

HUDSON, NH BOARD OF SELECTMEN
Minutes of the January 25, 2011 Meeting

1. CALL TO ORDER - by Chairman Massey the meeting of January 25, 2011 at 7:00 p.m. in the Selectmen's Meeting Room at Town Hall.
2. PLEDGE OF ALLEGIANCE - led by Selectman Nadeau.
3. ATTENDANCE

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

Staff/Others: Steve Malizia, Town Administrator; Donna Graham, Executive Assistant; Fire Chief Shawn Murray; Police Chief Jason Lavoie; Gary Webster, Town Engineer, Chairperson Connie Owen of the Recycling Cte; Jeremy Griffus, Stewart Schneiderman

Chairman Massey said it was always nice to see a crowd. Sometimes when there's no one there they feel kind of lonely and thank you for coming, especially given as cold as it is.

4. PUBLIC INPUT

Chairman Massey asked if there was anyone in the audience who would like to address the Board on any subject at this time.

Stewart Schneiderman - 2 Library Street. He comes before the Board because he has a fear that education is under attack. He wanted to bring their attention to the Town's web site. On the Town web site is a page called "Hudson Economic Development". On that page, it says that the Town of Hudson provides superior infrastructure, services such as highways and roads, parks, affordable housing, crime prevention, and K through 12 education." A good selling point. Later down on the list it says "more values related to the Town of Hudson. A commitment to quality K through 12 public education." New Hampshire is not a home rule State. For any attorneys out there, they'll understand it's a Dillon Rule State meaning that the cities and towns their ordinances are subservient to State law and the citizen towns exists at the pleasure of the State.

Mr. Schneiderman wanted to point out 3 LSRs to the Board. For the public, Chairman Massey said LSR stands for Legislative Service Request. Mr. Schneiderman said it is the first step in creating a state law. LSR 806 the title is Repealing the requirement that all school districts offer public kindergarten. This is a fight that they've already been through and it looked like it has come back to haunt us. He hoped that they won't see any more headlines like they've seen in the USA Today which said that public kindergarten available everywhere but New Hampshire Town, dateline Hudson.

[Mr. Schneiderman] Additional LSR 826 Permitting a child 16 years of age or older to withdraw from school with parental permission. He believed the laws as it reads right now are 18. It was changed to 18 and from what he understood the drop out rate dropped by a third.

Mr. Schneiderman also wanted to bring up a third LSR 857 which reduces the school district's liability for special education costs. The 3 LSRs seemed to be going after what some people view as an investment in the future - training our children to become contributing citizens. If somebody needs special education, we can invest in them so that they can provide for themselves and their families based upon their abilities.

Mr. Schneiderman wanted to bring the Board's attention to three Bills that have been released. House Bill 39 Relative to the adoption of the common course standards in New Hampshire and relative to the substantive content of an adequate education. Apparently, that is an amendment to strike arts education, world languages, health education, and technology education and information and communication technologies. Something that he thought would be invaluable in this 21st Century new technology world. There are some that believe that this is a dummifying down of the standards. It is also a power grab by the State legislature to prevent towns from and from the Executive Branch of our State government from instituting common course standards. Those are standards that have been developed with the best mind in the State and in the nation and are hammered out and forged over the past few years to make our students here in town better to rise above any difficulties in dealing with competition from other countries and other states.

Mr. Schneiderman also wanted to point out House Bill 130 Establishing an additional method for a school to demonstrate that it provides opportunity for an adequate education. This gives them a chance to use a lower level of quality, lowering the bar as it will, for judging the education that our children are receiving.

[Stuart Schneiderman] The last and third is House Bill 164, which is an act requiring legislative approval for the adoption of common course standards in New Hampshire. He wanted to read one paragraph - it's the paragraph that is being added. It says, "The common course standards developed jointly by the National Governor's Association Center for Best Practices and the Council of Chief State School Officers shall not be adopted by rule pursuant to RSA 541-a or included or

implemented in any way in the New Hampshire curriculum frameworks or used as a measure of an adequate public education without prior approval of the general court.” He would in light of those offer the Selectmen copies of the laws and all the source documents that he’s just quoted from for them to study if they wished. He respectfully requested that he contact the State Legislatures here in Hillsborough 27 and ask them to oppose the measures so that our adequate education will give our children the power that they need to succeed and make Hudson a better place and New Hampshire a stronger State. Thank you.

Chairman Massey asked if there was anyone else who would like to address the Board at this time on any subject.

5. NOMINATIONS & APPOINTMENTS

- A. Recycling Committee - (2 vacancies, 1 member - term to expire 12/31/13; 1 alternate - term to expire 12/31/12)

David R. Jelley - 51 Webster Street. He was there to volunteer for a position on the Recycling Committee. He was familiar with recycling pretty much late after he had bought his house. He had owned his house in 1966 when he sold it in September 2010. A great amount of that time he did not recycle. However when the Town brought up their program of recycling, he participated and found that it was very beneficial to him. Instead of him taking out 3 barrels to the curb, he took one. His recycling was in bins in his garage and when it was filled up, he would take it out. He found it very easy, and he found it very beneficial to himself. Reading the different newspapers and articles on Hudson he found that the money that they saved on recycling ended up on new roads. He thought they used some of that money to pave roads. It sounded like it anyways. As a result of the recycling and his familiarity with it and the fact that he have not had a chance to get to a meeting. He could have last night but he had a prior commitment. He has watched it on cable. He very much would like to become part of that group.

Selectman Coutu said they were well aware of Mr. Jelley. He had encouraged him after he lost election to return to the Library. He felt he was a major contributor and he felt that he had an awful lot to offer the Town. He suggested that he apply for something. Mr. Jelley said he would think it over and subsequently he applied and was appointed to the Water Committee and now he’s applying for this. In light of the fact that they know Mr. Jelley and they’re well aware of his professionalism, he would like at this time to make a motion if there’s no objection to waive the waiting period and appoint Mr. Jelley to the Recycling Committee.

Motion by Selectman Coutu, seconded by Selectman Nadeau, to suspend the rules and appoint David R. Jelley as a member to the Recycling Committee with a term to expire 12/31/13.

Selectman Nadeau was unable to make it last night to the Recycling Committee meeting but they were very aware that Mr. Jelley was interested in being on there and they really can’t wait to have you. They already have stuff lined up for him. Mr. Jelley said he didn’t pick up barrels.

Vote: Motion carried 4-0.

6. CONSENT ITEMS

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

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

Selectman Maddox said for those who read 6. A. 2), that work was done without a permit. He will bring that to the Community Development’s attention.

Vote: Motion carried 4-0.

A. Assessing Items

- 1) Veteran Exemption Applications - Map 182, Lot 131; Map 248, Lot 001, Sub 002, w/recommendation to approve
- 2) 2010 Abatement Application - Map 231, Lot 24, w/recommendation to deny

B. Water/Sewer Items - None.

C. Licenses & Permits

- 1) Raffle Permit by St. Kathryn Church
- 2) Raffle Permit by Zachary M. Tompkins Memorial Fund

- 3) Request to Solicit Funds by Girl Scout Troop #63175, Tyngsboro, MA
- 4) Request to Solicit Funds by Arsenal Baseball Club
- 5) Outdoor Gathering Permit by Kiwanis Club of Hudson, Inc. for an Ice Fishing Tournament on February 20, 2011
- 6) Hawker/Peddler/Itinerant Vendor's License - Glenn Smeltzer in the interest of The Blushing Rose from 1-1-2011 to 12-31-2011

D. Acceptance of Minutes

- 1) Minutes of the December 28, 2010 Meeting
- 2) Minutes of the January 11, 2011 Meeting

E. Calendar

01/26 7:00 Planning Board - Community Development Meeting Room
01/27 3:30 Trustees of the Trust Fund - Community Development Meeting Room
01/27 7:30 Zoning Board of Adjustment - Community Development Meeting Room
02/01 7:00 Board of Selectmen - BOS Meeting Room
02/02 7:00 Planning Board - Community Development Meeting Room
02/03 6:30 Recreation Committee - BOS Meeting Room
02/03 7:00 Benson Park Committee - Community Development Meeting Room
02/05 9:00 DELIBERATIVE SESSION - TOWN
02/07 7:00 Tentative Deliberative Session - Town
02/08 7:00 Board of Selectmen - BOS Meeting Room
02/09 7:00 Benson Park Landscape Subcommittee - BOS Meeting Room
02/09 7:00 Planning Board - Community Development Meeting Room
02/10 7:00 Sewer Utility Committee - BOS Meeting Room
02/10 7:00 Zoning Board of Adjustment - Community Development Meeting Room
02/12 9:00 DELIBERATIVE SESSION - SCHOOL
02/14 7:00 Tentative Deliberative Session - School
02/15 7:00 Cable Utility Committee - BOS Meeting Room
02/16 5:00 Water Utility Committee - BOS Meeting Room
02/16 7:00 Council on Aging - Community Development Meeting Room
02/17 7:00 Budget Committee - Community Development Meeting Room
02/17 7:00 Benson Park Committee - BOS Meeting Room
02/21 TOWN HALL CLOSED - Presidents' Day

7. OLD BUSINESS

A. Vote taken after Nonpublic Session on January 11, 2011

- 1) Motion by Selectman Jasper, seconded by Selectman Maddox, to deny the 2010 Tax Abatement Application relative to Map 116, Lot 017, carried 5-0.
- 2) Motion to adjourn at 9:04 p.m. by Selectman Jasper, seconded by Selectman Maddox, carried 5-0.

8. NEW BUSINESS

- A. Request to use the Community Center by the Hudson Special Olympics on April 9, 2011 and to waive the rental fee

Chairman Massey recognized Terry Savage and her to talk about the request.

Terry Savage, 21 Cross Street in Hudson. Jeremy Griffus introduced himself. Today he's putting on the hat of President of the C.H.I.P.S. Committee. The Special Olympics and the C.H.I.P.S. Committee have been working together on some fund raisers. They will be partaking in the fund raiser that they're requesting at the Community Center.

Selectman Coutu said that Ms. Savage apparently requested based on what he read, to come here to speak to them. He'd like to hear what she has to say.

Ms. Savage was trying to verify that they can have it. Last year they did it at the VFW and it was a comedy/dance with dinner - the whole thing across the board, and they wanted to verify that they could still do the same thing this year at the Rec. Center. Selectman Coutu asked what her requested was for. Ms. Savage said April 9. They already have it booked for that night. She was just trying to make sure what they were doing there was okay.

Selectman Coutu asked if the Recreation Committee had a comedy night scheduled on or about that date. Ms. Savage said they scheduled one after they booked the 9th for April 2nd - before theirs. Selectman Coutu deferred for the moment. He had a couple of communications that were sent to him relative to this. Chairman Massey indicated that no other members had any questions and referred back to Selectman Coutu.

Selectman Coutu asked when the next comedy night for the Recreation Department. Ms. Savage said this Saturday. Selectman Nadeau said this Saturday and April 2nd are the two that they usually have. Selectman Coutu said the Recreation Director has raised some concerns. Apparently the one that is scheduled for this week is sold out. One of the things that he's concerned about is that historically in the past when they've scheduled comedy nights back to back, which apparently this is what its doing, that our attendance on our side had dropped off considerably. He was concerned because the funds that are raised at the comedy nights that are run by the Recreation Department, all of that money goes back into providing services to the youth in our community. He guesses there was some misunderstanding. He'd like to hear from Ms. Savage. Are you the one who spoke to the Recreation Director initially about running a comedy night? Ms. Savage said initially no. No one spoke to him. They spoke to Susan. It was Wendy Kernah (sp.?) who spoke to Susan. Dave wasn't even spoken to about it.

Selectman Coutu asked if they were discouraged from having a comedy night at that time from Susan. Ms. Savage said yes. Selectman Coutu asked if she said to her not to apply or was it that they were just trying to discourage you from having a comedy night. Ms. Savage said they preferred they did have one. At that time, they had nothing scheduled.

Another thing that the Recreation Director pointed out, Selectman Coutu said they were just trying to get to the bottom of this. He wanted to get to the bottom of this. Chairman Massey said they are requesting to waive the fees. Selectman Coutu said that was fine. If this is approved, he'll be fine with that but they're going to bring up fees at a workshop. That's up for another night. Jeremy you say that C.H.I.P.S. is somehow involved in this. Is this a co-venture between C.H.I.P.S. and Special Olympics to raise funds that it will be equally shared? Mr. Griffus said Selectman Coutu was correct in a sense. Not equally shared. C.H.I.P.S. last year at the VFW made out pretty well. That's one of the reasons why Fright Night was so successful this year. It's also basically what C.H.I.P.S. is all about. It's one more thing that the C.H.I.P.S. Committee is able to do and work with the Special Olympics team which is the local Hudson Special Olympics team and helping them raise money. Again, it's a co-venture. They're all able to work together. They benefited as well as them.

Selectman Coutu said Mr. Griffus was there representing the C.H.I.P.S. program but they're all aware that he's also Chairman of the Recreation Committee. He didn't know that he was aware of any communications that he's received relative to this or what transpired in terms of doing this. You have volunteered many, many times at comedy nights and other functions that are being held at the Community Center to raise funds within our community. Can you not necessarily assure him but do you feel that having two comedy nights so close together are going to conflict in terms of the types of people that are going to be drawn or do you feel that you have enough base between the people who participate in fundraising and the activities obviously the parents of the kids who participate in the C.H.I.P.S. activities that are provided and your group, the Special Olympics, and their parents and the kids that are involved. There would be no conflict and we should equally be able to fill the house.

Mr. Griffus said that was a very tough question to answer. Selectman Coutu said he can't be held to it. Mr. Griffus was really hoping to not put on the recreation hat tonight and just be the representative for the C.H.I.P.S. Committee. He spoke to Dave about this and he respected his opinion very much. He did seem to think that there would be some conflict. Ms. Savage said no one from their gathering ever went to a Recreation one. They sell out of town tickets mostly or to their families. Like Terry said, Mr. Griffus said last year was a sold out show. They would expect that just being a larger venue they would have the same crowd from last year. Family members of the Hudson Special Olympics team as well as people that are just looking to support it. They had many people from the Police Department there to support the cause as well. If you're asking his personal opinion, he couldn't see that it would take away from that night, especially where the Hudson Recreation Comedy Night is going to be before the Special Olympics event. Again, that's just his opinion. He also respected the Recreation Director's opinion very much as well.

Selectman Coutu said they're both in somewhat of a conflicting situation in terms that he is the Selectman Liaison to the Recreation Committee. He takes very seriously what any department head whose department he represent for this Board has to say to him. He wanted to make sure that everybody was treated fairly. Obviously they all support Special Olympics and they certainly support the C.H.I.P.S. program. They're well aware of its activities. Thank you.

Selectman Nadeau thought they were two separate types of events. This one here they do raffles; they're going to have dancing. It's on the same idea as the Rec. event, but he thought it was a totally different crowd that would be going to this one. He knows a lot of people that went last year to the VFW and said it was different than the one that the Rec. Center does. He didn't like to see them this close together in the same venue but he will support this.

Selectman Maddox said that they can anecdotally do the speedway maneuver forever guessing whether it will or not. He thought the thing to do was to have the Recreation Director after both of those events come back and tell the Board if there was an impact and what he feels they should do to offset by X amount of weeks or whatever it may be. These people can't predict and neither can he. Let's have it quantified by the Recreation Director and what happens to attendance and then they'll take it from there.

Motion by Selectman Maddox, seconded by Selectman Nadeau, to authorize the Hudson Special Olympics to use the Hudson Community Center on April 9, 2011 and to waive the rental fee.

Before Chairman Massey takes the vote he had one question. Are you aware of the Town's policies relative to liability insurance, etc? Ms. Savage said she already had a Certificate of Insurance to cover things. They planned on hiring a police officer for the door. Chairman Massey indicated clean up. You are responsible for the janitorial services.

Vote: Motion carried 5-0.

Just to codify Mr. Chairman, Selectman Maddox would ask that the Recreation Director come back after the April comedy nights and report what he found for attendance discrepancies. Chairman Massey said that would be the second meeting in April.

B. Recycling Committee Compost Bin Sale Proposal

Chairman Massey recognized Chairwoman Connie Owen of the Recycling Committee.

Connie Owen, 3 Bruce Street, Chairman of the Recycling Committee. Until earlier this evening their newest member of the Recycling Committee, Cheryl, now second newest member. Cheryl Freed, 4 Greenfield Drive, Recycling Committee member.

Ms. Owen said they're here to respectfully request permission of the Board of Selectmen to hold the second annual composting bin sale. She believed the Board all received a brief proposal that talks about the history of this. They had a sale last year and found out sort of afterwards that they hadn't dotted all the I's and crossed all the T's before they got into it. It was very successful. At Old Home Days in 2009, the Recycling Committee members were very receptive to many town people who questioned them about recycling and composting. They then began to inquire of local merchants to find out whether or not there were materials available that would meet the needs here. It seemed that they were not able to locate a local merchant to direct the business to. They were contacted by the Northeast Resources Recovery Association and found out that in the spring they provide the materials that are available to different towns. So they obtained the earth machine backyard composting bins last year and were able very successfully to market them with a small mark up. She believed they sold 26 compost bins and one kitchen pail, which is used for holding scraps and all to be put on a compost heap.

[Connie Owen] Though they have no budget, it was all handled through the Highway Department. All in all, it went very well even though as she said they didn't quite follow the right procedure. So they're back this year to request permission to have a sale again starting in February. The sale would end in April and materials would be delivered to the Highway Department to be picked up around Earth Day, which is April 22nd. She's checked with Kevin Burns. He is agreeable to that same arrangement. There is no initial outlay of funds. Everything has to be prepaid. The items are shipped to the Town and that's when they are billed. They do hope by charging a small mark up for each item to make a small donation to the General Fund. If they are ever in need of additional money through the Highway Department allocation that they might be looked upon fondly as a result of doing that. She's been to many Budget Committee meetings so she does not get her hopes up.

At any rate, Ms. Owen said what came up last year at Old Home Days if they remembered, they were in the middle of a drought. A number of people then suggested that they investigate rain barrels. The same corporation imports the rain barrels as well. They thought they would add those to the list. The last page summarizes the date, the vendor, and the Earth Machine Backyard Compost Bins. She believed all of them have seen it. They have one on display when they have their table set up. The Kitchen Pail and then the System Rain Barrel which would catch rain from the down spouts. Then that rain could be used. Hopefully we're not going to have another drought. If we continue with this snow, we'll have melting snow around August some time. It is their request that they have the Board's permission to do so.

Selectman Maddox asked if they were going to put this spiel out on cable TV so that they can hopefully get more people understanding what they're trying to do. Ms. Owen also hoped to have a blurb on their site on the Town web site. They have a number of dates coming up now - the two deliberative sessions and Election Day when they will have the opportunity to have the order blanks available for people to pick up.

Ms. Freed said she's writing a column in the Hudson Litchfield News now and she's going to mention it in the column that the items are going to be available and where people can get the forms so that they can order them.

Motion by Selectman Maddox, seconded by Selectman Nadeau, to grant permission to the Hudson Recycling Committee to sell composting bins, kitchen pails and rain barrels as outlined in their January 2011 proposal.

Chairman Massey hoped that they could get more publicity for this because quite honestly he didn't remember this from last year. The other question he had was are these what he would call passive composting as opposed to active where you have to manually turn the drum as opposed to having to reach in there with your pitch fork. Ms. Owen said it was actually even easier than that. The bin is designed in such a way that it takes very little turning. It's aerated from the bottom. There's a slot and then the materials drop through. They will be seeing them probably at the Town Deliberative Session. They do have a sample that they set up at the table so come on over and they'll give them a dry demonstration.

Vote: Motion carried 5-0.

Ms. Owen said they actually had a raffle at the Pumpkin Fest and they've had requests throughout the winter from people asking if they were going to do this again. They do know that there is still some interest. Thank you very much.

C. Benson Park Train Station Funding

Chairman Massey recognized Town Engineer Gary Webster. Good evening Gary.

Thank you Chairman and Selectmen. As you read Mr. Webster's letter, he went to the Natural Resources on January 13th. Obviously they have new budget numbers from their consultant from the ones that Sasser did back in 2003. They had the meeting there and looked at the numbers. They kind of mentioned that. They can only go so far with the money they have. Right after that meeting, he talked to Robert Hudson. He's the Department of Transportation Assistant. He's part of this project and Mr. Webster deals with him all the time as far as payment. He came up and told Mr. Webster that they can fund this the same that he has now - 25 percent of the Town and 75 percent of the State. It's a process they have to go through to see if they'd have approval. Mr. Webster said he was always game so here he is.

Mr. Webster worked on doing an estimate of the total with the consultant's numbers that he used, which is kind of high. He came up with a number to finish the project entirely finished. Right now obviously the money they have is just enough to move the utilities and hopefully for the roof and so forth. As you can see right here, the additional funding is around \$352,000 and our share would be \$88,000 for the project and the State would be \$264,000. This would be able to finish the station complete inside and everything. He's here tonight to either move on with the funds they have or try to finish the station for the funds that they can get.

Selectman Maddox's first reading was shock - \$625,000 for those of you watching on television to move and rehab the train station that we could probably build new for \$100,000. He guessed there are a lot of archeology done and a lot of engineering. They must be doing an awful lot of engineering. As he thought about it and used his Selectman's hat, he said that they might as well apply. It doesn't hurt to apply. Let's see if we're going to get the money number one. Number two, a lot of work has been done in and around that site by volunteers, by our Highway Department. We utilize that for some of the match. Before its \$88,000 is there monies that they have used already and will for the Town side and they can offset some of that. He thought that they can look into that, apply, and see where they go. He thought if they get a good portion of the money against money that they've already spent; it's probably in the best interest to finish this.

Motion by Selectman Maddox, seconded by Selectman Jasper, to have the Town Engineer apply for the additional funds and research whether the in-kind that has already been done or will be done can be used towards the Town's portion.

Selectman Maddox was just trying to think outside the magic box here. If they can utilize some of those funds, why not take advantage of the 75 percent in the State. This needs to get done at some point. If this is the mechanism they can utilize or utilizing all the volunteer hours and whatever, at first he was going to cut off his nose. He threw it across the river but he thought it was time to step back and say is there a way that they can get this project completed. Thank you.

Selectman Coutu had a question of Mr. Webster. When do these funds become available if we qualify for them? Mr. Webster was not sure. Selectman Coutu asked if Mr. Webster knew whether it's this fiscal year or next fiscal year. Going back to what Mr. Webster had done already, he already has additional funds on the station. He believed it was

a matter of reapplying for everything. It's an additional cost to the station because of prices. What they do is they bring that to the feds. He didn't give Mr. Webster the exact date but it could be part of this cycle coming up or even the next cycle. I wouldn't be another grant. It would be a continuation of the station because the funding is short. That's something he would gladly find out the fine details if they do approve it.

Of the money they present have that was put aside for this initially, Selectman Coutu asked how much was left of that money. Mr. Webster said everything was still intact right now. They just paid one invoice of \$3,900. There was also an additional \$10,000 for the engineering costs. Our funding right now is \$273,572 and the Town's share is \$68,393. So they haven't really paid any bills yet rather than process. Mr. Malizia said they've encumbered it or permitted it. They haven't paid it. Mr. Webster said that it was committed to the station. They do have it broken down what they can do with the money that they do have.

Selectman Coutu wanted to get this straight because there's a lot of information here. The total cost of the project is how much? Mr. Webster said the total cost with our share is \$625,572. Selectman Coutu asked how much money could they apply for in total. Mr. Webster said to finish the station they're going to apply for \$352,000 which the Town's share at 25 percent would be \$88,000 and the Feds would be coughing up \$264,000. Selectman Coutu said if they needed \$625,000 and they're going to apply for \$352,000, that leaves a balance of \$273,000. Mr. Malizia said they've already committed. Mr. Webster said they have \$273,572 already allocated for the train station. Mr. Malizia said they've already appropriated it. It's been sitting off to the side. We don't have enough money to do the \$88,000. You'd need an appropriation going forward. Regardless, Selectman Coutu said it's going to cost the Town an additional \$88,000 out of the taxpayer's money. Is that what you're saying? Mr. Malizia said unless you have some other bucket of money. It would probably come through the taxpayer at this point. Chairman Massey stated that unless they can use as Selectman Maddox said in-kind contributions. Mr. Malizia said you're talking hard dollars to do this project. He didn't think they're going to let you off the hook with something you've already done. You're looking at hard dollars to finish physical, physical stuff. That's a concern.

Selectman Jasper said that Mr. Webster has done a lot of research on this at this point. What is your feeling about our match? For instance, you have all this site work, grading, and utilities. If the Highway Department were to do it, is that a match that counts that could go towards the \$88,000? Mr. Webster said that was his next step. This is one of the discussions he had with Bob Hudson. He called Jess from Highway and he gave Mr. Webster a price of doing the sewer and the water, materials and everything, what they'll be able to do. Using their numbers from the contractor doing it, the Town has a savings of \$73,000 if the Town does it. He didn't even include the foundation. This is what he's working on with him right now. If they can use the Town forces and they buy the material, they get reimbursed for the material - that was the intent right away but because it's a federal job, he has some meetings with them to clarify how they can use Town forces. They encourage it but it's something they have to look into.

Selectman Jasper thought that if they applied for this, we're always at the liberty to turn it down. If in fact we find out that yes the Town forces that money can be used as a match, we would be foolish not to do that. It seems pretty clear that we can get all or most of that \$88,000 through the use of Town forces and then no doubt probably we would have the ability to use volunteers to do some of the other work. It would further reduce our obligation. The reality is there's probably not going to be any other opportunity without going through a whole new grant process to whoever finished this in the future. This will be their best shot at doing this. He believed the way to do this without expending any actual tax dollars. The Highway Department is going to be there. Rather than doing this project or another, they're going to be paid. We can say well something else won't get done. Selectman Jasper thought this was something where they will clearly be kicking themselves later on if they don't do that.

Selectman Coutu wanted to remind Selectman Jasper what he often says. "This is taxpayer money no matter how you look at it." We're talking about a building that's 30 X 60. What's the size of that building? We're going to move that building and put it up the hill from where it is and we're going to spend \$625,000 of taxpayer money to do that. A portion of that is from us, the Federal government, the State, whatever. You know what you can build for a house for \$625,000. We're moving a train station and putting a foundation and some water and sewer in. He thought that was an absolute waste of taxpayer money - \$625,000 for four walls to be moved up a hill and put on a foundation and have sewer and water. That's a waste of taxpayer money.

Selectman Jasper told Selectman Coutu that he really couldn't disagree with him. The cost of this is outrageous but it's driven by the people who are paying the lion's share of the money. These are the fools - look at this - \$7,100 worth of engineering which literally this shouldn't be really much in the way of engineering there at all. This is what the State and the Feds have required us to do. Yes its taxpayers' money. It's coming from some place else but these fools in Washington are spending money to study cow flatulents - \$750,000 to the University of New Hampshire on cows having gas. He thought this was a better \$684,000 than studying organic cows' gas problems. The reality is we're also going to do this first \$274,000. At that point, they're going to have a building that's absolutely no use to anybody for anything. That's a real problem. If the Feds are willing to put up some more money and we can offset this with labor, we can get a building that is usable. Yes it's important to get the water and sewer and the natural gas

into that area of the park eventually so as much as it does pain him like it pains them, he thinks of those UNH cows and he thinks of the train station and he'll go for the train station.

Selectman Maddox thought this does affect the taxpayers. This is one of the buildings that they must maintain. If they move this building and put tar paper around it where the original one will end, that's what they're going to end up with. At some point, they're going to have to expend taxpayer funds to move it to the next step. Let's get this one done. It's one off of their list. He agreed wholeheartedly. Somebody will be applying for that money if they don't. So they might as well take it, finish the building, have one building that they're responsible for 100 percent and complete and usable and not just a shell that looks pretty from the outside. Selectman Maddox thought this made all the sense in the world. Apply for it and they can have a further discussion if they get the monies and decide where they're going to go. If they can get the in kind, there's \$120,000 just putting in sewer water - if they can do that for 30 percent of that, then the rest of that is their match they're almost to the \$88,000. He thought it was good for the taxpayer.

Mr. Webster said either one way or another what he was going to still is that they're still going to try to use Highway with the money that they did have. If you're going in that direction and he showed them the savings and the other savings that will be out there obviously, the numbers with the estimate is really high. So felt that with the savings from the Town doing it, it would probably offset to finish the whole thing.

Chairman Massey wanted someone to refresh his memory. Long ago and far away probably about 5 or 6 years ago, they had a grant for this project and the grant was somewhere in the vicinity of he thought \$265,000. Selectman Jasper said this is it. Mr. Webster said this is the grant. Mr. Malizia said the project was \$274,000 at the time and we had to pay \$68,000 of that \$274,000. Mr. Webster said the problem is that was using the person who did the estimate. Chairman Massey said that was to do the entire project. Mr. Malizia said that was no longer the case. Mr. Webster said that was back in 2003 numbers that they had in the Benson book. Seven years is typical. Mr. Malizia said they also didn't account for the lead paint, excavation...Selectman Jasper said it wasn't a full foundation at that point.

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

Chairman Massey said he was in opposition for the same reason that Selectman Coutu is. He felt that they've been hammering their Federal legislatures to stop the earmarked projects. It's just insanity.

Selectman Jasper said he can only hope that they finally see the light and don't give them the grant.

D. Benson Park Trail Grant

Chairman Massey recognized Town Engineer Gary Webster.

Mr. Webster said he was approached to look into getting a trail grant for Benson's. The grant is a total of \$30,000 and our share would be approximately \$5,000. He worked on it with his intern. They went out there and located all the trails with Mr. Empey. Mr. Empey gave him a lot of information including all the volunteer time they did with bridges and trails. Mr. Webster showed the Board the new map which was created showing where the trails are accurately located. They do have in the grant application the \$5,000, our share, can be made up with material and the mower that they bought. As part of the grant, they included a picture of the brush mower plus all the man hours and material that Mr. Empey did supply him. It's way over the \$5,000. The Town's share should be zero to get this grant. The other reason he's really here is that part of the grant was asked that the Selectmen will approve or apply for the grant. Usually they do that first but got caught up on a deadline. They already have the grant. At this point the Board can move forward with the grant or pull the grant. He had a deadline of Friday and they finished it Thursday. Mr. Webster sent his intern up there and they delivered the application to the trail grant writer that's in Concord. Mr. Empey did a great job. He gave him all kinds of materials and so forth that really helped out with the prices.

Selectman Coutu said Mr. Gegas who is the Coordinator for the Trail Grants for the State of New Hampshire had originally called him at the behest of the Governor and he had spoken to Mr. Webster and asked him if Selectman Coutu could solicit his assistance in putting this grant together. In his conversations with Mr. Gegas, he can tell the Board that he can confirm what Mr. Webster is saying in that he felt quite confident in light of the fact that they had so much volunteerism and so much ongoing work in the park that to provide them the \$30,000 with a match of \$6,000 from the Town, he saw absolutely no problem with the write off of the \$6,000 against the work that's ongoing in the park. Selectman Coutu wanted to thank Mr. Webster personally for all the work that he's put into this. He's kept him abreast and he failed to make a couple of meetings. He understood that he's caught up in his business right now. He is there 7 days a week. Thank you Gary. He did an outstanding job. He really appreciated it and he felt very confident that they were going to get the money.

Selectman Maddox had a couple of things. Number one, how come they didn't go to the barn? How come none of the trails end up at the barn? Selectman Jasper said until they have a use for that barn and it's more secure, they're not trying to encourage anyone to be at the barn. They've already had a couple of break ins. Selectman Coutu said they have some asbestos in that area too don't they. Selectman Jasper didn't think that would really be the problem if and when they ever get to the point of having a better use for that barn. The trails could easily be extended there but he thought it best just to stay away from that area right now.

Second thing, Selectman Maddox asked if this has gone to public safety. There's numbers here that show various locations. He would hope that it goes in some sort of order. You see that 20 and 21 here is beside 8, 9 and 10. If there's some sort of logical order to them and they're consistent throughout the park so that if someone was to call and say I'm at station 10, they'd know where that is.

Chairman Massey recognized Fire Chief Shawn Murray. Good evening. Chief Murray greeted the Chairman and members of the Board. New Hampshire 911 has mapped those trails. It's now just a matter of working with the GPS coordinates and identifying the trails. They should match up. Selectman Maddox said he saw 18, 19, 20 but 6 and 7 were right next to them. He wanted to make sure that it all made sense. Thank you. Mr. Chairman one of the trails is 2 miles long - 13,000 feet. Again just making sure that we're putting that into the whole plan of things so that...Chairman Massey said he wouldn't want certain people get lost in there.

Motion by Selectman Coutu, seconded by Selectman Maddox, to apply for a trail grant in the amount of \$30,000 for the maintenance of the existing trails, bridges, and any new trails and bridges at Benson's Park. The grant is a 20/80 split, the Town share of the grant is \$6,000 and can be made up from the work that has already been made at the park which exceeds the amount of our share.

Chairman Massey asked Mr. Webster if they were going to have any kind of problems with administrative oversight from the State on this. Mr. Webster said what he did in his cover letter to the State he had the Benson Committee be part of the administration of the trails out there, which would probably be Richard Empey. Anything as far as paperwork like he has to do with the train station and reports, if it's needed, he will take care of that end of it as far as the Town goes. Reimbursement the same way. They'd request the payment and make sure the work is done to get reimbursed back to the Town. He wasn't sure how this grant really works if they give you whole money up front, he really didn't know. He used to working with the other side and not DES side so much. He thought the grant was there. He thought that was one question they could ask them. If it's granted, they give you the entire grant. Obviously they want to see how it's spent out there.

Vote: Motion carried 5-0.

Mr. Webster said he went through the labor and everything and it cost over \$12,000 they've put in there with labor, materials, and equipment they bought. They have all the backup for it.

E. College Intern - Engineering Department

Chairman Massey recognized Town Engineer Gary Webster.

Over the break, Mr. Webster said they've seemed to inherit a lot more work. He talked to Mr. Maddox about this. Mr. Webster has a college student that has they system at college and she could work a few hours a week. He wanted to extend her hours from now until May 21st is when she comes back working full time as the intern for the summer time. In the meantime, they're on this water project - a very important project they've been working on. They had a meeting with Pennichuck and Mr. Malizia. Their water maps have not been upgraded in 14 years, before they even bought the water system. They have the master water plan done with his help on what they've done and they're in the process of doing all the valves on sheets. Once he gets this all done, he can send them as PDF files. Mr. Webster talked to Chief Murray tonight and what they'd do is send all the files out to the Fire Department. The Highway Department will have a special folder and say Jesse has a break at nighttime and goes out there. He would have a laptop and he opens up the folder and he knows where the valves are so he can shut them and so forth. It's important that they get the project done and that's something that could be done until she comes back in May. She can only work 5 hours a week. She has more important things like her college studies. We'd be going back and forth with e-mails and PDF files. She can work on them at her pace. He thought it was a good deal for what they pay them.

Selectman Maddox said that Mr. Webster did talk to him as his liaison. We're getting an almost engineer for very short money to rectify a problem that he didn't realize was that old. Just locating where the valves are and a water main break and save us what we're going to spend on this. To get their drawings up to date for a lot of different reasons as fill in work so that when she comes back, we already have a list of things that everybody wants to get done. This will just get them ahead of the curve. Again it would be money well spent from the water side to be able to get this information document so that its there whenever any department needs it.

Selectman Coutu had a serious problem with this. They may be opening up a Pandora's Box here if they allow this. Unless he's misreading this, we're asking this intern to work from her school with no real accountability, nobody supervising her, where do we go when another department head comes in and says they have a person that he wants to do intern work. They want to allow him to do it at school. Selectman Coutu has a serious problem with it because he feels that once you open the door to one, inevitably somebody else is going to come along and say that they've done it for somebody else. Are they going to do it for me? Unless somebody can give him a logical explanation why they should allow this to happen today and perhaps happen again in the future, he'll listen to it but he's not inclined at this time to support this kind of an arrangement regardless of the quality of work or how vital the work is, it just didn't make sense to him.

Selectman Maddox said the software that she'll be using can track her time. It will tell you how much time you've spent on the computer on that software. There is some amount of checks and balances into that. That would be one alleviation to his fears if you would. Chairman Massey asked him to elaborate on that. How do you extract from the system the hours? Selectman Maddox said it can tell you when you log on, when you log off, and he believed - he's only used it once or twice - that if somebody doesn't do something in the program for X amount of time, it stops counting. There is some sort of tracking. You can use this software for engineering firms so they want to know how much billing to charge for. It's in the software.

Mr. Webster said also if it's a weekly that she's working - it didn't make a difference to him - he will be getting what she's done after she's done for that week. One other thing what Mr. Coutu just said about outside, and he wasn't going to blow the whistle on anybody - but they had an intern that did a job for the Town completely outside and no contact with the Town whatsoever. Mr. Webster saw the invoice and was paid a lot more money. He was very upset. He didn't sign the PO and it was an intern that did the work outside and not inside the Town to do this project. He hated to say it but it's happened.

Chairman Massey said that was the first thing when he read this document that he was concerned about was the supervision. The second question was do they know that the school is going to permit for pay work on a school computer. He thought that he would want to know that there was no prohibition on the part of the school for the use of this computer for non-school related activities. Unless Chairman Massey was assured of that, he too would not support this program. Mr. Webster said it was her own computer at school. It's not a school computer. Chairman Massey asked if it was her own copy of CAD. Mr. Webster said yes. So it's not a school computer that she's using. Chairman Massey asked if she had to use any network services to operate the computer. Mr. Webster said just sending them back and forth to him. She'll have the files that they need. He can send her the file right from here. He's already done it today. He just did the train station. He sent a PDF file to them, they can open it, and they can do what they want with it, and they send it back.

Selectman Jasper too would have had concerns particularly relative to the hours. Hearing that there is the program that will track the hours and shut down if nothing is being done helps. He also would assume Gary that he has an idea of about how much work product you should get for the number of hours since this project is 50 percent done. Mr. Webster said it was more than 50 now. In two week's time, and that's how he can judge it, they're probably almost 65 percent finished. They tried to get it done with both interns. They have 3 complete sheets out of 5 done. Selectman Jasper said Mr. Webster has a good idea of what is going to take to finish this project. Mr. Webster said if they don't go along with what he's requesting when she comes back in May, he needs to get those plans done. That will be the project for her and they're trying to do the sewer project at the same time. It worked great with how they worked out this year. It's not going to be many hours.

Motion by Selectman Maddox, seconded by Selectman Nadeau, to extend Morgan Miller's engineering internship for an additional 150 hours to continue working on updating the water maps, carried 3-2. Selectman Coutu and Selectman Massey in opposition.

Mr. Webster told the Board that he'd keep them updated on what's happening within the next week or so on what's happening with all the projects. Hopefully they can get them done with what they have. Thank you.

- F. Grant Application - to enter an agreement with the NH Dept. of Safety for a SNHSOU Tactical Radio Network in the amount of \$10,580

Chairman Massey indicated that the Chief called him last week. As a result of a conversation he had had with his Liaison Selectman Coutu, the deadline for applying for this grant was last week. It was literally on Wednesday he was told that he had to apply for the grant by Thursday. He took it as the prerogative of the Chairman to tell him to apply for it and if the Board says no tonight, then we just withdraw the grant. He felt give the kind of grant of it was and that there was no money on the part of the Town involved, Chairman Massey thought it was a wise precaution to take.

Chairman Massey recognized Chief Jason Lavoie. Thank you, good evening. Chief Lavoie apologized for the immediacy of trying to get this issue resolved. Chairman Massey said the Chief didn't need to apologize. It was not him that caused the delay. It was the grantor.

Chief Lavoie said what this grant would allow them to do in essence was they have no backup system for the Police Department's radio system that they have. The design of the grant is for the tactical team so that when they go out or they go anywhere between the two counties that they offer coverage to the radio system gives them complete coverage. It's an outstanding system and they won't have the dead spots. They won't have some of the short term and short range problems that they currently run into. The total pricing for the grant is a little over \$300,000. Hudson will be getting one satellite receiver if you will to be put down on the water tower on Dracut Road. Derry will be maintaining the bulk of the product if you will. Over at their station where they are, they kind of run the SOU team. In order for them to put together this type of a system should their main radio system go down, Chief Lavoie said his Police Department would be able to use this on a temporary basis and allow them to keep functioning as normal. Right now, they don't have that ability. This is really a good thing to have. It would also allow in the case of they had a critical incident and the Fire Department was going to be involved, they too could switch over to this frequency in an emergency for an all hazards type of thing in order to deal with whatever catastrophe they're dealing with. This is a great benefit to the Town. If they were to do something like this, it would easily cost the Town well over \$100,000 to implement something such as this. At \$10,000 a little more with no cost coming back to the Town for this, no matching funds or anything it's a real good deal.

Selectman Maddox had a couple of questions. Ours is \$10,000 to put the repeater or whatever it is on top of the water tank. After that, every year it's going to be \$1,100 a year in your budget to maintain? Chief Lavoie said no. In looking into it a little bit more, they talked with Two Way some more. There is a possibility if they elected to maintain that one, it would be \$720 a year. That number has been corrected by Two Way. It's not a requirement to run the maintenance contracts. The only requirement that you have is should something break, he would fix it. Derry is not running a maintenance contract on the system. That was Selectman Maddox's question. Theirs is \$100,000 - theirs would be \$10,000. He was concerned that their Budget Committee could decide that was not necessary. He's trying to make sure that they're buying something.

Number two question. Selectman Maddox said the Chief is saying that their cruisers and all their radios are already preset to all the channels so there's no cost to upgrade our radios. Chief Lavoie said it was all included in the grant. The radios that they have, the capabilities now that toggle through would basically give them a different - he thought it would be fair to say - a frequency if you will to go to in an emergency. Selectman Maddox thought originally Chief Lavoie showed him they had different radios for the special operations. Chief Lavoie said yes. They can listen to what's going on those channels. This is a separate system that's going to be in place where their radios would then be programmed to that.

Motion by Selectman Coutu, seconded by Selectman Nadeau, to authorize the Police Chief to apply for a 2010 Department of Safety Homeland Security Grant for a SNHSOU Tactical Radio Network in the amount of \$10,580.00, carried 5-0.

- G. 2010 Fire Prevention and Safety Grant for the purpose of obtaining funding for a fire extinguisher training system

Chairman Massey recognized Fire Chief Shawn Murray.

Good evening Mr. Chairman and members of the Board. Chief Murray said this item tonight is requesting authorization to apply for the 2010 Fire Prevention Safety Grant. The Board is best familiar with the assistance to firefighting grants they've applied for in the past that paid for the Plymo Vent diesel exhaust system and the protective clothing. This fire prevention grant is an offshoot of that program. They take a certain amount of money and set it aside for fire prevention programs. He's asking the Board to consider allowing him to apply for a fire extinguisher training equipment package. Currently they provide fire extinguisher training for the schools, local businesses, and typically what they do is they have a small live fire in a metal container using flammable liquids like a lot of departments have done for many years. Certainly with impacts to the environment, the potential of spill, what's in those containers there is now a system out there (if you look at the back of your package) is basically a propane system. It runs off of a standard barbeque 20 pound propane cylinder. In the picture here it's depicting a person spraying a fire extinguisher against the fire. The liquid in the fire extinguisher hits sensors on the training module that you see the fire coming out of and it can sense whether the person is applying enough extinguishing agent and the fire will either go out by itself or if it's not used properly will intensify.

Chief Murray would like to apply for the grant. The fire extinguisher package is valued at \$10,000. There is a 10 percent match required on the part of the Town. In your packet is said they would use funding from the fire prevention budget. However, he does have a donation account that he would probably use instead. That money is earmarked.

That is some of the funds that they get from Wal-Mart and they always earmark for fire prevention public education activities.

Motion by Selectman Jasper, seconded by Selectman Coutu, to authorize the Fire Chief to apply for a 2010 Fire Prevention and Safety Grant for the purpose of obtaining funding in the amount of \$10,264.96 with a 90/10 split in accordance with the Fire Chief's Memo dated January 18, 2011.

Selectman Maddox said he's vote to apply for this but he did have some concerns. He was sure the Fire Chief along with the fire prevention will alleviate those before they get to the point of agreeing to this. He's seen those units used and he's not a big fan. They give you a false sense of security. You're shooting at sensors and not at a fire. He was sure they know that smoke and fire are two different things as opposed to a propane burner. He's seen them and he's not a big fan. To give the Board a chance to apply for them, he'll vote for that motion but he would like more information before they spend \$10,000 on the system.

Selectman Coutu said that Selectman Maddox raised an interesting point. If they're going to apply for the grant and they're approved what is he going to say wait I have to find out from Selectman Maddox. You're the expert. You know a lot more about this stuff than they do. He works in that field. If they're a piece of junk, why are we applying for it? Selectman Maddox said it was a half way piece of junk. There's ones that you use that looks like the electric fire places and you shoot at the sensors. This one has an actual flame to it. He hadn't seen this particular version. All he was saying was to apply the grant, have fire prevention get one or do something to alleviate those questions. Just the ones that he has worked on were a video game. This one may be a little better. He'll vote to apply for it and see where they go.

Selectman Jasper said it sounds like Selectman Maddox wants to kick the tires on this. Is there any way for the Fire Chief to arrange a demonstration for him? Is there one another town has? Chief Murray said he knows what Selectman Maddox's concern is. They have a light show one. It's a LED type of system. You put it in a stove, the stove glows, and they have they type. This is actual flame and heat. They do feel it and the sensors put it down. He can take them to some of the extinguisher classes they've had. When he shows them someone that doesn't know how to properly use one, misuse an extinguisher and push flammable liquids in the area of where everyone else is training, you will look very differently at this propane system. It gives you the heat. It gives you the flare up.

Selectman Maddox said that's the thing that the other ones never gave. You get a false sense of security if you're spraying it at something that's not giving you any smoke. As you know, that's the biggest detriment to being any good with those fire extinguishers. You don't want to get too close. You don't want to get too far. Again, let's apply for it and let's see if we can kick the tires. Chief Murray was sure he could get a demonstration for it.

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

Chairman Massey said he was in opposition for the same reason he was in opposition to the train station grant. He thought it was time that we in America stopped thinking that Washington is the solution of all of our problems. If it's something that the local area needs and if the local area can't afford to pay for it, then we shouldn't be asking somebody else to pay for it. He got a wake up call on November 2nd. It was quite an epiphany let me tell you. It was the elections.

H. Bid Recommendation - Replacement of Chevy Tahoe

Chairman Massey recognized Fire Chief Shawn Murray.

Chief Murray said that the Board may recall back in October they came forward to request to replace the fire prevention van. At the request of the Board, the Board wanted more information or more of a comparison versus cargo space and issues such as that. They did go back and looked at some of the items and conducted research. In their packets the Board should have a list of talking points. On the first page it shows some of the differences between the Chevy Tahoe and the Ford Expedition. They did find that the Chevy Tahoe does have more cubic space in the back. It has a better power train warranty of 100,000 miles versus the Ford Expedition. The Tahoe also came with the towing package, running boards, and the power train warranty compared to the Expedition which was additional costs. They were also asked to look at possible trade in value for the Ford van that they'll be getting rid of. Although Ford would not commit a number, they did offer an estimate of about \$1,000 for it. Chevrolet offered a reduction of \$1,556 to bring their price down to \$28,400 where they were at before. This was put past the Finance Director. As you can see by your cover sheet, she has looked at all the figures and numbers and concurs with the recommendation.

Selectman Maddox said the motion reflects \$29,956. Why wasn't it \$28,400? Chairman Massey told the Chief in his motion he has \$29,956 but on your talking points you say that they've agreed to bring the price to \$28,400.

Selectman Coutu asked if it included the stickers. Chief Murray said it didn't. Mr. Malizia said with the trade it, its \$28,400. Selectman Maddox said that's what they thought. The price less the trade in. Mr. Malizia said it should be \$28,400 plus interest not to exceed \$34,800. Chief Murray concurred. Mr. Malizia said that Chevy is offering a \$1,556 reduction for a trade. Therefore your net price is \$28,400.

Selectman Coutu asked which budget was this coming out of the 2011 budget or the 2012 budget. Chief Murray said this current year budget 2011. Selectman Coutu knows there's annual payments but he thought during budget deliberation he was asking for another vehicle next year. Chief Murray said that was for next year. This is coming out of this year's budget, this fiscal year. Chairman Massey thought the question that Selectman Coutu would be raising is in next year's budget do you have included in there a lease payment of \$8,700. Chief Murray said yes. Chairman Massey said plus an additional vehicle.

Motion by Selectman Jasper, seconded by Selectman Maddox, to waive the bidding procedure and award the purchase of a 2011 Chevrolet Tahoe to MacMulkin Chevrolet of Nashua, NH in the amount of \$28,400 net plus interest for a four-year lease purchase price not to exceed \$34,800 as recommended by the Fire Chief and the Finance Director.

Selectman Maddox asked if the \$34,800 go down. Chairman Massey said yes it would but he didn't know what it is though. It looked to him like it would go down about \$400. Chief Murray said the only unknown right now is the interest rate for the lease purchase. It will be below that. Selectman Jasper said it would be at least \$1,500 less than that. Selectman Maddox wanted to make it clear that it will be less than that. Chairman Massey said it will be based on \$28,400.

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

Chairman Massey declared a 5 minute recess at 8:28 p.m. The Board was back in session at 8:33 p.m.

- I. Public Hearing - Acceptance of a CDBG (REDC/EnerTrac, Inc.) grant in the amount of \$450,000 issued through the NH Community Development Finance Authority

Chairman Massey recognized Town Administrator Steve Malizia.

Mr. Malizia believed that this was applied for he believed last April. This is going to be basically a pass through type of grant that's going to enable this company named EnerTrac to get either their product to market or to provide jobs for the area. In essence because we are the local government agent, it's coming through us but the money is basically going right to EnerTrac. What you need to do now is accept that grant.

For the purpose of clarification, Selectman Coutu said so they can make a clear distinction between what a grant is and what a loan is funded through a grant. This is in essence a loan in the form of a grant. It will be repaid with a fixed interest rate of 8 percent. It's not just free money. Mr. Malizia said a lot more correct, yes.

Chairman Massey opened the public hearing at 8:34 p.m.

Chairman Massey asked if there was anyone in the audience who wished to address the Board on this item. Seeing none, the Chair closed the public hearing at 8:35 p.m.

Motion by Selectman Coutu, seconded by Selectman Nadeau, to accept a Community Development Block Grant (REDC/EnerTrac, Inc.) in the amount of \$450,000 to provide working capital to EnerTrac, Inc. so that they can expand business activities at their Hudson facility.

Selectman Maddox said he was glad his name was not going to be on that block. Again, no one was there to say this is what they're going to do. He saw that they're going to create 23 jobs of which 14 are going to be available to low and moderate income persons. He guessed that's what we're getting out of it and we're applying for this loan that someone else is ultimately signing for. Is that the way its working? Mr. Malizia said they've already applied. Selectman Maddox was trying, again, they have no dog in this fight. If it goes south, we're not held to anything. Selectman Coutu said no. He thought that was made very clear. Chairman Massey said they won't sign anything.

Again, Selectman Maddox read all the pages and he didn't see anywhere who's on first. He has some concerns Mr. Chairman. He guessed this was a loan...Chairman Massey said we're not going to sign the loan paper. If EnerTrac doesn't sign the loan, then the money doesn't pass.

As Selectman Coutu understood it, because this is run through the regional, which we're a member, the municipality within which the business enterprise is located has to authorize or give consent. We're acknowledging that we're

aware of it and that because we think it would be for the greater good of our community to allow a company - in this particular case they want to use the money to develop new product and bring on additional employees. This in essence is saying that we have been made aware of it. The grant has been applied for and it was made very clear to us by the granting agency, which is the New Hampshire Community Development Finance Authority, that there is no liability on our part.

Selectman Jasper did have some concerns. We are the contractor under this contract. Selectman Maddox said we're administering it right? Selectman Jasper said it says on page 3 of 4 under insurance, "The contractor shall, at its sole expense, obtain and maintain in force, and shall require any subcontractor or assignee to obtain and maintain in force, the following insurance:..." We're now getting into our situation where we now have to make sure that any subcontractor, which he assumed is the company they're talking about, maintains all of those insurances and everything.

Selectman Maddox said that was his question. Selectman Jasper is probably being more eloquent than he was.

Selectman Jasper said, "The Contractor shall furnish to the Contracting Officer identified in block 1.9..." We're getting into the business of doing paperwork for insurance. Mr. Malizia said REDC is actually the sub recipient. They are then providing the loan. Selectman Jasper said that we're the contractor and he's reading what our obligations are. Our obligations are to provide these forms and make sure that insurance is maintained. He's reading the other section "Event of Default/Remedies" which frankly he didn't understand. He's trying to find something here that says that we in no way have any liability to repay this loan. He's not finding English language that he is accustomed to that makes that clear. Of course he's only been a legislator going in his 9th term.

Chairman Massey said that Selectman Jasper raises some very valid questions especially in view of the fact that because this is a federal monies involved, the Davis-Bacon Act is involved, which means all of the personnel have to be paid prevailing wage. Selectman Maddox said no. There's a box on here that checks says no. No Davis-Bacon. It's on the actual third page.

Chairman Massey is troubled by the fact that a representative from EnerTrac isn't here tonight or even REDC. Mr. Malizia said they were here for the meeting when they applied for it. Selectman Jasper said that they didn't have all this verbiage. Chairman Massey would certainly be in favor of deferring action until the next meeting to get a clearer definition of what the Contractor's responsibilities are versus the recipient of the fund.

Selectman Maddox said they all want to be able to bring jobs. This is probably a mechanism that's going to be able to do that. He thought they have some questions that needed to be answered. Maybe they can take the tape or Steve can take a look at what the Board is asking. Who's going to administer? Who's tracking what? Who's going to keep track of if there's 23 jobs created or 14? All those issues, somebody needs to define for them and in clear and understandable English that if this loan is not repaid by the company, the Town of Hudson has zero exposure. He thought those are questions that he thought the citizens as much as they'd like jobs don't want to be paying for something that we didn't pay attention to. He would ask to defer this to the Board's next meeting to get those questions answered.

Selectman Coutu withdrew his motion. Selectman Nadeau withdrew as well.

Motion by Selectman Maddox, seconded by Selectman Coutu to defer pending resolution of the questions asked until the meeting of February 8th.

Selectman Maddox thought that since this was the first one they've ever done, he thought it maybe worth taking a spin by our lawyers and say, again, that there's no exposure to the Town of Hudson.

Vote: Motion carried 5-0.

J. Ambulance Billing Settlement Offer

Chairman Massey recognized Town Administrator Steve Malizia.

Mr. Malizia said the Board had in front of them a proposal to settle an outstanding ambulance bill for 66 percent. There's an offer to reduce an ambulance bill with a settlement proposal offer of 66 percent of the bill. This bill is outstanding from March 2010 in the original amount of \$76.49. You have a proposal to settle for \$317.66.

Chairman Massey had one question. He didn't understand was the ambulance company indicated that they are not able to do this. Is it because of the request to have a discount? Mr. Malizia said we are the folks being affected. They don't grant settlements without the Board's approval.

Chairman Massey said he didn't understand the letter because it says in the third paragraph from the gentleman's attorney, "Please be advised that Mr. Bishop's personal injury case has settled for the sum of \$30,000, in spite of the fact that his medical bills totaled more than \$15,000." Chairman Massey guessed he got his numbers reversed. On the fact of it, he's got more money that he settled for. Equally important in his mind, this individual does not have medical insurance. We're being asked to subsidize somebody that doesn't have medical insurance. Selectman Coutu said that's why he's voting no.

Motion by Selectman Maddox to counter offer for 80 percent. Motion failed for lack of a seconder.

Motion by Selectman Coutu that the Town of Hudson refuses to accept the settlement offer of \$317.66 as the full and final satisfaction for the Town of Hudson ambulance billing #10-35606 dated March 1, 2010 and that the Board bills out at the amount of \$476.49 as payment in full.

Just so you know, Mr. Malizia said it has been billed out. It's an outstanding bill so it's already been billed. There's no billing to be done.

Motion by Selectman Coutu, seconded by Selectman Nadeau, that the Town of Hudson refuses to accept the settlement offer of \$317.66 as the full and final satisfaction for the Town of Hudson ambulance billing #10-35606 dated March 1, 2010 and that the Board seeks the amount of \$476.49 as payment in full.

From Chairman Massey's perspective, he didn't see the rational for doing this especially in view of the fact that at least from the information that the Board's been given, the individual received more in a settlement than he had to spend. For that alone, he would be voting no. Equally important he's a 41 year old individual and we're being asked to subsidize somebody for whatever their reason isn't carrying medical insurance.

Selectman Jasper thought this brings up another interesting issue and that's the Board's relationship with the Town of Litchfield in these types of situations. It seems to him that if anyone should be responsible for paying the balance, it shouldn't actually be the taxpayers of the Hudson it should be the taxpayer of Litchfield. It was an accident that occurred in Litchfield and it's a Litchfield resident. We should be looking at this type of situation and our contractual arrangement with Litchfield to say if we are called by you to your town and you have patients who are unable or unwilling to pay then Litchfield should be really making up that difference and not the Hudson taxpayer. They really should talk about that with the Fire Chief at some point.

Mr. Malizia said he actually gave the Fire Chief the contract. They looked at it recently. He's asked him to communicate with Comstar because as he understood it at some point if the residents of Litchfield don't pay the bill, Litchfield is supposed to. He has communication from Mr. Malizia to actually do all of that.

Vote: Motion carried 5-0.

K. Town of Hudson Wholesale Water Supply Contract

Chairman Massey recognized Town Administrator Steve Malizia.

Mr. Malizia said that they had correspondence from Pennichuck Corporation regarding an amendment to our Wholesale Water Supply Contract between the Town and Pennichuck. The City of Nashua who is going to be the sole shareholder of the Pennichuck Water Company would like the Town to waive paragraph 11 of the Wholesale Water Supply Contract so that both parties, the Town of Hudson and Pennichuck, remain bound to the terms of the contract after the City of Nashua completes its takeover. He did have Attorney Hodes review it. He sees no issue, no problem. There was a provision in the water supply contract, paragraph 11, that if there were an acquisition by a government all the obligations would cease and terminate. Nashua doesn't want them to terminate and at this point Mr. Malizia didn't believe that the Board would want them to terminate. This was a beneficial agreement that wheels water back and forth between Hudson and Nashua. In the summertime when we need water from Nashua, we get it. When they need water from us, they get it.

Chairman Massey further added that this language is in the contract because of the original eminent domain proceedings that the City of Nashua instituted against Pennichuck. We want to protect ourselves should something happen that we didn't want to. The Town Administrator and he met with the Mayor and their liaison to the water project before Christmas. One of the things that they wanted to assure the Town of is they want to be sure that we continue as a customer. It was because of this language that they asked us if we would remove it. On balance, Chairman Massey thought and hoped the Board did that we're being well served by Pennichuck. He thought this was just a way to assure Nashua that we intend to stay with Pennichuck. It was a very cordial meeting and should that acquisition be approved by the Public Utilities Commission, he thought the Town will be well served to continue working with Pennichuck.

Mr. Malizia said it was in their best interest particularly when they get to the summer time and the demand peaks. It's definitely in their best interest. Selectman Jasper said they'd be up the creek without a paddle.

Motion by Selectman Coutu, seconded by Selectman Maddox, to waive paragraph 11 of the Wholesale Water Supply Contract dated July 12, 2005 between the Town of Hudson and Pennichuck Water Works, Inc. due to acquisition of Pennichuck by the City of Nashua and to approve the Wholesale Water Supply Contract Amendment dated January 25, 2011, carried 5-0.

L. Fiscal Year 2012 Warrant Article Speaker Designation

Chairman Massey said Article 11 Operating Budget, he would have expected normally that he would have been the speaker for that Selectman Coutu but given that the Board has directed him to make the motion to amend the operating budget, he felt that it would be easier procedurally to have one person talk to the budget and the other person make the amendment. The Moderator frowns on people speaking and making motions in the same thing. Selectman Coutu said he was fine with that. Chairman Massey asked if this was a consensus that this is the way they'll go. Selectman Nadeau said okay. Chairman Massey said if they needed to make any slides for the presentations, they need to get them to the Cable TV Facilitator by...Selectman Coutu said the night before.

Mr. Malizia said traditionally what they will do is they will actually have the article blown up for the screen. Quite frankly, he didn't recall that the Board has every really put together anything more elaborate than what's up there. If you need information, just let him know and we can try to get them what they need. If there are some talking points or some other facts you need, just let us know.

Consensus of Board of Selectmen to approve the Warrant Article Speaker Designation.

M. Performance Evaluation Forms

Chairman Massey recognized Selectman Roger Coutu.

Selectman Coutu had said that he was not too thrilled with the evaluation form that they had been using as a Town. He offered to present to them a different format. He preferred the rating scale in a numerical sequence as opposed to good, bad, better or indifferent. He submitted this for the Board's consideration. If you don't like it, you don't like it. If you want to amend it, you amend it. He thought that the Town Administrator has had an opportunity to review it as well as the Board. Selectman Coutu submitted to him for the agenda this evening. He would also feel that this form with some modification if they agreed to adopt this can be modified for department heads as well. He put it as if it was for the Town Administrator's evaluation. This can be modified for Department Heads. Just change the title and then you might look at the questions and add or delete some of them that might be more pertinent than some that are already there. It's just for the Board to peruse and to see if it's something that you would like to adopt. If the Board wants to have more time to evaluate it and make amendments or deletions was fine with him.

Chairman Massey asked if the Board wanted to have it on the agenda for discussion at a future date. Selectman Coutu said they could do it at a workshop. Chairman Massey asked if they wanted to do it at the workshop in March. That was fine with Selectman Coutu unless everybody had already reviewed it. If not the first meeting in March was fine.

9. OTHER BUSINESS/REMARKS BY THE SELECTMEN

Selectman Nadeau - Just another reminder. Everybody saw the article hopefully this week in the Hudson Litchfield News about the parking ban with the snow. They have it posted upstairs on the bulletin board up front so the public can double check and read that. It's very important to help out the Highway Department with the snow and that they do have a parking ban. If everybody could please abide by that it would be very helpful.

Selectman Coutu - Well Selectman Nadeau because the Police Chief had asked him to do this. He will read it so that the citizens of Hudson and Selectman Jasper when he finishes this even though this is his time to speak, he's read with a great deal of interest your response to the e-mails that went back and forth relative to parking on street and off street. He concurred with him 100 percent. "Relative to vehicles being parked on the roadways during snow storms, the Hudson Police Department would like to remind residents that parking vehicles on the side of a public road during a snow storm is a violation of Town Ordinance 317-19: Interference with snow clearing operations." The Ordinance states, "No vehicle should be stopped or parked on any public street so as to impede or interfere with proper snow clearing operations of the Town. During the recent snow storms, the Hudson Police and Hudson Department of Public Works has had to deal with numerous vehicles which were impeding snow removal. Vehicles parked on the roadway is a hazard for other motorists and it greatly hinders Hudson's Department of Public Works with their snow removal efforts. Please assist the Hudson Department of Public Works by keeping vehicles off the public roadways. The Hudson Police will be strictly enforcing the aforementioned

ordinance in all future snow storms. Citizens who violate the Ordinance are subject to a \$50 fine and the vehicle could be towed at the owner's expense." The Police Department and he was sure the Highway Department is thanking you for your cooperation. It was a very appropriate comment that you made Selectman Jasper.

As we all know Selectman Jasper, Selectman Coutu said that he came here in 1492 but what a lot of people don't know is that you were born on the ship in 1492. You are now as of officially this past Sunday 519 years of age. He wanted to congratulate him for that Selectman Jasper that you've lived this long. Now further Selectman Jasper, he didn't want to be held accountable for misquoting him. He knows that the press always quotes people very accurate and The Nashua Telegraph quoted him saying that "To this day, I do not know what a Spotted Nute looks like." Well Selectman Jasper, Selectman Coutu had a picture of a Spotted Nute. There you go. This is what a Spotted Nute looks like. So they don't have to hear that any more. At 519 years old you just saw a Spotted Nute picture for the first time. Happy Birthday Selectman Jasper.

Selectman Maddox - A couple of things Mr. Chairman. First Selectman Maddox happened to follow up with Fire Prevention and he wanted to read a couple of things since everybody is reading this evening. It's about electrical safety. The problem with extension cords and home fires. He wanted to point out that we take them for granted. Electricity comes into the house, goes to whatever appliances they go to, and no one thinks about it. Electrical heaters draw an awful lot of power and you should check those regularly. The other thing you shouldn't do is put a large electrical heater onto a little small cord or run it under a rug. All those types of things that nobody thinks about until the day the smoke starts happening. Cords and plug account for the largest share of civilian deaths 39 percent. Right here in the facts and figure sheet. "Many of those are avoidable because they can be traced to the misuse of cords such as overloading circuits, poor maintenance, and running cords under rugs in high traffic areas. Electrical fires mostly occur during December and January in the winter months when there's more people inside and more of a load on the electrical equipment." Again, probably not going to think about it much. Again if you're just sitting there and taking a look at that heater that's running in a family room to make sure it's plugged into an outlet and not to an extension cord. If you are using an extension cord, make sure it's bigger than the cord on the heater. That's his public service announcement. He is working with Cable to try to make that a lot prettier.

Second - public input. Selectman Maddox said they do have a set of guidelines for said input. Even though Mr. Schneiderman had some interesting facts, they couldn't do anything about them. It's really a school board related issue. Although public input is nice, they couldn't do anything about it and they do have time limits for those types of things. Again it was nice to hear but they couldn't do anything. Chairman Massey said he used his Chairman's prerogative because he was fairly certain there was nobody else going to speak otherwise he would have informed Mr. Schneiderman of the 5 minute policy.

Selectman Maddox's last item is economic development. They kind of kick it around and they've had some discussions about it. He has asked the Community Development Department, the Assistant Town Administrator, to have for March 1st a report on the status of what has been happening in regards to economic development. They sent out mailers. What was the impact of that? The signs. How many phone calls and what has happened with that? New businesses coming into Town and applying for building permits and those types of things to give the Board, so they can give the citizens, what is happening. What kind of hits are they seeing on the web site for those pages? Those type of issues so it is not a forgotten issue. It's something that all of them are interested in. Again earlier with that grant, they certainly want to bring jobs to the Town of Hudson. They want to bring more tax base to us. What can they be doing? Is there anything in that report that they will get to them that they might be able to utilize and pass up the food chain to the legislature when they come to visit the Board at their workshop. Again he thought there's a dialog that they all need to have in regards to where Hudson sits, and how our legislatures can help us, and how we can help them. He's hoping that there's a good response to the second go around.

Selectman Maddox guessed there was a problem with the e-mail. He did ask if there was a way to fix that. Isn't there a general address as somebody may not be able to spell Coutu. Is there a general Board of Selectmen and Donna is working on that? They'll hopefully have that answer. So again if people could at least go to some place and she could direct that on so it's not lost.

That's all for this evening except Happy Birthday to Selectman Jasper.

Selectman Jasper - It was unfortunate he was unable to stay in the room when Mr. Schneiderman was here. He knew he was going to speak about House Bill 39, he had an idea of what he covered. The irony of it was that it was the Majority Leader who was calling him on one of the things they talked about. He needed to take his call. It was about the hearing today on Senate Bill 39. He's been getting a lot of e-mail and a lot of concerns from people of Hudson. He hasn't had the time to respond to all of them. He's trying to do that.

Selectman Jasper wanted to try at least for the Board's benefit so that they understood a little bit of what's going on and he'll try to be relatively brief on it. What House Bill 39 does is take some of the courses that are in adequacy out of the definition. It doesn't change anything the towns are obligated to teach or will need to teach. That definition has only been in Statute for 3 years. In the 3 years, we haven't added any courses. This hasn't been a new mandate or anything like that. It is about what the State's obligation to fund adequacy is about. The fact of the matter is what's in there now with all these courses and then you added it up and say all right we're going to give \$3,450 per student. That's a joke. You can't teach all those courses for \$3,450. So the Bill that Representative Boehm put in attempts to make that a little bit more reasonable to what

\$3,450 is. Selectman Jasper gave the Board the example on why he was doing the math. He didn't remember how many students they have in Hudson now. It's been dropping. It was about \$4,000. He thought it was probably less than that and you would probably know having just done the budget. Let's use \$4,000 for the purposes of this calculation. You take \$4,000 times the \$3,450, that would come to \$12,800,000. If that's what you can do all those courses - the arts, the languages, technology, math, science, this long list of things - if you could do all those things for \$3,450 and that comes out to \$13,800,000 and our school budget is almost \$43 million, gee what are we doing with that other \$30 million. So the point is that the whole purpose of this Bill was to make it more in relation to what you get for \$3,450 a student. It doesn't change anything that anybody is going to teach. It's not going to change how much money we give because obviously you can't take those off and say now we only need to give \$1,800 or \$2,200. The fact of the matter is bills are in right now relative to the aide in where the Bill is into pretty much keep the formula where it is so Hudson will get the same, Litchfield will get the same, Pelham will get the same. There's another one that has we get no less than 95 percent of what we get now. So if there's any downshifting any at all, it will be no more than 5 percent and it would have nothing to do with House Bill 39 and what's in there. It would have to do with what the State has available. There is much ado about nothing over House Bill 39. Some people have been really getting people all charged up. It's only something that's been in law for 3 years and our education system has not been built upon that at all and will not be affected by what's taken out of the definition of adequacy.

Selectman Jasper was sure they'll have a good discussion and he will be calling those Reps. who have not responded and hopefully they'll have more coming than they currently have positive responses from. Thank you Mr. Chairman.

Selectman Massey - He has two things. The first one is he wanted to commend once again the sterling effort that our Highway Department did. They had three snow storms this past week. At least two of them that he's aware of were double plows, which meant that we didn't just go out and plow once and say that's it and go to bed. They actually did two plows. He thought if you looked around at what the Highway Department did, he thought we really get a lot of good service for the money that we're spending. Kudos to the Road Agent Kevin Burns and all of his employees. It was really a great job. Unfortunately it looks like they're going to be hitting another major storm tomorrow night. It depends on which forecaster you listen to and what hour of the afternoon you're listening to them. Right now depending on which way that storm goes it's either going to be a huge one or it's going to be 3 inches. Thanks Kevin and your people.

Finally just a reminder again to all those people out there that have always said, "Why can't you do something better about the Town?" Chairman Massey indicated that the town elections are coming up. The time to get involved and sign up for all of the vacant positions is this week by the close of business on Friday you have to make your intentions known. He would encourage everybody to give it serious thought.

10. NONPUBLIC SESSION

Motion by Selectman Maddox, seconded by Selectman Coutu, to enter nonpublic session under and RSA 91-A:2 (a) Strategy or negotiations with respect to collective bargaining; and RSA 91-A:3 II (a) The dismissal, promotion, or compensation of any public employee or the disciplining of such employee; and (c) Matters which, if discussed in public, would likely affect adversely the reputation of any person, 5-0 by roll call.

Chairman Massey indicated that Nonpublic Session is being entered at 9:10 p.m., thus ending the televised portion of the meeting. Any votes taken upon entering open session will be listed on the Board's next agenda. The public is asked to leave the room.

Open session is being entered at 10:21 p.m.

Motion by Selectman Jasper, seconded by Selectman Maddox to seal the minutes of the Nonpublic Session, carried 5-0.

Motion by Selectman Jasper, seconded by Selectman Nadeau, to promote Call Firefighter Patrick Weaver to the position of Call Lieutenant effective 1/26/2011 at a pay rate of \$17.25 per hour as recommended by the Fire Chief, carried 5-0.

11. ADJOURNMENT

Motion to adjourn at 10:22 p.m. by Selectman Jasper, seconded by Selectman Maddox, carried 5-0.

Recorded by HGTV and transcribed by Donna Graham, Recorder.

HUDSON BOARD OF SELECTMEN

Kenneth J. Massey, Chairman

Richard J. Maddox, Vice-Chairman

Shawn Jasper, Selectman

Benjamin J. Nadeau, Selectman

Roger E. Coutu, Selectman