper street on Mansfield Drive. Mr. Malizia said Rayes Drive is basically a dead end street that they looked at also for access. Because of the topography and the way it's all laid out, they don't have sufficient room or right of way or rights to cross that. That option was basically taken off the table. Chairman Massey said the recommendation from the Town Engineer is that the only feasible place at this access is Mansfield Drive. If you want to add anything Gary, please do.

Like Chairman Massey said, Mr. Webster indicated the history goes back. They gave us permission to go on their property to do the test wells last summer and put an agreement together. The wood cutter has been coming into this office and the Town Administrator's office on a daily basis. Mr. Burns put a letter together about Alvirne Drive and he did agree with that. They just finally got Mansfield Drive and the attorneys looked at everything and it was a right of way to get in the back. The concern he did have, and he and the Town Administrator went out there last summer. They did find some rutting. They cut the field there for the second part of Freedom Fields and there was some rutting. His concern in this whole thing is after they're all done make sure they put it in the original state. They go in there now and so forth and it's very wet. It's going to be ruddy because the water table is up there. His concern with our property was we'd go back into the same original shape it was before they started logging the back lot.

The other concern Mr. Webster indicated, and he and Mr. Malizia talked about it, was coming out to Derry Lane. Kevin Burns paved that road a couple years ago and he did talk to Mr. Burns today and he did agree with him that they should put that bond in. We have no backup if we don't have that in place. What do they do chase them down after? They have liability insurance but it's going to be a much more cumbersome way. Instead of just having a check in our account and we'd gladly return it to him if there's no damage. The wood cutter said they'd put rip rap and so forth. They never had a problem. That's all hearsay as far as he was concerned. He knows what has happened on a couple of other roads in town here that did some serious damage. This came up because they came to the Town for the access. That's why they applied for a driveway permit. They ironed everything out for the last few days.

Just to summarize a couple more things too. Mr. Malizia said Mr. Michaud has been in touch with the forestry people at the State because of the intent. So if they have not come down, they will be coming down to make sure the logger complies with all the appropriate State rules and laws. This agreement/permission has been vetted by Attorney Lefevre at our attorney's office. Again, we wanted to make sure that we had something in place to protect the Town, the people, our property, and basically the neighbors. This is at this point the best we can do. These folks do have a right to cut trees on their land. Again, they're looking for permission from the Town to cross our land. That's all the really need to get from the Town of Hudson. We put this together, again as Mr. Malizia has said, to try to protect the Town and any of our property and any of our roads. Again our citizens, our neighbors so that's why you see this.

Selectman Coutu asked if they were going to log both pieces or just the back lot. Mr. Malizia said both. His understanding was they have an intent to cut for Lot 188, some on Lot 82, and then on Map 147 Lot 24 and 25-1. They have two large lots and two smaller lots. The intent would cover all those lots. He would imagine obviously that the two bigger lots are where you're going to get the most white pine and whatever else they're looking to harvest.

Selectman Coutu asked Mr. Webster where Derry Lane meets with Mansfield which will be their access, how wide is that opening? Mr. Webster said it's a 50 foot right of way and they're going to go 20 feet wide. They're going to have to cut some trees to get in there because there is a growth of trees in there. It's not existing. It's in its natural condition. They came in with 20 foot wide. That's what they gave him for the driveway permit. He tried talking to him quickly today quickly on how they were going to load the trucks and so forth. He didn't give Mr. Webster any real detail. He's not going to be able to drive a logging truck in there obviously especially if it's kind of wet. The logger

hasn't given him the details where he's going to load the trucks. It's probably Mansfield because they own that back lot 25-1. That's the drier of the whole piece of land is Mansfield compared to behind Alvirne Drive.

Selectman Coutu said Derry Lane where it meets with Mansfield, which is a paper street. Mansfield is a paper street. What Kevin Burns is concerned about is any erosion from Mansfield with the heavy equipment coming on to Derry to make sure that that doesn't erode as a result. Mr. Webster said one thing in the driveway permit they put what they call erosion stone. It's a 6 inch midas and what the idea if they're hauling in the back when they start rolling the tires, the mud comes off and goes into the stone. He knows they're going to get some mud on the street. It's not the mud so much he was concerned about is the edge of the pavement cracking and so forth and doing damage to the pavement. They said that they put trap rock right up to the edge of the pavement so it doesn't try to break those edges when the logging truck leaves. The logging trucks are very heavy. That's the Town's concern too. The loggers said they'd put the riprap in. In the Agreement before they get started, he has to go out there and take a look at everything before they actually go ahead with doing anything and take a look at where the access road is. He thought that was one of the things they want to talk about and where it's going to go.

Mr. Malizia said the engineer would grant would tell them yes this is acceptable, no that's not acceptable. He would look at the condition before and after and say yes they've met as far as the Town's property goes. The other thing the Town's required is they need to notify the two abutters to that paper street as to what they're doing.

Mr. Webster said he received a phone call from them today and the logger is notifying the abutters. That was one of our concerns.

Selectman Coutu asked if we were satisfied that \$5,000 is a sufficient bond? Mr. Malizia believed so based on talking to Gary and Kevin. That's pretty much what they've seen on others. Mr. Webster said it was a driveway bond. Any new street in town, we make them put a \$5,000 bond now. He couldn't see them destroying Derry Lane. If something every happened, that's when we have to stop and say this is it and they're going to be responsible for it. He thought because it's a new street, he's worried about the edges and them turning coming out. That's his big concern. He talked to Kevin Burns and he agreed. There's no recourse for us to go back after him. It's hard. It gets more expensive for us to go after him then having their money in our hands.

Selectman Nadeau noted that Mr. Webster indicated that he would be going out there. Would it be worth our time to photograph it while you're out there? Mr. Webster said he always takes his camera. That was Selectman Nadeau's concern when they go out across Town property that they take some photos of it. Mr. Webster said he usually takes a picture of Derry Lane where Mansfield is to make see what the pavement looks like now and then eventually they'll take some pictures where they go through the property. The logger is going to show him exactly where they're going to go. It has to be straight through Mansfield. It's pretty close to our well site. So he does have an idea of where they'd be going. He likes to see it on a plan. He doesn't want 5 driveways out there through our property. The other thing they talked about was no cutting of any of our trees. They were out there flagging because he did get some phone calls from the people at Lexington Place and they were wondering what was going on. They're marking the trees that they're going to save out there. Mr. Webster mentioned to everybody at Town Hall if they get phone calls and they see the flagging out there, that's the trees they're not cutting. Maynard is going to actually go in there and stake out the lot line so they have an idea where the property is. They're not going to go right up to the property line. We're concerned too with this whole thing. We had other wood cutting in town before that he didn't know about. With the driveway permit and going through the Town property, it put the light bulb on here and that's why we're just making sure we protect the Town.

That was Selectman Maddox's concern. If you look at the intent to cut, it says acreage of lot 21.9, acreage of cut 21.9. It sounds like they're going to clear cut. What you're saying tonight that it is not a clear cut of those two lots. They are going to mark some for not cutting and they're going to clearly delineate where our land is so they're not cutting down Town property and hauling it away. Mr. Webster said what they were doing they were flagging behind Lexington and all those places where the elderly housing is. The people saw it and called him up. That's what they're marking right now. He hasn't been out there. We have a big wetland down there. He hoped that they didn't get into that because that will make a real mess.

Selectman Maddox's next question was he thought some of that land was at least abutting the wetlands. So that's all going to be delineated? Mr. Webster said that was a good question. Mr. Malizia was sure the forestry people will apply the appropriate standard and let them know what they can and can't do. For the record, Chairman Massey said that when you do timber cutting, you are allowed to cross wetlands as long as you restore them to their original condition. You can look at the timber cutting that occurred on the property off of Ridgecrest, which is the big property behind the Monahan's property. That entire acre was about 100 some odd acres - 75 of which they were timber cutting. Mr. Webster said his intern last year when that was all going on, the same thing he had the phone calls and they were going through our access road, he sent them out there. He has 100 pictures of the whole property on what

they did out there - wetlands and everything. Chairman Massey said DES was involved. They came and looked at it to make sure they were doing what they were supposed to.

Selectman Maddox's last question was at the end of this, they are going to do something whether they drop some logs or do something to then close that off. Now we've built a road into this parcel that nobody knew it was there up until this now is going to have a road into it. Mr. Webster said when they do his final inspection out there he'll make sure that road is closed off with either logs, boulders, or something. He'll make sure it's closed off. Like you say, they'll be access back there and you know what's going to happen back there after that. He agreed with Selectman Maddox.

Motion by Selectman Coutu, seconded by Selectman Maddox, that the Board of Selectmen grant permission to Hudson Five LLC, owners of Map 138, Lot 088 and Map 147, Lot 024, to cross Town of Hudson property located at Map 138-089 for the purpose of accessing property located at Map 138, Lot 088 for selective logging purposes under the terms and conditions in the Agreement between the Town of Hudson and Hudson Five, LLC and authorize Chairman Massey to sign said Agreement on behalf of the Board of Selectmen.

Selectman Maddox indicated that it said that the Town Engineer will meet up with them. He'll take these concerns that the Board has brought up this evening and incorporate those into the plan. Mr. Malizia said they've all met with them a couple of times already. Mr. Webster said they're here on a daily basis. They can't start any cutting until Mr. Webster has the bond in hand. They can't start until we see the check, bank book, cash, whatever we'll take it. We need to see that first before he starts out there.

The only other concern Chairman Massey would express is that when they start if at any point in time you observe that Derry Road itself is being impacted, that we are able to stop the project and make corrective action at that point. He's not talking about the intersection between the paper street and Derry; he's talking about Derry Lane itself. Mr. Webster said it's only a couple of years old out there. As Chairman Massey said, he talked with Kevin Burns this morning and he's okay with what they're going to do.

Vote: Motion carried 4-0.

Just for the record, Chairman Massey wanted to let everyone know that the folks in the audience are from Alvirne Estates and they had been interested in making sure that this property was not accessed from Alvirne Estates. He thought that they were able to satisfy them the way we're going to do it. It's going to protect all of the folks that live in the Alvirne Estates area.

B. Pelham Road Dam/Bridge Contract

Chairman Massey recognized Town Engineer Gary Webster.

Mr. Webster said they went through 100 percent of the dam at the time and the Dam Bureau didn't like the dam/bridge. They didn't like the design so they changed the approach. They put the Pelham Road into the bridge project and then we're going to build a dam. He does have some things for the Board to look at since he was doing research this afternoon. It's been in the program and DOT finally approved the funding of the bridge. Our share of the cost of doing the bridge...just for clarification just so we're clear, Chairman Massey said they're going to designate it as a bridge and not a dam which has implications for us relative to cost.

Mr. Webster said there's two separate items here. We're getting money for the bridge at 80/20. Our share is around \$150,000 and its \$600,000 something for the bridge. The dam is 100 percent us, which is that other \$90,000 or so that is left over. The dam is 100 percent us. What they're doing they're going to build the bridge with the wing walls and he's going to give them some details just so they could get an idea what it looks like and to answer some of the questions Selectman Maddox asked him today since he had this in his packet. We did get the official letter from Nancy Mayville today that we are funded for 2011/2012. This was our preliminary design they gave us when they start talking about the bridge and the culvert and so forth. To call it a bridge, it has to expand 10 feet wide and it hasn't been designed yet. It's a big open box culvert. With the wing walls, they're going to put what's called wood spigots on it and you can see on the second page they build them up to the elevation of the flood elevation. The water actually is going to go over into the box culvert and it's going to take more than a 100 year storm to go over the road now because that box culvert is so big. They haven't done the hydraulic study yet or the hydrology on that culvert yet because we didn't even get into the design factor yet. The stuff you had today Mr. Maddox was the stuff that they've done before when it was the 48 inch culvert - that elevation flooding 3 feet over. He went through the whole thing after he talked to him. The new thing is November 2010 and he went through that real quick today to see what they were doing. To sign the contract it's for Stevens for the dam design and the bridge design. It's the not to exceed \$129,913. It's been a long process. Mr. Webster said it's been a long process. He was surprised we really got something from DOT on the bridge. That surprised him how quickly it happened.

Mr. Webster said it can go out this year but he would say the actual construction of the bridge will be 2012 because of school. That road is going to be closed when that happens. We'll be scheduling June to September when they actually do the construction. He knows they won't get the plans ready to go out to bid and everything by then. That will be a 2012 project. It is funded right now. It's ready to go. It's not federal money either. It's the State bridge money, which is hopefully not the same old thing he has to go through with all the train stations.

Just for some additional information, Chairman Massey said when they started this project back two years ago it was going to be a bridge. DOT signed off on it being a bridge. When we were about ready to go to let the contracts, the personnel at DOT changed. The new individual came in and said now it's a dam. So we had to go back to ground zero and that's why he was pleased to find out the State has come back and said it's basically a bridge. The difference between a bridge and a dam is in the cost of maintenance and the work you have to do to keep it up to certain specifications. We're better off as a bridge designation than we are as a dam.

Selectman Maddox said when the Town approved this, they approved \$350,000 and we only have \$250,000 left. So we've already spent \$100,000 going now where. He was concerned that is somebody there locked in because he read through both of the packets and it sounds like no one is definitive that this is what we're going to do. He didn't want to be sitting there in a year going well they really want a dam/bridge and we're going to be spending another \$129,000 for nothing. Mr. Webster said it is a dam/bridge until such time that we can take care of the problem down stream. The wing walls and those borders - they're spigots. They just drop in there. They will come out and they'll stay out and it will be flowing - the problem at Lowell Road. When they do the hydraulic study and as Mr. Maddox mentioned today, they did overflow by 3 feet but if you see at the top of the spigot board there, it's lower than the road. It overflows, goes in the culvert but if that culvert every floods and it goes over, that was the intent anyway. We can't raise the road because now we're dealing with the dam people. He went through everything this afternoon after he spoke with Selectman Maddox. He was out there today. It was down 5 feet from the road and it was in pretty good shape. He checked Lowell Road today. It was really good. It looks like what it is today right now. Selectman Maddox said we're battling Central Street.

Follow up. Selectman Maddox's only concern when he read through the documents it says they're basically going to leave it the same. He would hope that we would look into widening that while we have a chance. If we ever wanted to put in sidewalks further on, it's a very narrow road why would we constrict ourselves. If we're going to spend \$800,000 and end up with the same thing as we have right now, he would hope that we would at least look at making some improvement as far as alignment and/or width. Mr. Malizia asked if we had enough money to do something even remotely close to that. Mr. Webster said no. Mr. Malizia said that's why. Mr. Webster said the only way it would happen if we had money left over when they went out to bid to actually do the work. If it was way down, you could probably put a bid alternate to it. Right now, no. We're squeezing pennies now and not dollars. He hated to say it like that but that's it. We just have enough to do it. If we didn't have the money, Mr. Webster would say forget it. We got pushed into it and now we have to follow through. That's the thing. He thought this was the best alternate that we could do out there at least get a bridge and take care of the dam situation.

Mr. Webster said he drove out there today. It's a tough corner. He didn't know how they take care of it because of right of way and easements. He has easements on both sides and this is going to help the people on both sides because they're not going to have those easements sticking way out on the property. He has the easements for all the abutters there. He sent them a letter last year that nothing was going to happen. This will be a better situation for them too. They were worried about us filling in the stream bed because the guy was fishing there and he didn't want to see it go. When they do these box culverts and so forth, they actually have the head walls. There's a possibility somehow we can get the sidewalk in there too. Right now to get the curve and the hump out there, he knows there's ledge up there. It would be nice if they could do a nice gentle slop but as soon as they raise the road, they have a problem with creating more of a dam so it doesn't overflow and we're backing up the water. There's a lot of things involved here. Mr. Webster said when we actually do the hydraulic study and the hydrology of this whole thing because they haven't done it, it will be part of this. They haven't done anything yet because they haven't come into the design of the bridge. It's going to change quite a bit.

*Motion by Selectman Nadeau that the Board of Selectmen enter into a not to exceed contract with CLD Consulting Engineers in an amount not to exceed \$129,913.00 for the engineering and design of the Pelham Road Bridge and Dam effective March 8, 2011.* Motion failed - lack of seconder.

Chairman Massey asked what the Board's pleasure was. Do you need more information? Do think it's not wise to do this? Should we put the motion back on the table?

Selectman Maddox said maybe they need the 1492 man. He didn't see what he was getting here. We're going to spend all this money and end up with the same thing we have right now. He's still not convinced by the documents that he's read that it's really going to happen. They kept on talking about maybe and they're going to meet with these

various State boards that have not yet basically agreed. We could be down the road spending \$129,000. He just didn't have the feeling that we're getting what we're paying for here Sir.

Mr. Webster said they are getting a box culvert. You'll actually make a bridge and also the dam. The other thing was reinforcing the head wall before. He can understand because we've spent quite a bit of money in the first portion of the dam plus now they're doing the other one. Mostly it's for engineering. By getting 80 percent funded by the State, there's no other way we could do this because we don't have the money to do it. We're getting \$600,000 from the State and roughly \$150,000 is our share. We still have enough money in that warrant article and enough money to do the dam. It's a decision the Board has to make. It's there black and white. He didn't know what happened if we didn't do it. He didn't know what would happen to us. Like the dam before, we almost said the same thing their hands are up in the air. What are they going to do to us? You have to build it? Mr. Webster wasn't sure and said it was a good question to ask.

Chairman Massey said there were two things he thought the Board should be thinking about tonight. The first one was to reflect on the Mother's Day storm when we almost lost at that bridge when that storm hit. Secondly, he would fully anticipate given that the State has a limited amount of money for construction projects that if we chose for whatever reason not to do something, they will find some other property to do that bridge. Make no mistake at some point in time we should have done this bridge two years ago. Because we ran into the bureaucracy up at the DOT, they changed the definition from a bridge to a dam, we're here where we are today. He didn't think he wanted to see the Town experience another Mother's Day storm on that bridge.

Selectman Nadeau said back in the early 90s when he was on the Budget Committee, this was put forward as a warrant article and we always kept saying we're...Chairman Massey interrupted and said he was talking about the bridge at County and Melendy Road. Selectman Nadeau said that this was always on our CIP plan to put money into this bridge and build it. The figures back then were \$500,000, \$550,000 - now with the escalators we are where we are now. If the State is willing to do this, he thought that they should move forward with it. He would like to see it done sooner than later if they're willing to use their money to do this. Down the road it is going to fall back on the Town, and we are going to have to fund the whole price of the bridge/dam situation. If it goes out to bid and it comes back and the State accepts everything, he'd like to see us working on it sooner than later and work on the bus routes.

Selectman Coutu asked Mr. Webster for some clarification so he could clear a couple of things in his mind before he makes a decision. What struck him most was the fact that Mr. Webster said we're not pinching dollars right now, we're pinching pennies. We obviously have a letter from Nancy Mayville - bridge replacement and culvert. As Selectman Maddox alluded to, it appears that there are a lot of loose ends. What he's concerned with is are any of the loose ends going to cost us any money and if so, where are we going to get the money? Once we commit to this if we find we need an additional \$50,000 and there's no money, where do we get it? That's what he's concerned with.

Mr. Webster said when he was dealing with CLD on this whole situation when he encumbered the money last year and he gave us the estimate for everything, his concern was this is what I have for money and he didn't have any more. The other thing which you just mentioned is that if we don't do anything as of June 30<sup>th</sup> with the warrant article money, he believed we lose it. Mr. Malizia said he would be concerned that we will. Mr. Webster said if we sign a contract we start the project. That means we've started it and that's money can't be taken away from us. You're between a rock and a hard place when you think about this whole thing. They went through the whole process and went out to bid. He has the information with him and was ready to give them the notice to proceed. DES came down and said the design wasn't going to fit for him and then they changed everything. They should have done it at the beginning if they were going to change it. They did it at the end looking for the final permit from them.

Selectman Maddox read from Section 1, page 1-1 of the monthly National Resource Agency meeting. It says that "CLD staff will attend a monthly National Resource meeting held at DOT offices in Concord to present a project concept and receive input from various State and regulatory agencies..." and it rattles off a number - NHDRH, SHPO, FHWA, and Bureau of Environment at the month meetings. Is there any way that we can go to one of those in advance of this and say here is the potential plan? Again, he can see any one of those people throwing the infamous road block in front of this and we've spent \$129,000 to add to the \$100,000 we've already spent and have nothing. He's weary of going over this dam again because they've already done it once for the last \$100,000. We're out to bid and they come in and say no. He didn't want to be in the same position after dropping another \$129,000.

Mr. Webster said he knows some of the meetings - DHR, those are the ones he does on the train station on a monthly basis. Chairman Massey's expectation would be if we were to go forward with this project and DOT pulled this on us again, we would go to the Governor and the Governor's Council and demand that our money be refunded because we would be spending this money on the basis of input from DOT and then at the last minute they pull the rug out. If they did it the second time, he would think the Governor and the Governor's Council would have more than sufficient grounds to take corrective action at DOT. If we don't do anything as Gary says come June 30<sup>th</sup>, we don't have any money.



Selectman Coutu said he'd revisit the motion primarily because when he thinks back to the flood, we need to do something. The burden will eventually fall on us if we don't do anything. He guessed if they have to pinch pennies and have to come up with a few extra dollars in order to get it done, we aren't going to foot the whole bill. He'll revisit the motion if it reintroduced.

*Motion by Selectman Nadeau, seconded by Selectman Coutu, that the Board of Selectmen enter into a not to exceed contract with CLD Consulting Engineers in an amount not to exceed \$129,913.00 for the engineering and design of the Pelham Road B ridge and Dam effective March 8, 2011.*

Selectman Maddox said he did not read "Severability". He knows this is a not to exceed. If we get to one of those fabulous meetings and they say they're going to change number 2, we're changing direction again; we can then stop the contract - "7 days written notice". It's on page 2 of the contract. So we can tell them within 7 days. Mr. Malizia stated "upon seven days prior written notice to the other party, terminate this Agreement". Selectman Maddox said as long as Mr. Webster is staying on top of it if any of those people decide that it looked like it was going to be stopped again, they could at least stop the money bleeding.

It has been Chairman Massey's experience with Mr. Webster over the last three years that on this particular project, he will stay on top of it. Selectman Coutu said he's pretty diligent. Chairman Massey said he's been very diligent and very faithful in making sure that DOT comes forward. That part of it he didn't have any hesitation.

*Vote: Motion carried 3-1.* Selectman Maddox in opposition.

Just another note, Mr. Webster asked the Board if they noticed the sheet that comes from DOT, County Road and Melendy Road is in there and it's funded. It's not big money. Down the road, we probably want to think about that if it comes to it. It's not big money for those items not compared to what we're doing now. Mr. Webster said he picked this up in the middle and whenever he picks jobs up in the middle, it really gets bad on the end of it. He didn't think DOT was not going to be the problem on the bridge part of it; it's going to be the Dam Bureau. He had Mr. Jasper up there when this all happened. If we have to do this, he has more political power now. Hopefully it goes smoothly and hopefully he can do it within the money we have. If we don't, he didn't know what to do. That's it and that's all we have to say. Find me more money and we'll gladly do it for you. Thank you.

B. IT participation in UNH Student Internship

Chairman Massey recognized IT Director Lisa Nute.

Thank you Mr. Chairman, Ms. Nute appreciated him accommodating her. In the packet that the Board has been given, she explained that UNH approached us for a second year in a row asking if we were interested in taking on a student to learn under the wings of our IT Department here. Last year we had a young man who benefited from the 150 internship and we have another qualified candidate who's looking to do the same. He's aware that the money is very little to free. She thought they were also given a list of suggested duties that we would have and delve into. She's asking the Board's permission to bring on Daniel Lutz between now and the end of April beginning of May whenever we can get his 150 hours in.

Selectman Maddox asked if we could get two interns. He's heard that new installs of PCs are months behind. Is that because we just don't have the manpower? Ms. Nute said she generally doesn't do new PCs until the very end of the year because her budget is so tight that if she runs shy somewhere else it ends up one less PC or two less PCs. That project gets pushed to the end but we do have some pano devices that need to go in, there's a printer that needs to be installed, Windows 7 that needs to be upgraded, and the list goes on and on.

*Motion by Selectman Maddox, seconded by Selectman Coutu, to authorize the IT internship as outlined in Lisa Nute's Memo dated February 24, 2011, carried 4-0.*

Chairman Massey wished Ms. Nute good luck. Based on all the things that we know, we're going to put him to good use.

C. Budget to Actual

Chairman Massey recognized Town Administrator Steve Malizia.

Mr. Malizia said again they looked at the budget to actuals through January at the end of the last meeting, February 22<sup>nd</sup>. Once the ones for February were ready, we put them on this agenda and the area that is still of concern is legal obviously because the monies we already spent aren't going away. He just saw this month's legal bill for the regular firm, and we're doing a pretty good job of cost containment on that one. It was less than \$5,000. He's okay with that side of it. Again it just depends on our labor relations budget which we've obviously gone over. Two areas that we could utilize if we need to would

be contingency which at this point he didn't believe we've spent any and Town Poor where he thought they recognized that Ms. Wilson has done a pretty good job of managing that budget. We're under that budget. Again, we're coming through some of the tougher months for people. Hopefully with some positivity or some budgets there if they need to, they can affect a transfer a little later. Again, legal is the one Mr. Malizia is watching. That's the one that concerns him. It appears that hopefully the heavy winter is over. It will be good for the streets budget. Legal is still a concern on the expense side. Mr. Malizia has given the Board the two accounts that they look at in depth for revenue. Motor vehicles we've pulled in \$307,000 in February. So we're about 61 ½ percent of the fiscal year budget so far with 4 months to go.

The question Chairman Massey had was motor vehicle permits. We're only 62 percent. Does that seem likely that we're going to miss the \$3.8 million? Mr. Malizia said if you did a straight math, you should be about 67 percent. That indicates you're going to be some percent low. Chairman Massey said it's balanced by the fact that we got as an example on property taxes. We generated about \$53,000 more than was budgeted.

Mr. Malizia said the ambulance revenue is also at almost 75 percent, which is running ahead. That's a month behind recognition. He's not going to tell them they're going to make all of it up, but you're going to do okay on that line for example.

The other one that Chairman Massey looked at is the Highway Block Grant. Is that all we're going to get the \$429,000. Mr. Malizia believed that is what the State DOT told us. Selectman Maddox thought he saw something that said 526. Mr. Malizia said no 536. They make it in 4 payments. There should be one more payment. The number that we've estimated is the number they told us. At this point, they haven't told us anything different.

Chairman Massey thought the same thing. They continue on a monthly basis to look and it really becomes important in May and early June time period. June is when we're going to look at earned time as to whether or not we take any out of the Capital Reserve.

Again Mr. Malizia said from the expense side, the monies that have been paid out through January are in this. Overall the expense side of the budget, with the exception of legal again, is doing fairly well and again with the appearance that winter may be slowing down finally, the Highway Department will do okay. We'll continue to watch legal. The regular legal budget was fine this month. He just received the bill today. It was right in the \$5,000 range, which is really good. It's just when you get to the labor issues that we have to really watch it.

#### 9. OTHER BUSINESS/REMARKS BY THE SELECTMEN

*Motion by Selectman Maddox, seconded by Selectman Nadeau, to approve an attached settlement agreement on Hillsborough County Superior Court Docket #10-E-0279, Map 100, Lot 9; Map 100, Lot 9. New England Hydro-Transmission Property as recommended by the Assistant Assessor in his Memo dated March 7, 2011, carried 4-0.*

Selectman Nadeau - First he'd like to start with some good news for everybody from the Highway Department. The Road Agent informed him that they are working very diligently in getting the street sweeper out. They gave it its spring tune up and that's usually a good sign that spring is around the corner.

Selectman Nadeau would like to remind everybody that the polls are open tomorrow from 7 a.m. until 8 p.m. for voting.

[Selectman Nadeau] The other thing is the Chamber of Commerce in Hudson has given us the winners of the small business, large business, citizen of the year, and junior citizen of the year. He forgot his sheet as he was running out the door, but he will tell the Board that the citizen of the year is Pauline Boisvert, and the small business of the year is Showtime Computer. He'll tell the Board next week who the junior citizen of the year is and the large business of the year is.

Selectman Nadeau's last thing was he'd like to thank Chairman Ken Massey for his many years of service to the Planning Board, Board of Selectmen and he looked forward to seeing his application on one of the vacancies and the committees that we have to fill in some of his free time that he has.

Selectman Coutu - He has a couple of items from the Recreation Department. On March 25<sup>th</sup> at 6 p.m. at the Community Center there's a teen dance. On Saturday, April 2<sup>nd</sup>, is comedy night. It's at 7 p.m. also at the Community Center.

Like Selectman Nadeau said, Selectman Coutu wanted to remind everyone that tomorrow is Election Day. Your voice should be heard and you should go to the polls and vote. It's supposed to be a relatively good day, not quite as warm as it has been. It's still a good day to go out and vote and do your civic duty. He wanted to remind everyone that Selectman Coutu thought this will be the first time we do it at the Community Center. When the polls close at 8 p.m. tomorrow night, he will be doing a live broadcast of the election returns. Mr. Inderbitzen will provide the numbers for us so that we can make them available to you live at a live broadcast from the Community Center. He will be interviewing the candidates, some of their workers, and some of the supporters of various warrant articles prior to the votes being announced, to see how their campaigns went, and how they feel their chances are in winning any of the things of interest that they were supporting. That will be live at 8 p.m. and it will be rebroadcasted several times.

The reason why Selectman Coutu has been somewhat hesitant Chairman Massey is that this is a tough night for a lot of the Board. Chairman Massey knows that Selectman Coutu begged him to run for re-election. He thought he's been a

tremendous asset. He certainly has been a tremendous friend and mentor for him in the past three years. We have not always agreed on a lot of things but for the most part, they have. There's never been any acrimony. They've always gotten along very well. He and their wives have gotten to know each other a lot better. He is going to be sorely missed on this Board. He knows that Chairman Massey said that won't be far away, and he will be visible in one form or another. He thought that would be a tremendous asset to the Town if Chairman Massey were to stay involved. We appreciate all that you've done for our community Sir. It has not gone unnoticed. As a matter of fact, he was going to make a motion to name the dam bridge after you. Ken from the bottom of his heart, thank you and he was sure he spoke on behalf of the citizens of the Town of Hudson. You've been a gentleman throughout. Thank you for your service. You will be missed but you're only a phone call away. So you'll be hearing from him.

Selectman Maddox - He's asked the Highway Department to bring down some recycling bins to the Community Center tomorrow. Selectman Nadeau said they have new ones for tomorrow. Whatever they may be, Selectman Maddox said if they saw him, he'll be trying to hand them a bin. Folks that goes right to the bottom line. We have the ability by recycling paper, plastic, glass, and metal to be able to keep our solid waste budget in check. We're not at about 24 percent. He talked with Mr. Burns today. Again, bottom line dollars that's where it ends up. If they can redo the recycling up to 30 percent, it helps out the bottom line.

Next, voting. Selectman Maddox said for all of you that think that the 5 of them work here and live somewhere else the only requirement to be a selectman is a resident of the community. They do live here. He hoped to see lots of them tomorrow and explain that we may not always get it right, but they try their best. He thought covers right up to the best is Mr. Chairman.

Selectman Maddox said that Chairman Massey will be missed on a number of boards. He many not always get who made the motion right, but he obviously remembered his commitment to the voters when he said that he believed in term limits and he was going to hold himself to it. Sir you could have run this year, and he's hypothesizing but he was pretty sure it would have been unopposed like the last time. He does the things that all the rest of them talk about. He's the guy that follows up. He who proposes disposes. He seems to dispose for more than a few of those opposers. He's the guy that's willing to come in and dig through the files, do the math and follow up. You are going to be sorely missed. Selectman Maddox will certainly miss him from the Planning Board perspective as being on the Planning Board for 12 years as a member and a Selectman, he was the first alternate that have actually attended 95 percent of the meetings. So he was a great bellwether for him to be able to look over to and get a sense of he was heading towards the proverbial cliff. Chairman Massey's sense of fearless he thought was the thing that struck him most. We may all jump up and down. Some of them may be rabble rousers, grandstanders, or bystanders he is the guy that held it all together and put a face to it as far as the right thing to do. Chairman Massey - you will be surely missed.

Selectman Massey - First of all, he wanted to thank each and every one of them. They've made his time as a Selectman go by very fast. He was reflecting with Mr. Malizia this morning that 8 years seems like it was just yesterday. He truly appreciated the times that they've spent with each other. They didn't always agree but he didn't think at the end of the day they were disagreeable. For that, he really truly thanked them. As he has said many, many times if you're going to talk the talk, you need to walk the walk. He's leaving with mixed emotions. He's sad that he's leaving but he's also recognizing that he made a commitment and it's a commitment that he feels honor bound to do.

Chairman Massey wanted to thank all the citizens of Hudson for the privilege that they've given him for the past 8 years to serve them. He hoped that when all is said and done, they will look at it and say well done, good and faithful servant.

Chairman Massey also wanted to thank Steve Malizia, the Town Administrator. He has been in many, many occasions somebody that he could bounce ideas off of and he would say that 99 44/100 percent of the time they were spot on. He thanked him for that Steve and he really truly appreciated it. He would also like to thank Donna, our Executive Assistant. You've been great and there for him and also Linda our other Board of Selectman Secretary. For the last 8 years, they've all been constants in his life and he also really appreciated it.

Finally as Chairman Massey said in his letter to the citizens, none of this would have really been possible without the support and encourage of his wife Barbara. Barbara if you're out there listening, please know from the bottom of his heart he truly appreciated everything that she's done for him in the last 44 years. He truly appreciated it.

With mixed emotions, Chairman Massey is retiring but hopefully he'll find something to do in Town. He's certainly done it over the last 30 years. Thank you again and God Bless everybody.

Chairman Massey declared a 5 minute recess.

10. NONPUBLIC SESSION

*Motion by Selectman Maddox, seconded by Selectman Nadeau, to enter nonpublic session under RSA 91-A:3 II (c) Matters which, if discussed in public, would likely affect adversely the reputation of any person; and (e) Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed against the public body or any subdivision thereof, or against any member thereof because of his or her membership in such public body, until*

the claim or litigation has been fully adjudicated or otherwise settled. Any application filed for tax abatement, pursuant to law, with any body or board shall not constitute a threatened or filed litigation against any public body for the purposes of this subparagraph, carried 4-0 by roll call.

Nonpublic Session is being entered at 8:20 p.m., thus ending the televised portion of the meeting. Any votes taken upon entering open session will be listed on the Board's next agenda. The public is asked to leave the room.

Open session is being entered at 8:58 p.m.

Motion by Selectman Maddox, seconded by Selectman Nadeau to re-instate Howard Dilworth as an alternate member to the Sewer Utility Committee, carried 3-1. Selectman Coutu in opposition.

11. ADJOURNMENT

Motion to adjourn at 8:59 p.m. by Selectman Coutu, seconded by Selectman Nadeau, carried 4-0.

Recorded by HGTV and transcribed by Donna Graham, Recorder.

**HUDSON BOARD OF SELECTMEN**

\_\_\_\_\_  
Kenneth J. Massey, Chairman

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Richard J. Maddox, Vice-Chairman

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Shawn Jasper, Selectman

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Benjamin J. Nadeau, Selectman

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Roger E. Coutu, Selectman