

HUDSON, NH BOARD OF SELECTMEN
Minutes of the December 28, 2010 Meeting

1. CALL TO ORDER - by Chairman Massey the meeting of December 28, 2010 at 7:00 p.m. in the Selectmen's Meeting Room at Town Hall.
2. PLEDGE OF ALLEGIANCE - led by Selectman Jasper.
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; Kathy Carpentier, Finance Director; Chief Jason Lavoie; Gary Webster, Town Engineer

4. PUBLIC INPUT

Chairman Massey asked if there was anyone in the audience wish to address the Board on any issue at this time. Seeing none, Chairman Massey moved on to Nominations and Appointments.

5. NOMINATIONS & APPOINTMENTS

Resignation of Sandra Rumbaugh as Vice-Chairman and member of the Benson Park Committee

The first thing Chairman Massey would like to regretfully announce that Ms. Sandra Rumbaugh has submitted her resignation to the Benson Park Committee.

Motion by Selectman Jasper, seconded by Selectman Maddox, to accept the resignation of Sandra Rumbaugh as Vice-Chairman and member of the Benson Park Committee with the Board's thanks and sincere appreciation.

For the record, Chairman Massey wanted to say that Ms. Rumbaugh is definitely an asset to our community. He's sure the Benson Park Committee is going to miss her. We still have her on a couple of other committees. He's glad to see that she's going to stay particularly on the Conservation Commission.

Vote: Motion carried 5-0.

Chairman Massey said there were two things. First one he would recommend tonight that because they have so many opportunities rather than try to aggregate votes, they try to take each position for each person separately. In other words, they have 3 positions on Benson's. It would be a lot easier if they had 3 separate motions than if they have an aggregate motion. He wasn't sure based on all the conversations where that might lead. As you're thinking about that with the resignation of Ms. Rumbaugh, we know have 3 vacancies to expire on 12/31/13 and Ms. Rumbaugh's vacancy will expire on 12/31/2011. So we have 4 vacancies to potentially deal with tonight. Dealing with the Benson's Committee, are there any motions for nominations?

- A. Benson's Committee - (3 vacancies, 3 member terms to expire 12/31/13)

Ralph Alio - interviewed on 12/14

David Briand - interviewed on 12/14

Ann Desrosiers (incumbent member) - interviewed on 12/14

Ken Dickinson (Incumbent member) - interviewed on 12/14

Crista Gagnon (Incumbent member) - interviewed on 12/14

John Leone (Incumbent alternate) - interviewed on 12/14 - currently an alternate, applying to be a member

Barry Merrill - interviewed on 12/14

Charles Pantazis - interviewed on 12/14

Dana M. Sion - interviewed on 12/14

Natalie S. Undercofler - interviewed on 12/14

Motion by Selectman Coutu, seconded by Selectman Nadeau, to nominate Ann Desrosiers (as a member to the Benson Park Committee) with a term to expire 12/31/2013, carried 5-0.

Motion by Selectman Jasper, seconded by Selectman Nadeau to appoint Crista Gagnon (as a member to Benson Park Committee) with a term to expire 12/31/13, carried 5-0.

Motion by Selectman Maddox, seconded by Selectman Nadeau, to appoint Natalie S. Undercofler (as a member to the Benson Park Committee) with a term to expire 12/31/13.

Selectman Coutu said that John Leone is an incumbent alternate and Mr. Leone has been a major contributor to the position that he presently holds. He was hoping that Natalie Undercofler would be selected for the term to replace Sandra Rumbaugh. He'd hate to slight Mr. Leone for all the work that he's put into the position. He supported both candidates at this point to fill the remaining two vacancies. It puts him in an awkward position to have to vote.

Selectman Maddox said that these are tough decisions when you have more people than we have positions which are a great thing to have. There's no slight on his part. He thought in looking at her involvement with that committee. He thought she's on the Landscape Committee and seems to be asked a question almost every meeting. He just thought it made sense. Selectman Maddox had no problem appointing Mr. Leone to the one that expires in 2011. There's no real slight. It's purely an observation on his part. Again, they're going to have to make decisions here with people that there are not enough positions. Again, that's a great thing and he thanked everyone in advance for their involvement. That was his particular choice Sir. He understood Selectman Coutu's concern but that's the way he went.

Selectman Jasper agreed with Selectman Coutu and would like to see Mr. Leone re-appointed to the term to expire in 2013 and Mrs. Undercofler for a term to expire in 2011. He wasn't sure if there was a lot of difference but that was his preference just because of where they are in committee membership. So he will be voting against the motion but not against the individual.

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

Motion by Selectman Jasper, seconded by Selectman Nadeau, to appoint John Leone (as a member of the Benson Park Committee) with a term to expire 12/31/2011, carried 5-0.

With that said, Chairman Massey said they now have a vacancy for 2 alternate positions (2012 and 2013). So we have one alternate to expire on 2012 and one alternate to expire on 2013.

Motion by Selectman Nadeau, seconded by Selectman Jasper, to appoint David Briand as an alternate (to the Benson Park Committee) with a term to expire 12/31/2012, carried 5-0.

Motion by Selectman Nadeau, seconded by Selectman Jasper, to appoint Ralph Alio as an alternate (to the Benson Park Committee) with a term to expire 12/31/2013, carried 5-0.

B. Building Board of Appeals - (2 vacancies, 2 terms to expire 12/31/13)

Michael A. Pitre - will be in attendance for interview on 12/28

Motion by Selectman Coutu, seconded by Selectman Jasper, to appoint Michael A. Pitre (to the Building Board of Appeals) with a term to expire 12/31/13, carried 5-0.

C. Cable Committee - (2 vacancies, 2 terms to expire 12/31/13)

Kristofor Georgeou - will be in attendance for interview on 12/28

Stewart Kroner (Incumbent member) - interviewed on 12/14

Kristofor Georgeou - 62 Overlook Circle. He has a real background in film and video and sees a lot of future in this cable committee position to work with the high school and teach them to do some stuff. Once you teach a kid how to create something from nothing, it's an invaluable tool to take with them throughout their lives. He didn't have it in high school but he wished he did. He didn't get into film until college. He knows Jim McIntosh and Mike O'Keefe. They're great guys. He's actually sat in on a few of meetings a few months ago. He also has some ideas for some programming to create. That's what he's been hearing that there's not enough stuff coming out. He's seen a few shows that are on television. Chairman Massey said the chuckles were that he answered a question before it was asked.

Selectman Coutu said that he was Selectman's Representative on the Cable Committee. They have indicated as of late, and they also have a School Board Representative on the Cable Committee Lee Lavoie - who's in the audience this evening, one of the things he's imparted to them and they've taken a keen interest in is total involvement with the students at Alvirne High School with the cable facility. They've been down to the studio and they've really enjoyed themselves and they're looking forward to more visits. With that said, have you had any contact with anybody in the

Media Department at the high school at all? Mr. Georgeou said no. Selectman Coutu asked Mr. Georgeou if he would feel comfortable if you were a liaison appointed by the Committee to interact with that Department and try to develop programming with the kids at the high school and you have camera hands-on experience. Mr. Georgeou said yes.

Selectman Coutu asked that the Board step aside from the original proposal because they had so many applicants for the others where there are two vacancies and there are two applicants to allow for a nomination of both. This would give for the first time in a long time a full compliment on the Cable Committee. If you would allow that Sir, he would be willing to nominate both candidates. Chairman Massey said without objection from the Board

Motion by Selectman Coutu, seconded by Selectman Jasper, to appoint Kristofor Georgeou and Stewart Kroner (as members to the Cable Committee) with terms to expire 12/31/2013, carried 5-0.

- D. Conservation Commission - (5 vacancies, 1 member term to expire 12/31/11; 3 member terms to expire 12/31/13; 1 alternate to expire 12/31/13)

James Battis (Incumbent member) - ? - sent e-mail - no reply
Ken Dickinson (Incumbent member) - interviewed on 12/14
Patricia Dubay - interviewed on 12/14
Robert Friedburg - will be in attendance for interview on 12/28
Nancy A. Lamoureux - interviewed on 12/14

Motion by Selectman Maddox, seconded by Selectman Nadeau, to appoint Patricia Dubay (as a member) to the Conservation Commission with a term to expire 12/31/2013, carried 5-0.

Motion by Selectman Jasper, seconded by Selectman Coutu, to appoint James Battis (as a member) to the Conservation Commission with a term to expire 12/31/2013.

Selectman Maddox said Mr. Battis was unable to attend either of the two meetings so he will not vote for this applicant.

Selectman Jasper thought while it is important that they meet all of the people before they appoint them, James Battis is well known to this Board. So he had no hesitation to appoint him without having him come back before the Board.

As the Liaison to the Conservation Commission, Chairman Massey said that Mr. Battis is definitely an asset to that Commission and to the Town. As he said, he's been the Liaison for the last few years. He was well satisfied that this is an appropriate appointment.

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

Motion by Selectman Jasper, seconded by Selectman Coutu, to appoint Ken Dickinson (as a member to the Conservation Commission) with a term to expire 12/31/2013, carried 5-0.

Chairman Massey said that took care of the three 2013 appointments. They now have one member term for December 2011.

Motion by Selectman Coutu, seconded by Selectman Nadeau, to appoint Nancy Lamoureux as a member (to the Conservation Commission) with a term to expire 12/31/2011, carried 5-0.

Motion by Selectman Jasper, seconded by Selectman Coutu, to appoint Robert Friedburg as an alternate to the Conservation Commission with a term to expire 12/31/2013, carried 5-0.

- E. Energy Committee - (3 vacancies, 3 terms to expire 12/31/12)

Margaret Femia (Incumbent member) - interviewed on 12/14
Linda Kipnes (Incumbent member) - interviewed on 12/14

Motion by Selectman Coutu, seconded by Selectman Nadeau, to appoint Margaret Femia and Linda Kipnes (as members) to the Energy Committee with terms to expire 12/31/2012, carried 5-0.

- F. Nashua Regional Planning Commission - (3 vacancies, 1 member term to expire 12/31/14; 1 alternate term to expire 12/31/2011; 1 alternate term to expire 12/31/14)

Selectman Richard J. Maddox
Michael A. Pitre - will be in attendance for interview on 12/28

Motion by Selectman Coutu, seconded by Selectman Nadeau, to appoint Richard J. Maddox (as a member) to the Nashua Regional Planning Commission with a term to expire 12/31/2014, carried 5-0.

Motion by Selectman Coutu, seconded by Selectman Nadeau, to appoint Michael Pitre as an alternate to the Nashua Regional Planning Commission with a term to expire 12/31/2014, carried 5-0.

- G. Planning Board - (5 vacancies, 2 member terms to expire 12/31/13; 3 alternates - 1 term to expire 12/31/11; 1 term to expire 12/31/12; 1 term to expire 12/31/13)

Glenn Della-Monica (Incumbent member) - interviewed on 12/14
Irene L. Merrill - interviewed on 12/14
Jordan Ulery - ? - sent e-mail - no reply
Ed van der Veen (Incumbent member) - interviewed on 12/14

Motion by Selectman Coutu, seconded by Selectman Jasper, to appoint Glenn Della-Monica (as a member) of the Planning Board with a term to expire 12/31/2013, carried 5-0.

Motion by Selectman Maddox, seconded by Selectman Nadeau, to appoint Ed van der Veen as a member of the Planning Board to expire 12/31/2013, carried 5-0.

Motion by Selectman Jasper, seconded by Selectman Coutu, to appoint Jordan Ulery as an alternate to the Planning Board with a term to expire 12/31/2013.

Chairman Massey said he would not be voting for this. Although he knows Mr. Ulery, the fact that he has not appeared before the Board and they have not ever seen him for any of the committees, he hasn't had a chance to determine whether this is an appropriate assignment for him. He will not be voting for this position.

Vote: Motion failed 2-3. Selectman Massey, Selectman Maddox, and Selectman Nadeau in opposition.

Chairman Massey said to Selectman Jasper if Mr. Ulery wants to apply for it and would come and interview for it, he would be favorably disposed to listen to him. It's just that the Board did not see him.

Selectman Jasper thanked the Chairman. Frankly with all the people they saw several weeks ago, he had forgotten that he was not here. He sees him very often. Chairman Massey asked Selectman Jasper to encourage him to come. Selectman Jasper said he would. He wouldn't have made the motion had he realized that he had not been in attendance.

Motion by Selectman Maddox, seconded by Selectman Nadeau, to appoint Irene L. Merrill as an alternate to the Planning Board with a term to expire on 12/31/2013, carried 5-0.

Point of interrogatory relative to the Planning Board, Selectman Coutu said there remain, he believed, two alternative positions. He has a candidate who had indicated to him a person who had indicated to him a person who's well known to the Board an interest in serving on this committee as an alternate. If there is objection because no formal application was submitted, he would withdraw consideration for a nomination at this time. He'd like to see if there would be an objection. The person is well known to them and had served on the Planning Board.

Selectman Jasper said give what they just did with Representative Ulery, it would probably be appropriate to have both of them make formal application and come in to be interviewed by the Board for consistency.

Selectman Maddox believed he knew who the mystery person is so it could either way. He didn't disagree and he didn't disagree.

Chairman Massey ruled that he thought that it was up to the individual who wants to be on a board to apply for it. He thought it wasn't appropriate for a third party to put their name into nomination. He ruled at this point that the individual should make formal application to Selectman Coutu. He was sure that the Board will be favorably disposed to listen especially since they do still have two vacancies on this very important Board.

- H. Recreation Committee - (1 vacancies, 1 member term to expire 12/31/13)

Keith Bowen (Incumbent member) - interviewed on 12/14

Motion by Selectman Coutu, seconded by Selectman Jasper, to appoint Keith Bowen as a member of the Recreation Committee with a term to expire 12/31/2013, carried 5-0.

- I. Recycling Committee - (2 vacancies, 2 member terms to expire 12/31/13)

L. Cheryl Freed (Incumbent alternate) - applying to be a member - interviewed on 12/14

Motion by Selectman Nadeau, seconded by Selectman Jasper, to appoint L. Cheryl Freed as a member to the Recycling Committee with a term to expire 12/31/2013, carried 5-0.

- J. Sewer Utility Committee - (2 vacancies, 2 member terms to expire 12/31/13)

Bernie Manor (Incumbent member) - interviewed on 12/14

Motion by Selectman Maddox, seconded by Selectman Coutu, to appoint Bernie Manor as a member of the Sewer Utility Committee with a term to expire on 12/31/2013.

Selectman Jasper said he was fully in favor of the nomination. He did have a question and didn't remember the answer which had been in discussion last week relative to both this and the water utility. Do they currently have another non-sewer user on the Sewer Utility at this time? Mr. Malizia said not that he was aware of.

Mr. Abbott said the answer was no. Bernie is the non-sewer user at this point.

Vote: Motion carried 5-0.

- K. Water Utility - (3 vacancies, 1 member term to expire 12/31/12; 2 member terms to expire 12/31/13)

David R. Jelley - interviewed on 12/14

Bernie Manor - interviewed on 12/14 - non water user

Jeff Rider (Incumbent member - non water user) - interviewed on 12/14

David Shaw (Incumbent member) - ? - sent e-mail - not sure if he'll be in attendance

As they're moving forward, Chairman Massey said at the moment the Water Utility only by ordinance has one non water member. That water member is currently a member of the Committee and he is seeking appointment. That's Mr. Rider.

Motion by Selectman Maddox, seconded by Selectman Jasper, to appoint Jeff Rider as a member of the Water Utility with a term to expire 12/31/2013, carried 5-0.

Motion by Selectman Maddox, seconded by Selectman Coutu, to appoint David Shaw as a member of the Water Utility with a term to expire 12/31/2013, carried 5-0.

Motion by Selectman Coutu, seconded by Selectman Maddox, to appoint David Jelley as a member of the Water Utility with a term to expire 12/31/2012, carried 5-0.

- L. Zoning Board of Adjustment - (5 vacancies, 1 member term to expire 12/31/13; 4 alternate terms - 2 terms to expire 12/31/11; 2 terms to expire 12/31/13)

William B. Abbott - interviewed on 12/14

Maryellen Davis - interviewed on 12/14

Gerald Dearborn - interviewed on 12/14

Robert Friedburg - will be in attendance for 12/28 interview

Marilyn E. McGrath (Incumbent alternate) - interviewed on 12/14

Michael Pitre (Incumbent member) - interviewed on 12/14

Stuart Schneiderman - interviewed on 12/14

Jordan Ulery - ? - sent e-mail - no reply

Motion by Selectman Maddox, seconded by Selectman Coutu, to appoint Michael Pitre as a member to the Zoning Board of Adjustment with a term to expire 12/31/2013, carried 5-0.

Chairman Massey said it occurred to him that there are a lot of people out in viewing land that are wondering why there's no discussion. That's because they've interviewed all the individuals two weeks ago and they formed their opinions based on those interviews plus their knowledge of the individuals.

Just a point of information or clarification, Selectman Jasper said they have 4 alternates here now. They all remember Chairman of the ZBA coming in last year talking about the need for more alternates. He didn't remember the Board taking any formal action. He remembered there was research done but he didn't remember anything formally being presented to the Board or the Board taking any action. Could you clarify how they got to this point for the record because he didn't recall any?

Chairman Massey said from time in memorial since the first day he was on the Zoning Board back in 1982, there were 5 alternates and 5 regulars. So as far as he knew, it has never not had the ability to have 5. They just never had folks come forward to apply for those positions.

Selectman Jasper said that's been the case then. Mr. Malizia said he wasn't aware that its not. Selectman Jasper remembered there's been discussion about the need for more alternates and he didn't recall. Selectman Maddox said they were also talking about the Planning Board as well. Selectman Jasper said he was and it was a little convoluted.

Chairman Massey said in the case of the Planning Board, there have only as far as he knew been 3. For all the time he was on the Zoning Board, it was 5 alternates.

Motion by Selectman Coutu, seconded by Selectman Maddox, to appoint Maryellen Davis as an alternate to the Zoning Board of Adjustment for a term to expire 12/31/2013, carried 5-0.

Motion by Selectman Nadeau, seconded by Selectman Maddox, to appoint Gerald Dearborn as an alternate to the Zoning Board of Adjustment for a term to expire 12/31/2013, carried 5-0.

Motion by Selectman Jasper, seconded by Selectman Nadeau, to appoint William Abbott as an alternate to the Zoning Board of Adjustment for a term to expire 12/31/2011, carried 5-0.

Motion by Selectman Coutu, seconded by Selectman Maddox, to appoint Marilyn McGrath as an alternate to the Zoning Board of Adjustment for a term to expire 12/31/2011, carried 5-0.

Chairman Massey thanked all the volunteers who have come forward and have expressed an interest. They still have some openings and he'd encourage any of them that are interested to do it. He wanted to thank all of them and unfortunately or fortunately depending on how one wants to look at it, they had certain positions tonight that they had way more qualified applicants than they had positions to fill. He would hope that that wouldn't discourage them from continuing to work particularly with the Benson Park Committee. Chairman Massey thanked all of them and they're welcome to stay and watch the rest of the meeting but they would understand if they're going to leave.

6. CONSENT ITEMS

Chairman Massey asked if any member of the Board wished to remove any item for separate consideration. Seeing none.

Motion by Selectman Coutu, seconded by Selectman Maddox, to approve consent items A, B, and E, as noted or appropriate, carried 5-0.

A. Assessing Items

- 1) 2010 tax abatement - Map 205, Lot 100, w/recommendation to deny
- 2) 2010 tax abatement - Map 241, Lot 49, w/recommendation to deny

B. Water/Sewer Items

- 1) Sewer Abatement, S-UTL-11-03, 2 Ricky Drive, M/L 191-013-000; S-UTL-11-05, 2 Harvest View Circle, M/L 137-004-000; S-UTL-11-06, 36 Sutherland Drive, M/L 149-029-000, w/recommendation to approve
- 2) Sewer Abatement, S-UTL-11-02, 13 Shoreline Drive, M/L 147-001-005; S-UTL-11-04, 10 St. Anthony Drive, M/L 211-017-000; S-UTL-11-07, 3 Merrill Street, M/L 191-171-000; S-UTL-11-08, 17 Thurstons Drive, M/L 177-024; S-UTL-11-09, 12 Sycamore Street, M/L 197-161-000, w/recommendation to deny
- 3) Water Abatement, W-UTL-10-17, 17 Federal Street, M/L 165-057-000, w/recommendation to approve

C. Licenses & Permits - NONE

D. Acceptance of Minutes - NONE

E. Calendar

12/30 3:30 Trustees of the Trust Fund in Community Development Meeting Room
12/31 TOWN HALL CLOSED - NEW YEAR'S EVE
01/03 7:00 Budget Committee - Community Development Meeting Room
01/04 7:00 Budget Committee - Community Development Meeting Room
01/04 7:00 Board of Selectmen - BOS Meeting Room
01/05 7:00 Planning Board - Community Development Meeting Room
01/06 7:00 Benson Park Committee - Community Development Meeting Room
01/10 7:00 Conservation Commission - Community Development Meeting Room
01/11 7:00 Board of Selectmen - BOS Meeting Room
01/12 7:00 Planning Board - Community Development Meeting Room
01/12 7:00 Budget - School - Public Hearing - Community Center
01/13 5:30 Sewer Utility Committee - BOS Meeting Room
01/13 7:00 Budget - Town - Public Hearing - Community Center
01/13 7:30 Zoning Board of Adjustment - Community Development Meeting Room
01/17 TOWN HALL CLOSED - MARTIN LUTHER KING, JR. DAY
01/18 7:00 Budget Committee Wrap Up - Community Development Meeting Room
01/18 7:00 Cable Utility Committee - BOS Meeting Room
01/19 5:00 Water Utility Committee - BOS Meeting Room
01/19 7:00 Council on Aging - Community Development Meeting Room
01/20 7:00 Benson Park Committee - BOS Meeting Room
01/20 7:00 Budget Committee - Community Development Meeting Room
01/24 6:00 Recycling Committee - BOS Meeting Room
01/25 7:00 Board of Selectmen - BOS Meeting Room
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

7. OLD BUSINESS

A. Vote taken after Nonpublic Session on December 14, 2010

- 1) Motion to adjourn at 12:33 a.m. by Selectman Jasper, seconded by Selectman Coutu, carried 5-0.

B. Hudson Senior Center and HCTV Facility

Chairman Massey recognized Selectman Maddox.

After some discussion with this Board at the last meeting, Selectman Maddox said they've reworded the warrant article which he'd like to read. "Shall the Town vote to raise and appropriate the sum of \$150,000, gross budget, for the design of a dual use Senior Center/Hudson Cable TV (HCTV) facility to be located at Benson Park; and to authorize the withdrawal of \$50,000 from the Senior Center Capital Reserve Fund, \$50,000 from the HCTV Building Capital Reserve Fund, and \$50,000 from the unreserved fund balance."

Chairman Massey added one thing. Looking back and talking with Gary Webster who is a member of the Committee, they did contact at least one additional architect other than the one that did the work initially. Their estimate of what this would cost is in the range of about \$125,000. Given that we're about at 3 to 6 months away from what they're actually doing, he thought the \$150,000 is probably an appropriate number. Certainly if the bids come in less than that, they're not going to spend more than that.

Just for those out in television, Selectman Maddox said that was for the design of the facility so that we can actually get that locked down, have engineer drawings go out to bid so that we can have accurate numbers as well as the ability to go out and get that price, and site plan and those approvals worked out. He thought that all of them pointed out that those of them on the Building Committee were probably a little bit ahead of the cart on this one. It takes 5 people to make a vote here. This is a way to get firm numbers. Again, trying to guess what this building would cost is a challenge and where they're trying to combine several different items, this was a method by which they could do that. This is the one they would like to forward to the warrant Sir.

Motion by Selectman Jasper, seconded by Selectman Maddox, to recommend to forward to the 2011 Warrant the following Hudson Senior Citizens Center and HCTV Facility warrant article: "Shall the Town of Hudson vote to raise and appropriate the sum of \$150,000, gross budget, for the design of a dual use Senior Center/Hudson Cable TV (HCTV) facility to be located at Benson Park; and to authorize the withdrawal of \$50,000 from the Senior Center Capital Reserve Fund, \$50,000 from the HCTV Building Capital Reserve Fund, and \$50,000 from the Unreserved Fund Balance. (This appropriation is in addition to Article X, the Operating Budget.) (There is no impact to the tax rate for this appropriation.)"

Just a point of clarification, Selectman Jasper said he doesn't believe everything he reads in the paper. He will ask. Chairman Massey was quoted in a local paper after the last discussion saying that the seniors would be in the basement and the cable facility would be on the first floor. He said things have changed since their last discussion. Chairman Massey said the seniors are on the first floor and cable television is in the basement. Selectman Jasper said that Chairman Massey was misquoted. Chairman Massey said he didn't know what he was. We'll just say the correct answer is the senior facility is first floor; the Hudson cable facility is basement.

Selectman Maddox said if you looked at the drawing that's over behind Selectman Nadeau, its kind of a misnomer even for that. They both exit at grade level. The topography was parcel lends itself to be able to have both levels be at ground. There's not going to be a first floor and you're going down into the basement. It is truly two levels at grade. It takes care of the need of accessibility and those kinds of issues. Whether it was misquoted or whatever, he thought it was important that people understood that the pictures that are available are going to both be at grade level, 3 doors he thought on each level, at grade for access and all of that.

Selectman Coutu wanted to season this opportunity to shed the fact that they've had some consternation and certainly some anxiety about this. He wanted to thank Selectman Maddox and Chairman Massey and especially the seniors who have been waiting so long for arriving at this compromise, which is palatable to all of them. It will have no tax rate impact on the voters. He thought this will get the plan before them with a factual cost and then they can make an intelligent decision based on what comes before them. This puts the wheels in motion to achieve that. It's a great compromise and he appreciated the amount of work, time and effort that he as well as the committee has put into this. Thank you.

Chairman Massey wanted to recognize that they have the other members of the committee here - Lucille Boucher, Pat Nichols, and Gary Webster.

Selectman Nadeau had one quick thing. This wasn't one of the things that was on the plans that they've seen. They need to think a little bit into the future as far as this building. One of the things when he was at the Community Center during the ice storm was something that he really didn't think about until having a discussion today was a generator hookup for that building. Not having a generator, we can apply for grants and stuff for a generator, but making sure the building is fitted up for a generator. The other thing, which he never thought of but something jogged his memory, shower facilities. If they just put a single handicapped accessible shower in each of the restrooms, one in the male and one in the female restrooms, they had people taking showers at the fire stations during the outages. It was not something that he thought of until just speaking about it today. He thought this was something that was very important while you're building a building of this magnitude that's going to service the whole community. It's something they should think of when you're putting in a building - putting in a bathroom with a shower is relatively cheap at this point versus retrofitting something down the road. He thought it was something that he would hope that their liaison would bring back when they're doing the building specifications for it. Chairman Massey said they will duly note that as part of the thought process. He thought for certain they did look at the generator issue and that shouldn't prove to be very difficult to do to attach an external generator to the system. They will definitely add that so that the Building Committee can look into it. Depending on cost, come back.

Selectman Maddox had one more thing before they finish their infomercial here. One of the things they're looking to do with this facility is to duplicate the Selectmen's room at the cable facility so that we would then have the ability to utilize this space for much needed movement in this building as far as expansion so we won't have to deal with that in the near term. This is a multi-use. If we can get this room at the cable facility, it will give them one more option at that end also.

Vote: Motion carried 5-0.

Chairman Massey said they will put this on the agenda for the Budget Committee for next Monday, January 3rd, night when they do their final review of the Town.

C. Agreement between the Town of Hudson and Hudson Litchfield Youth Football and Cheer

Chairman Massey recognized Selectman Maddox and Len Lathrop.

Selectman Maddox started off. There were a number of items that were looked at at our last meeting as far as changes to this document. In your packet, you have a marked up copy which shows the bold for new and the strike-through for anything that was taken out. Hopefully this meets the requirements that the Board was looking for.

Chairman Massey said he did find one typo. It's very minor. If you go down to the clause that says "semi-exclusive use is home field". The very last line says "consent by either HLFC or the Hudson.." Chairman Massey believed it should be substituted the Board of Selectmen consistent with the language in the rest of the document. He thought it should be changed to "or the Board of Selectmen". Selectman Coutu said the language says "Hudson Board of Selectmen" pretty much throughout so it should be Hudson BOS. Chairman Massey asked that the "Board of Selectmen" be added to that.

Selectman Jasper said the other was something that they did agree to but was not made here. In Use of Premises just before the bold face, it still says "with the approved site plan" and it should say "with an approved site plan". Mr. Malizia said it was corrected earlier in the sentence. It's later on. There are two references to that.

Just for the record and so that everybody out there knows what they're talking about, Chairman Massey said this would be an agreement that would have to be ratified by the voters if this were to be moved forward to the warrant. It would call for a 25 year agreement between the Hudson Litchfield Youth Football and Cheer organization that would provide football and other activities on a parcel of land located on Industrial Drive that the Town owns. Again because it's a multi-year agreement, it would have to be ratified by the voters.

Motion by Selectman Jasper, seconded by Selectman Maddox, to approve the Agreement between the Town of Hudson and Hudson Litchfield Football and Cheer for the use of the Town of Hudson's property located at Map 161, Lot 040, and Map 161, Lot 039 (9 Industrial Drive) known as the "Zachary Tompkins Memorial Stadium" for a period of twenty-five (25) years beginning July 1, 2011 and ending June 30, 2036 and further to authorize the Chairman to sign all related documents as amended tonight.

Mr. Lathrop would like to ask if they could have a ceremonial signing at this point. They have many members of the Hudson Litchfield Youth Football league behind us tonight. Mr. Roberts the outgoing President is here and they had anticipated that this could be a signing night by both the Chairman and by Mr. Robert. Chairman Massey said that he wanted to get through the motions first and then they can take that up.

Vote: Motion carried 5-0.

Motion by Selectman Coutu, seconded by Selectman Jasper, to recommend to forward to the 2011 Warrant the following - Ratification of Agreement between the Board of Selectmen and the Hudson Litchfield Youth Football and Cheer - Shall the Town of Hudson, pursuant to RSA 41:11-a, vote to ratify an agreement between the Board of Selectmen and the Hudson Litchfield Youth Football and Cheer (HLYFC) according to which the HLYFC agrees to build the "Zachary Tompkins Memorial Field" football fields on 9 Industrial Drive (Map 161, Lot 40 and Map 161, Lot 39) in exchange for the HLYFC having semi-exclusive right to use the fields beginning July 1, 2011 and ending June 30, 2036. Copies of the full text of the Agreement are available at the Town Clerk's office, carried 5-0.

Chairman Massey called a 5 minute recess and they can do the ceremonial signing. Mr. Lathrop thanked all the members of the Board for their hard work on this. Very shortly the asbestos work will start and you will see a football game there in the fall hopefully. Selectman Coutu said they'd be there opening day. Chairman Massey said certainly they couldn't thank him and his organization enough Mr. Lathrop for all that he's done to bring it to where it is today. Thank you and your committee.

Recessed from 8:00 p.m. to 8:10 p.m.

8. NEW BUSINESS

- A. Acceptance of ticket booth restoration project at Benson Park and acceptance of a cash donation in the amount of \$235.00 for use by the Benson Park Building Subcommittee

Chairman Massey recognized Mr. Undercofler.

Mike Undercofler, 137 Musquash Road in Hudson. He knows some of the Board from the Benson grand opening. For those of you who don't know him, he's now an Eagle Scout from Troop 20 and he did his Eagle project over at Benson Park. He restored the ticket booth there. He'd like to donate it to the Town. The value is \$2,789.34. He has left over money from his fundraiser that he would like to go to the Buildings Committee at Benson Park. It's \$235.00.

Having known the Undercoflers for some while, Selectman Coutu has watched Mike from the onset with regard to his initial application. Do you remember that far back Mike when you wanted to do this project to the day where they stood in front of this beautiful, beautiful piece of work that was put together in the restoration project with the Governor and having his picture taken with the Governor. It was probably a very proud moment in his life that certainly could not exceed the pride he must have exhibited on the day that he was awarded Eagle Scout status. Something Mike Selectman Coutu said he will carry with him for the rest of his life. You will carry it with you with pride and you will get a lot of recognition as a result of having attained the Eagle Scout status.

Selectman Coutu said what Mike has done in terms of this particular project is just absolutely amazing. People who see it look at it and can't believe what he did. Those of them who saw that ticket booth originally thought it was such an eyesore, beyond restoration, and Mike took it and made a magnificent piece of art that will be a showcase at Benson's. You should be proud of what you've done. We as a Board of Selectmen are very proud of the effort, the energies, the contribution you've made to our town, and to even take it a step further and recognize that you collected more than your need and to think that you were able to raise over \$3,000 single handedly. Mike said it was around \$2,400. The actual value was a little over \$3,000 but he had a lot of materials donated. So he had to include that in the cost. Selectman Coutu said they teach honesty in scouting. To come back with an excess of \$235 and to donate it to the Town of Hudson, Benson's Building Subcommittee, is certainly something to be recognized. As a member of the Board of Selectmen and someone who's interacted with your father for the past 10 years, he's very, very proud of

him. Thank you very, very much and know that all of the Board is going to accept it. They are very, very grateful for all the work Michael's put into this. Thank you.

Motion by Selectman Jasper, seconded by Selectman Coutu, for the acceptance of the ticket booth restoration project at Benson Park valued at \$2,789.37 which was undertaken as an Eagle Scout project by Mike Undercofler and to accept a cash donation in the amount of \$235.00 for use by the Benson Park Building Committee.

Selectman Jasper knows that a lot of people did an incredible amount of work on this ticket booth during some of the hottest days of the summer. He's amazed. He's always prided himself of being able to look at something like the Elephant Barn and see what's there. He remembered when Ester McGraw first got this donated to the Town. It was down at the old Garrison farm. Tamarac Landscaping was renting down there. They had the ticket booth down there then. He came up to the park and looked at it said, "What in the world are they going to do with that thing? It's just a wreck." He had no vision for that booth at all. It's just incredible. He's been up to see it since it has been finished. It's a really nice piece. He could not have believed what was done with that. Thank you very much to everyone who was involved in it. It's in a nice location and a great project.

Selectman Nadeau would like to thank Mike very much for this. As he knows, Selectman Nadeau has run into them quite a few times at the park - Sundays late in the afternoon, Fridays late in the evening. This picture that they have is the first snow fall at Benson's with the ticket booth. The brick all the way around it is the only thing you can see underneath the snow. It's all exposed. It's a very nice picture. It is on the Benson's web site page and on Facebook. He would like to again thank Mike very much. He's had a lot of comments from people when he's been in the park walking around asking who did the ticket booth. It was such a nice place to put it right as you walk in at the top in the historic section. Everybody that he's talked to has been very excited to see it restored. Thank you very much.

Selectman Maddox dittoed the same as the last two speakers. This is the kind of picture that should be on the Town's website that shows the involvement. If they had a before picture it would be even better. A lot of people probably do. This is the kind of thing that he thought should be on the Town's website when it pops up to say this is the kind of citizen involvement in the Town of Hudson. Thank you.

Chairman Massey still has a vision in his head on that first clean up day in either late March or early April of this year. He remembered as they were trying to get stuff organized and this showed up. It was the rickety most dilapidated thing. He didn't see how it could possibly be restored. It was that rickety. The fact that you've done it Mike with your Eagle Scout project is simply phenomenal. The Board can say thank you but he thought the thank you was going to come when all the people who come to the park see it and realize, especially if its possible to put somewhere on that kiosk the before picture. Selectman Jasper said it was there. Chairman Massey said it was beautiful. Thank you from everybody in town and especially for the Benson Park Committee.

Vote: Motion carried 5-0.

As Selectman Coutu has said Mike, Chairman Massey said "You will carry your Eagle Scout honor throughout your life." Congratulations.

B. Benson Park Gazebo - Mallory's Place

Chairman Massey recognized Lee Lavoie.

Lee Lavoie, 58 Windham Road. He has Lori Bowen here - 24 Cottonwood Drive; and Jeremy Griffus, President and Vice President of Mals Pals. He also has Tracy Gray, Chris Gray and Brandon Gray out back. Mr. Chairman, Mr. Malizia and Board members, thank you for letting us present tonight. They would like to propose building a gazebo/band stand what they would know as the amphitheater area at Benson's Park. That's the area where you folks and the Governor dedicated Benson's Park.

Selectman Coutu said they were recipients of advance copies of the plan in their office. They've had an opportunity to look at it. He knows that Selectman Jasper has always had this vision down by the pond. When he looked at it, it was another one of those areas that initially when they looked at the pond area and before the clearing was done and the planting was done, he knows Selectman Jasper had this great vision for that area. This is from his perspective a dream come true. It serves a two-fold purpose. It's a memorial dedicated to Mallory. He knows that the family is going to be committed to the upkeep and the maintenance of the area as well as the entire construction. He thought it was going to be pleasing to the eye based on the plans that have been presented to them. He thought it would be an absolutely beautiful centerpiece overlooking the pond, and a great area for contemplation, for relaxation, and for viewing of the lake area. He commended the Gray family for taking this initiative. He's looking forward to the day that we dedicate this gazebo and this garden in Mallory's memory. He thought it was absolutely beautiful.

Selectman Jasper said that this has been before the Benson Park Committee and the Benson Park Committee has recommended that the Board approve this. Before construction begins, there will be more details that will come forward to the Benson Park Committee in terms of the plantings, etc. A couple of the things on the drawings of course is that this would make that band stand area handicapped accessible by putting a walk up to it. Even though there is no electricity down there at this time, the piping for future electrification of that area would be placed in the ground so nothing would be disturbed when they do finally get to that point. He thought it was a great project. It's totally fitting within the idea of the Benson Master Plan. This is what was really seeing to be there in the future would be a place where wedding could take place if people wanted to. Concerts could be held there and then the rest of the time just a wonderful place to get out of the weather and look over that beautiful area.

Chairman Massey asked Mr. Lavoie what the value of the project was. Mr. Lavoie said roughly \$40,000. By Town Ordinance, Chairman Massey said they will have to have a public hearing to accept the donation. Selectman Jasper said to accept it once it's done. They would accept it. Just like with the ticket booth except in this case they won't know the value until they're actually done. When that's an approved project, it would come forward to be accepted. He thought part of what Mr. Lavoie and the group was hoping to do was actually to have some funds that would go towards the long-term maintenance of this as well.

Motion by Selectman Jasper, seconded by Selectman Coutu, that the Board of Selectmen approve the concept and to allow them to move forward in concert with the Benson Park Committee.

Selectman Maddox said there was an aerial view but there was no locus to tell them where in the park it is going to go first thing. Second would this need to be sent up to the State since it will be a structure? Selectman Jasper said no because the structure was already preapproved in the master plan in that exact location. Chairman Massey would say that in the very beginning going on the way back machine in 2003 through 2006 time frame, this was always one of the items that was thought would enhance the property. Personally one of the thoughts that was always talked about back in those times was that during the winter it could be used as an area where people could put their skates on and go onto the pond for ice skating and come back and have hot chocolate.

Selectman Nadeau asked about the size of the gazebo roughly. Lori Bowen said it was roughly 38 feet across from roof line to roof line. The columns are about 34 feet across from each other. Ten columns in total. With your permission in granting them to move forward with the project in this location, they're going to have a structural engineer take a look at it so the roof line may change slightly so she couldn't give him an exact on that. If you look at the page where it shows you the grade section on the roof, that's about 10 to 12 feet high so that there wouldn't be any visible barrier between coming down Benson Boulevard looking at the pond. You'd be able to see the pond through the structure so it would high enough that it wouldn't create any problems visually.

Vote: Motion carried 5-0.

Mr. Lavoie thanked the Chairman and asked to make a quick comment. It's been a great day in Hudson, New Hampshire. A senior center, a Zachary Stadium field and hopefully we're watching a concert at Mallory's place and the beautiful ticket booth that Mike just did over. It's been a great day in Hudson, New Hampshire. Thank you very much. Happy New Year to all of you.

C. Request by Police Department to advertise for part-time Telecommunications Technician

Chairman Massey recognized Chief Lavoie.

Good evening thank you for having me here tonight. Chief Lavoie was asking the Board's permission to be able to advertise so that he can hire a part-time dispatcher. The Police Department is set up to have 40 hours of dispatch time allotted per week. Obviously we've had 5 part-timers each working 8 hour shift. When Amy Corcoran left, she resigned last year and was promoted from within that group, and one of the part-timers took a full-time position. So a compliment of 5 went down to 4 part timers. More recently, they did not fill or replace that position. Recently Joe Simone has resigned. His company is expanding. His job has changed and it's going to involve some long commutes, etc. He has resigned his part-time hours as well. He's short two part-time positions and he's asking the Board permission so he can put out an advertisement to fill at least one of those slots for now. The other slot is being divided up. One of the other part-time dispatchers was able to absorb those hours.

Motion Selectman Maddox, seconded by Selectman Coutu, to accept Chief Lavoie's request to advertise for a Part-Time Telecommunications Technician in accordance with his Memo dated December 21, 2010, carried 5-0.

D. Acceptance of Primex Workers' Compensation Safety Improvement Program Grant

Chairman Massey recognized the Town Administrator Steve Malizia.

Mr. Malizia stated that Primex is the Town's worker's comp. insurer. They had a grant program whereby monies were available for safety type related projects, equipment, gear. The Town has been awarded \$2,960 for the purpose of purchasing safety equipment. At their safety committee meeting they discussed what they would like to purchase and they've come up with the Highway Department will be purchasing reflective jackets so when the men are working in the road, particularly this time of year, they're more visible along with safety vests for them and for the Fire Department. All the Fire Department members will be issued a vest on their own. Instead of just being in the truck, they'll all get a vest. Accepting this grant will provide those safety items for Town. There is no match for the Town. Quite frankly, it's a pretty good deal. I recommend approval and acceptance.

Motion by Selectman Coutu, seconded by Selectman Jasper, to accept the Primex Workers' Compensation Safety Improvement Program Grant in the amount of \$2,960.00 for the purchase of reflective coats and safety vests for the Highway Department and reflective safety vests for the Fire Department, carried 5-0.

E. Sewer Utility/Water Utility Committee Membership

Chairman Massey recognized the Town Administrator Steve Malizia.

During the interview process two weeks ago, Mr. Malizia indicated that the question was asked regarding non users of the water and non users of the sewer. As you recall, each committee has a slot for one non user. That was enacted by ordinance. If the Board wishes to change that to possibly go to two non users, you would have to do it by ordinance with public hearings. At this point he believed two public hearings. Tonight you appointed so it may be moot at this point. He thought both committees have the right requisite number of members. If the Board desires, this is just a history. This is what was asked. It is up to the Board if they wish to do anything else.

Chairman Massey said one the requests that they've had from the Water Utility in particular is to add to the membership alternates. Today the Committee only has the five members. He thought that if they were going to do it, it would make sense to also change the language on how many water users there have to be. Certainly it's been his experience being the liaison to the Water Utility that it would have been helpful to have had alternates for that Committee at certain times in the past year in particular. So that would be one consideration you might want to think about. Also even thought tonight they filled all the positions with the appropriate makeup, it still might make sense looking to the future to modify it if the Board was so inclined so that any future appointments they would have that option.

Selectman Jasper would certainly agree that they should probably add alternates whether it's one or two probably on a five member committee. One is probably all that is really...Mr. Malizia said it's what they have on Sewer. So if you look at that as a model, you have one alternate for the Sewer for those 5 members. To add one to Water and to change it so that you can have up to two members who may reside in a...Selectman Jasper said it actually specifies here that four shall reside in dwellings served by Water Utility and one may reside. He would say that if they allow it on both of them, it could be a maximum of 3 to 2 so that a majority would still be on the utility we would not be excluding good people who have an interest in the utilities. He would suggest they move forward with the changes to allow both of those things to occur.

Motion by Selectman Jasper, seconded by Selectman Coutu, to allow one alternate in addition to the five voting members on the Water Utility Committee.

Selectman Maddox said much like Chairman Massey was railing about the Pension Board, he thought that this should be the people that pay for it. Everybody always says their separate. That's the water users. Now you're going to have 2/3 of them, 40 percent, could be voting that aren't on the system. He thought while its nice, again, they're the people who are paying. They are the ones that should have the maximum representation. He thought this was fine the way it was.

Selectman Jasper said they're only making a recommendation to us. If he's counting right, there's 3 of them here who aren't on water and sewer and 2 who are. He thought that they always act in the best interests of the utility and not say we can tuck it to the rate payers. He wasn't sure if Selectman Coutu was on water and sewer. Selectman Coutu said just his business. Chairman Massey said he was on water not on sewer. Selectman Jasper said a committee making a recommendation to them was much less important. He would certainly say that whenever possible they should have people who are on the utilities being appointed. When he looks at somebody like Mr. Manor who has such great expertise to turn somebody away like that simply because he doesn't meet this requirement, he didn't think was in the best interest of anyone. He's not saying that happened tonight, but that may actually be the case at some point and he thought that would be a shame.

Chairman Massey thought so that they can post it for a public hearing to change the ordinance for the Water Utility, he thought they need to be explicit that they're going to create 6 members - 5 voting members and 1 alternate. They'd probably have to say up to 4 members shall reside in dwelling units served and up to 2 members may...Mr. Malizia said 3 shall and 2 may. Then the alternate will also be a shall, which is what the Sewer did if you were going to emulate the Sewer. Chairman Massey thought it would be easier if they emulate the Sewer because they've successful for so long. If Mr. Malizia could just get the wording for both of them. Mr. Malizia asked if that was the will of the Board. He didn't know if they voted to do anything. You've just talked about it. He'll do whatever they vote to do.

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

F. Route 102 Sidewalk Project (13894)

Chairman Massey recognized the Town Engineer Gary Webster.

Mr. Webster said one thing he wanted to mention before they change subject here - they talked about the gazebo and everything else. The archeologist that was out there collected quite a few items and he sent him a package today. He passed it on to Harry. He didn't even open it yet. He didn't know what was in there. It could have been money. He gave it to Harry and they'll see it at the Benson Committee and see what's in there. He didn't know what was in there. He just passed it on out of his office to his.

[Gary Webster] Tonight a lot of things happened today with the 102 sidewalk. There were a lot of memos and so forth from DOT trying to get this project closed. Today he just received all the as-builts, photos, and everything that was required from CLD for the closure. They have the final closing forms which the Chairman does have. He's ready to accept the close all form because the one thing that they did in the e-mail to CLD and copied us was that if you don't get this closed in a proper time and manner; you might lose the ERRA money. There was a little crack in the sidewalk which they're taking care of that in the spring. That was one little item. They're taking care of it. He didn't want to see them lose any money. It's bad enough what they paid out there. One thing it did come under, the contract came very under bid for the material that was out there. This is the final change order. DOT put all the pressure on us and CLD to get the work done but they haven't approved the change order which is the final price of the contract out there. The original contract was \$395,341. It came in at \$343,794. There's a difference of \$51,546 that was saved on the project. Mr. Webster has had all kinds of e-mails today. Hopefully they'll approve it and he'll be signing it with everybody else and get it up to Concord tomorrow so it's there before December 31st.

Selectman Jasper said he had to ask the question that probably everybody has asked and it's been asked in the paper. All the delay time that they had, why didn't that one telephone pole get moved. Mr. Webster said he asked all those questions way back and the person prior to him didn't want to move it. He'd love to move it because if you looked at that pole, it should have been moved to the right. He asked CLD why they didn't move it. That was the first thing that came up. People called him and he looked at it and asked why they didn't move the pole. Down the road some day, they will move that pole and put the sidewalk where it belongs. As you know when we clean the sidewalks up there, they use the grader with the wing. It's going to be very interesting when that guy comes down there and sees that pole there. Maybe he'll help us move the pole and we won't have to worry about it. That was one of the biggest questions he's had through that whole project Mr. Jasper. It drove him crazy. The pole should be moved because they don't line up. It's out in the road. You can see it. Mr. Webster asked the question and they referred to what happened. They didn't want to pay but you usually don't have to pay for it. We had enough time to move that pole. Even after the delay of 2009, we could have moved that pole and been all set. Absolutely he agreed with Selectman Jasper 100 percent and he hoped someone hits it. Selectman Jasper said he hoped they never do another sidewalk project without moving poles. Mr. Webster said look at Lowell Road. They had to do all kinds of stuff down there with poles and they had them moved.

Selectman Coutu said when he reviewed the documentation that was presented to them, it was obviously apparent to them that CLD was recommending that we don't act in haste as a result of the crack in the sidewalk. It went so far as to say in their communication that we shouldn't close this unless we were willing to "accept the risk associated with the outstanding items". Further they state, "We do not feel that it is in the Town's best interest to accelerate this closing process without the repairs being completed satisfactorily. Mr. Webster represented to the Board this evening that the problem is that crack in the sidewalk, which they also alluded to in the document. Selectman Coutu can only assume on the basis of your having been involved in this project from the outset and with your past performance on other projects that they've in the Town that he is satisfied that there is minimal risk to the Town and that this will be taken care of in the spring even though we do close out this package forthwith so that the funds that are necessary to match whatever we need to finish this project will be available to them.

Mr. Webster said exactly. The thing is they're going to be doing it anyway as part of their warranty. It's not a money item that they're going to be paying for that's part of the punch list. Selectman Coutu said they have a contractual obligation. That's all he needed to know. Thank you.

Selectman Maddox was going to go down the same basic sidewalk. What are we doing to at least cones or something or other to identify. Mr. Webster said if you went out there...Mr. Malizia said it wasn't on the main side. It's one of the transition points where it just goes to the streets. You wouldn't even see it. Mr. Webster said it's almost like an expansion crack. Somebody ran over it. It hasn't moved. It's not going to move. He got into it with CLD and they're worried about the Town, which is fine. Mr. Webster went down and looked at it. It's a hairline crack and he told them to caulk and be done with it. What they're going to do is they're going to saw it out and make an expansion joint or cut the whole thing out and redo the cement again. Right now it's flat. It's not up. It's nothing. He's going to watch this because he's going on a weekly basis to see what happens. If something happens, we're going to take care of it ASAP. We don't want the liability on the Town either.

Selectman Maddox asked if there was any chance they could use some of the \$50,000 for Phase II. Mr. Webster said nice try. Chairman Massey asked if they could use it to move the pole. Please ask. Mr. Webster said it would be another change order but let's close the project out and see. He didn't want them to come back and say that they'd have to pay up the difference with the ERRA money. Moving the pole technically should be the utility company itself. Just like we have to move water and sewer lines, it's up to the utility to do it. That pole shouldn't have cost us anything to move. He didn't understand what happened. Chairman Massey said it was worth following up on.

Motion by Selectman Jasper, seconded by Selectman Coutu, to approve the close out of the Route 102 sidewalk project number 13894 in accordance with the Town Engineer's Memo dated December 22, 2010, carried 5-0.

G. Sewer Allocation Request - Oakridge Condo's - 109 Belknap Road, Map 184, Lot 032

Chairman Massey recognized Town Engineer Gary Webster.

Mr. Webster said he was requested by Keach-Nordstrom, Tony Basso, for an allocation for this property. Back in the 90s, he didn't realize this until they started doing the research in it, this is part of the Betterment District for the Belknap Road sewer. The owner of the property at that time paid 48 lots as one lot, which was around \$4,100. This is in the Betterment District. They were allowed 48 lots and if we did the math and so forth, it came out to 23,000 gallons. Going into the sewer of 2,000, they're going to put 100 units at 100 gallons per unit, which is in our ordinance of 2,000. They're asking for 10,000 gallons per day instead of the 23,000. So there will be a surplus on this property. The flow is 23,164 that he based it on on the new sewer ordinance. Whoever did this way back in the ages, they were pretty good about the 48 lots and the sewer was pretty close to 23,000 gallons. He went through the math and they will have a surplus on this property and it comes back to the Town obviously into our inventory.

Selectman Maddox said this was still coming before the Planning Board. He thought it was on for the next meeting. If they said "up to" because they don't know at this point. It could be less than 100 units when it's all said and done. Mr. Webster said they could modify it.

Motion by Selectman Coutu, seconded by Selectman Maddox, to allocate up 10,000 gallons per day for Oakridge Condos at 109 Belknap Road, Map 184, Lot 032, in accordance with Town Engineer's Memo dated December 15, 2010.

Selectman Jasper had a question relative to the Memo. What you're saying in the Memo is we will collect the \$212,000. Mr. Webster said yes. That's part of the betterment. They haven't gone into that detail of the collection yet. That's part that he owes for the betterment of the sewer on Belknap Road. The person that owned that parcel paid for one lot - one betterment - which is about \$4,200. It's like \$212,000 that he will owe the Town or the Sewer Utility for the sewer construction. He has to also pay the access fee at \$2,325 per unit. He and Donna did the research and it was there black and white. There are two lots next to it as part of the betterment. If they do something next door, they have to pay the same betterment per lot. There were 48 lots total and they paid for 1. So its 47 lots times that amount. It's recorded and everything. The person who bought the property when they researched it they never found it until they came to the Town of Hudson and he showed it to them. They were surprised when they bought that property that there was a \$212,000 bill that goes to us.

Chairman Massey had two questions. The first one is if in fact the sewer allocation is based on 100 units, wouldn't the betterment fee be based on 100 units and not 47 lots? Mr. Webster said no because now you take that 100...Chairman Massey said there's not going to be 47 lots when this is done. It's going to be a single lot with 100 units on it. Mr. Webster said they still have to pay the betterment. So what you do, and Mr. Webster is just suggesting what might happen down the road, you take the 100 units into the \$212,000. That will be owed on each unit for the betterment plus the access fee.

Mr. Malizia said you had a parcel of land that was a certain size. There was an allocation for that parcel of land. That allocation was determined to have a value of \$212,000. Chairman Massey said when they originally did it, they assumed that there would be 48 lots. So they assigned a betterment to that. Mr. Malizia said now he's saying you take that same value. You can divide it by 100 if you want but you're going to get the same number in the end of \$212,000. Mr. Webster said exactly. The betterment is going to say the same if you have...

While you're on that, Chairman Massey asked at what point would that be collected at the point in time that the unit is certificate of occupancy or... Mr. Webster said they had to sit down and talk about that. In the past, Mr. Malizia said sometimes those things have been financed. It depends on if it's a homeowner they're sometimes give them a schedule. This won't be a homeowner. This is somebody else. It's quite a different schedule. A lot of times it's upon the sale before they occupy it they have to pay it.

Mr. Webster said what happened originally the one lot was paid over 13 years. You can't have somebody go and put 100 units and think we're going to do a 13 year payback to the Town. He hated to say it, it's there and it's owed. To him, he thought it's either per unit - that's something they have to discuss.

If Chairman Massey were looking at this and if you were going to have 100 units, it would be approximately \$2,100 per unit which could be a closing cost.

Selectman Jasper thought they ought to just deal with it perhaps now. He knows they have a motion on the floor. We're in the driver's seat as it were here. He thought what this ought to be is the \$212,279.73 divided by the number of units approved by the Planning Board payable prior to occupancy.

Chairman Massey said where he was heading for - he thought he'd like to hear what the Sewer Utility Committee's recommendation would be. They want to be consistent with the way the do everybody else.

Selectman Maddox said since it was all supposed to be paid off in 2003, he thought the \$200,000 is due when the plan is approved. Again, this should have been paid off 7 years ago. We ate the interest and everything else. We're not charging interest on all of this. He just thought to make it cleaner and easier to now divide that out and try to keep track of this as a Betterment District and everything...

Vote: Motion carried 5-0.

Chairman Massey said to now let's deal with the issue of when the fee is due. Selectman Maddox said he would ask the Sewer Utility for their recommendation as well as staff. He's shooting from the hip. His personal opinion would be the money up front. Selectman Coutu said he would certainly support that motion. This has been outstanding. Mr. Malizia said not to this individual whoever bought it. It was outstanding to somebody else. This may spook this guy away from this project if he has to pay it all up front. He had no idea.

Selectman Jasper thought there was a misinterpretation here and he was trying to find the letter again. There's a letter from Mike Gospodarek dated September 20, 1995. It says, "The Belknap Assessment District was created in 1989-90 year. The assessment per lot is \$331.41 for 13 years....The district was configured with 136 possible lots. 76 of those lots were considered current lots at the time of assessment. 60 lots were possible to be built if and when any lots large enough and the current 76 were subdivided into legal lot sizes." This money wasn't due until it was subdivided and approved. There was never any intent that the money would ever be due until such time as it was built. That's what you do. They had one house on the lot. They paid for the one. You can't go in and somebody has a large lot of land and now you have to pay \$212,000 just because you're in the district. What happened was essentially the sewer fund, because as we all know our sewer fund is in great shape, ate the money until such time as it could be paid back. The same as the remaining lot that we've just been told about. He didn't think they needed any advice from the Sewer Utility on this at all.

Motion by Selectman Jasper, seconded by Selectman Coutu, that the \$212,279.73 be divided by the number of lots approved by the Planning Board and that amount per unit be paid prior to the issuance of the occupancy permit.

Chairman Massey said he was not going to vote for this motion because he thought they should at least hear from the Sewer Utility Committee. In particular, this memo was dated December 19, 1989 which assumed that that betterment fee would have been paid as Selectman Maddox has indicated long ago. He thought circumstances on the ground have changed.

Selectman Jasper didn't see where Chairman Massey said it was assumed it would be paid. There's nothing here that indicates, unless he's missing something, that it would be paid until the lots were subdivided. The 1995 memo was quite clear. "Sixty lots were possible to be used for billing if and when any lots large enough in the current 76

were subdivided into legal size lots.” Selectman Maddox said that means the 76 that are around this parcel that weren’t substandard. Selectman Jasper said the 76 were billed the \$4,308.35 and the 13 year installments of \$331.41 were paid off in 2002. The sewer fund funded the rest. If the lots were never subdivided, the Sewer Utility would never get the money back. If in fact it was subdivided and if those potential 60 lots were 30, they would have only got the money for 30. Selectman Maddox asked how the 47 came out.

Mr. Webster said there should be a letter from Lydia in there. They assigned lots for the parcels next to them. There were 48 signed for that property. Selectman Jasper said and one lot paid which is where the house was on. Mr. Webster said they paid for one and that’s broken down what they paid on a yearly basis. Selectman Jasper said there’s another one 10 and another with 4. Mr. Webster said if you use that number, it’s very close to what they have as the \$23,000 and what they did back then. He didn’t know how they did the betterment but they figured out the size of the land and that’s how they came up with the number of lots.

Chairman Massey said all the more reason why we have a Sewer Utility Committee that is very well versed in how to administer this. He thought it would be appropriate to ask them for their recommendation. Selectman Jasper said he’d withdraw his motion. Selectman Coutu agreed.

Motion withdraw by Selectman Jasper and Selectman Coutu.

Chairman Massey said they would ask the Sewer Utility Committee to give them the recommendation on what to do in terms of how to collect the betterment fee. When’s there next meeting? Mr. Webster said the second Thursday of January. It’s not that far away.

H. Sewer Allocation Request - 68 Pelham Road - Ridgewood Estates, Map 192, Lot 017

Mr. Webster did receive another letter from Keach-Nordstrom. Seeing that they’re doing both properties and using the math, the figured that there was excess of sewer on the Oakridge property. That parcel they’re talking about is not in the Sewer District. He thought they were trying to say there’s allotment left over from Oakridge. They’re asking to use it in this Ridgewood Estates - 68 Pelham Road. He knows this came to them back in 2008. It was a 31 unit manufactured park out of the Sewer District. Obviously he did put back up in here that the only way anything could happen outside the Sewer District would be the Selectmen being the sewer commissioners would allow it. Only in a school or something like that would be allowed. Its right there black and white.

Selectman Jasper was absolutely unalterably opposed to expanding the Sewer District. We don’t have enough capacity for the lots within the Sewer District. They went to court over the issue down off of Route 102 and won that case. We have to be consistent. We just should not be doing anything to alter their Sewer District.

For the record, Chairman Massey asked Mr. Webster if it was last year that they had the intern look at within the existing district what the authorized allocation was and how much was still available. Mr. Webster said it was almost completed. He did bring some information here. What happened was if you had to go through all the research that he did, he put the numbers together and Mr. Webster had to research because they have a kind of a sewer access fees paid. One example is 109 Belknap Road. They paid for one access. So he did the whole town with all the lots that would have paid access to the sewer. It comes up like 216,000 gallons. Now we have the Sewer District which is undeveloped which is again technically 109 and he has them all listed - all the lots in town - and it’s roughly 134,560. That’s what we have to set aside for those people for sewer.

Chairman Massey said right now there are approximately unallocated 58,050. In keeping what Selectman Jasper was saying, they don’t have enough capacity today to handle everybody inside the district. Mr. Webster said if everybody used sewer, you’re absolutely right. Chairman Massey said expanding it to outside the district would not give them the ability to handle the people who have a legitimate right to it today.

Selectman Maddox said he knows it is sledding season Mr. Chairman but he thought this would be a slope they didn’t want to go down saying well I have extra on my lot. I want to use it for over here. Man are you starting down a slope you don’t want to go.

Motion by Selectman Jasper, seconded by Selectman Maddox, to deny the request for sewer allocation for Ridgewood Estates Map 192, Lot 017, carried 5-0.

Chairman Massey asked Mr. Webster to draft letters to the two organizations.

9. OTHER BUSINESS/REMARKS BY THE SELECTMEN

Selectman Coutu - My fellow Board members and citizens of the Town of Hudson, he wanted to wish them all a very Happy New Year. That’s hope for the best in the coming New Year.

Selectman Maddox - Yesterday after the hype that he saw on television, he thought there was 40 feet of snow out there. He did drive around and saw that once again the Highway Department has done a great job. He went to the Town Barn and thanked a few of them. They saw nothing extraordinary. Again, all is well. He will request of the Road Agent to get a listing of the areas in Town which the State plows. He thought every time somebody pokes him and says the end of Exit 2 isn't plowed. He didn't believe the Town is responsible for that. So there are a couple of areas in Town that are not the Town's responsibility.

Next meeting we're having our Workshop with the Legislative Delegation. As he had last heard, and Donna tell him if it's changed, there were only 3. Donna Graham said there was another one as well. Selectman Maddox said they have their trapped member, Representative Jasper - who said he was the first to reply. Chairman Massey said they do have Senator Carson. Ms. Graham indicated that Representative Lars Christiansen, Senator Sharon Carson, and Representative George Lambert. Selectman Maddox said with only those three, he understood that there are probably vacations and celebrations. Some of them are probably sharpening their broad sword. As much as he thought that it's a worthwhile effort to have just those 4 come in would be problematic. He did think that it was important that the Representatives come in. Good or bad, the 5 of them are on television almost weekly. Selectman Jasper gets poked good and bad. He's always seen. The people we send to Concord, the people that we're going to ask to try move some stuff along can't make it. It's problematic but he understood that there's probably some scheduling. So depending upon their February meeting may be a better time to make this happen. To just invite those 4 people in, he didn't think it was going to give the representation to both sides that they should have.

Chairman Massey asked the senior member of the Delegation what his thoughts were. Selectman Jasper assumed that there was a time that they asked them to respond by. If they have not responded, then he thought probably it is too late and that they ought to try to reschedule. He could make phone calls and see what's going on if the Board would like him to. He'll certainly be glad to call the others if you'd like. We won't know whether or not to cancel the meeting or not for a while. So he wasn't sure what to say in that regard. He thought it would be better to try to reschedule perhaps for February, although things are going to be even busier then. He would be glad if he's notified of who hadn't called a couple days before the deadline, he could call at that point.

Selectman Coutu asked when are the bills for the coming year had to be done by. Selectman Jasper said they all have to be signed off on by the 12th of January. There are very few that are actually signed off on now. He was just checking the list tonight and there are probably fewer than 4 dozen out of the 1,100 that have been submitted that have actually been signed off on at this point. They don't actually have a very good handle on the legislation at this point anyhow and wouldn't as of next week either. It might behoove them to wait until February and to reschedule. Chairman Massey said they'll send a letter and ask them to reschedule for the first meeting in February. Ms. Graham asked what happens if they didn't respond but they are going to show up at the meeting. Chairman Massey said if you don't respond, it's your responsibility. If you don't respond and you show up, well shame on you.

Mr. Malizia said if the Board's looking to do it in February, perhaps you should just send a letter telling them its been rescheduled to February. Selectman Jasper said if you send out the letter before then saying...Mr. Malizia said call the ones that have responded just to give them a courtesy right away. The others that haven't, send them a letter ASAP that says we're cancelled for January and we'll reschedule for February. Selectman Jasper said just say due to lack of response. Selectman Coutu said that Selectman Jasper will see pretty much all of them before then anyway. Chairman Massey thought rather than say due to response, they should say given that only 4 members of the Delegation have indicated that they can come, it is felt that to have a fruitful discussion...Selectman Jasper said that would be more tactful to say.

Finally, Selectman Maddox knows that Selectman Nadeau said he's managed to get down there. He went to the Community Center over Christmas. It was a good amount of people. He stopped by a couple of times and there were a number of people at the Community Center using the services of the Alanon that they approved. It was a worthwhile approval on the Board's part. Kudos to all the people that took advantage of that and whoever was running it, he never found anybody in charge; again there were a good number of people there. He thought it was a service that if they will come back again next year, he would certainly vote to approve.

Selectman Jasper - The only thing he had tonight is a wish that everyone have a Happy New Year and a safe New Year.

Selectman Nadeau - He had a few things tonight. The first one was he didn't know if any of the Board had noticed, one of the buildings on their list has been demolished next to Cahill's subs. So that was a very nice thing to see gone.

The second item is the Highway Department. Selectman Nadeau was out plowing and everywhere he was there was a plow truck. One of the roads, just so you know Selectman Maddox, is Kimball Hill Road and Dracut Road are not Town roads. They are maintained by the State. Those were some of the ones that they've had the most problems with. Selectman Coutu said they're supposed to be maintained by the State. Selectman Nadeau said that's just 2 that he knows of that he came across with problems while he was out.

The other one is about the Community Center. Selectman Nadeau went by it 2 or 3 different times. He did meet the people who are in charge of it. Very well decorated. Very well attended. It wouldn't be the same place that they voted if you went in there because it was very nicely done. A very large amount of people at all different times that dropped in through the night

when he did or when he left in the morning to head out, there were a whole different group of people there. It was definitely a worthwhile venture.

Selectman Nadeau wanted to thank the Hudson Police and Fire Departments for all their work with the Toys for Tots and the Salvation Army through the Christmas season. A lot of people donate to Toys for Tots and a lot of those toys do come back to this community through St. Vincent's, which was given out by St. John's and St. Katherine's Churches this year. There were a large number of families that were serviced in town through these generous donations of local businesses that allowed Toys for Tots to set up their boxes and stuff being dropped off. He'd like to thank those businesses and the Fire and Police Departments for helping out with those projects.

Selectman Nadeau also wished everybody a Happy New Year also.

Selectman Massey - He thought one of the things that is even more remarkable about our Highway Department is that not only were the roads that we're responsible for all plowed, but all of the downtown sidewalks have been cleared. He thought that if you went to some of their neighboring communities, you won't find that. You might find the roads plowed, but he didn't think you'd find the sidewalks. So they do an excellent job for our people. He also thought that River Road is a State responsibility. The Chief of Police for as many years as Chairman Massey could remember and as the Road Agent have been working very hard to get the Department of Transportation to recognize that Kimball Hill Road in particular needs to be plowed. It has a serious problem and if it isn't plowed, and unfortunately for whatever reason, we don't get the kind of response on that road that we should be getting. Sometimes Kevin takes the initiative when there's a real serious problem out there and he goes out and does it. It's not for lack of trying that we haven't been able to get the Department of Transportation - they acknowledge that it's a responsibility but then they have all kinds of excuses about why it doesn't get done.

[Chairman Massey] Given that the only thing they were going to do on the workshop was the Delegation, any reason why we can't cancel the January 4th Workshop. Seeing no objection, they will not have the meeting next Tuesday. Have a good time with your families.

10. NONPUBLIC SESSION

Motion by Selectman Coutu, seconded by Selectman Jasper, 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 (b) The hiring of any person as a public employee; (c) matters which, if discussed in public, would likely affect adversely the reputation of any person; and (d) Consideration of the acquisition, sale, or lease of real or personal property, carried 5-0 by roll call.

Nonpublic Session is being entered at 9:18 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 10:32 p.m.

Motion by Selectman Coutu, seconded by Selectman Maddox to seal the minutes, carried 5-0.

Motion by Selectman Maddox, seconded by Selectman Coutu, to hire Sam White as an Intern in the Engineering Department for three weeks beginning January 3, 2011 to January 21, 2011, carried 5-0.

Motion by Selectman Coutu, seconded by Selectman Maddox, to offer the Dispatcher/Clerk position to Cheryl Beaulieu at a rate of \$16.82 per hour (Grade VIII, Step Minimum) effective January 2, 2011 per the Highway Union Contract, carried 5-0.

11. ADJOURNMENT

Motion to adjourn at 10:37 p.m. by Selectman Maddox, seconded by Selectman Coutu, 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