

HUDSON, NH BOARD OF SELECTMEN
Minutes of the November 23, 2010 Meeting

1. CALL TO ORDER - by Chairman Massey the meeting of November 23, 2010 at 7:03 p.m. in the Selectmen's Meeting Room at Town Hall.
2. PLEDGE OF ALLEGIANCE - led by Town Administrator Steve Malizia.
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; Mark Pearson, Assistant Town Administrator; Kevin Burns, Road Agent; Fire Chief Shawn Murray; Gary Webster, Town Engineer

4. PUBLIC INPUT

Chairman Massey asked if anyone in the audience wished to address the Board on any subject at this time.

5. NOMINATIONS & APPOINTMENTS

- A. Resignation of Timothy Quinn as Chairman and member of the Conservation Commission

Selectman Coutu asked that this item be deferred. He has communicated with Mr. Quinn. He didn't know if he had conversations with him. He'd like to have another opportunity to talk with him. He's been a valuable asset to the community and if there's anything the Board can do to dissuade him from submitting his resignation, he felt that they should give that an opportunity.

Motion by Selectman Coutu, seconded by Selectman Jasper, to defer the acceptance of the resignation of Timothy Quinn as Chairman and member of the Conservation Commission until the next Board of Selectmen's meeting.

Chairman Massey echoed Selectman Coutu's remarks. He was definitely not going to vote to accept this resignation tonight in the hopes that they can persuade Mr. Quinn to come back. He has been a valuable resource for the Conservation Commission and they sometimes do things in the heat of the battle that they sometimes would look back and say I wish I had done it different.

One of the reasons why Selectman Coutu asked for the deferment Mr. Chairman was as he said, he communicated with him and he's responded. His response was a little more positive than he thought it would be. He'd like to have one more shot if he may. He was sure he would as well.

Vote: Motion carried 5-0.

6. CONSENT ITEMS

Chairman Massey noted one correction before the Board took any motions. The original calendar shows that the Hudson Council on Aging meeting on the 15th of December. They've changed it to December 7th.

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

Selectman Maddox asked to remove Consent Item C. 4. Application for Dance Halls and Entertainment Places of Assembly.

Motion by Selectman Coutu, seconded by Selectman Nadeau, to approve consent items A, C. 1 through 3, D and E with changes as noted or appropriate, carried 5-0.

- A. Assessing Items -

- 1) Tax abatement - Map 200, Lot 2-2, w/recommendation to approve
- 2) Tax abatement - Map 182, Lot 198, w/recommendation to approve
- 3) Tax abatement - Map 246, Lot 2, w/recommendation to approve
- 4) Tax abatement - Map 148, Lot 17, w/recommendation to approve
- 5) Tax abatement - Map 101, Lot 15, w/recommendation to approve
- 6) Tax abatement - Map 139, Lot 8-2, w/recommendation to approve
- 7) Tax abatement - Map 101, Lot 16, w/recommendation to approve

- 8) Tax abatement - Map 102, Lot 1; Map 102, Lot 8; and Map 175, Lot 58, w/recommendation to approve
 - 9) Tax abatement - Map 168, Lot 2-22, w/recommendation to approve
- B. Water/Sewer Items - None
- C. Licenses & Permits
- 1) Request to Solicit Funds by Hudson-Litchfield Youth Football & Cheer
 - 2) Raffle Permit by Alvirne High School Drama Club (Class Act)
 - 3) Raffle Permit by GFWC Hudson Junior Woman's Club
 - 4) Application for Dance Halls and Entertainment Places of Assembly by Jeffrey Crocker - The California Room, 290 Derry Road

Selectman Maddox said it looked like it was going to be a place of assembly for 150 people at the shopping strip mall on Derry Road across from Connie's. He was concerned that this has not gone through at least had the traffic considerations looked at and those type of things at the Planning Board level. When he asked staff, they said they sent it there first to see what they were going to do. Again, he's a little concerned that with traffic because that's a dangerous intersection. Can the parking lot handle all of the needs of this? It may be off hours but the way it's worded just about anything and everything would be open. He was just trying to get more information. He was looking to see what this Board does want to do.

Selectman Coutu said on the face of the application Mr. Chairman you'll notice in the police comments section the Chief said he's concerned about the lack of parking and emergency access to the rear of the building. He thought this needed to be looked at a little more carefully. He thought it should go to the Planning Board. He agreed with Selectman Maddox relative to this request. He would reluctant to support it at this time until we've dotted all the i's and crossed all the T's and get a handle on they type of dances and who is running it specifically. With that, Selectman Coutu deferred.

For the record, Chairman Massey said he had a memo from Steve Dube, Fire Prevention Officer, dated November 12 who indicates that there's going to be a door added to the main entrance. It doesn't indicate that it has been. Is there a motion somewhere in your comments Selectman Maddox?

Selectman Maddox was looking to see what the Board wanted to do but he can make a motion that this be sent back to staff to route through whether it be a minor site plan or the full Planning Board conceptual whatever and to have more review of this plan and what it's going to entail - simply approving a dance hall and entertainment place of assembly.

Motion by Selectman Maddox, seconded by Selectman Coutu, to refer the Application for Dance Halls and Entertainment Places of Assembly by Jeffrey Crocker to Planning Board staff for review as to whether or not it needs to have a minor site plan or site plan review.

Selectman Jasper is concerned about going down this route because they have Zoning Administrator approval, Building Inspector approval, Chief of Police approval with concerns but nonetheless approvals. He was wondering on what basis we're doing this when the Chief is concerned about the lack of parking and emergency access to the rear of the building. That mall has a tremendous amount of parking and the place has been opened 20 years. Granted a lot of the building is vacant but there's never been anywhere near full capacity even when everything was in operation there. This does sound like most of it would be off hours from most anything that's there. We're concerned about businesses and concerned about people paying rent, this is a building that's had a medical center in it. It's gone. It had a convenient store in it - gone. He's familiar with the rear of the building for many years on the Fire Department. The last hydrant was behind that building and they had to do tanker shuttles from behind the building. He couldn't support the motion. It's not that much different than the sports bar in there. It's the same type of activity. He didn't know that they have a basis to do this.

Chairman Massey said he was going to support this motion because he's mindful of some of the problems they've had in the past with those types of activities. Without some clear guidelines as to how and when they'll be operated, he thought they were opening themselves up for - all you have to do is think back to the RAVE incidents, the biker incidents and know that this is not something that should be taken on in a casual basis. He's not at all suggesting that this was what it was but he thought he agreed with the maker and the seconder. This needs further review. He's especially mindful that the Chief of Police did say he's concerned about the parking.

Selectman Nadeau's only concerns were the hours of operation and to make sure that they're not having all night parties like they had before in town. There's plenty of parking in that mall especially with the hours that a place like this would be operating. The businesses that are in there he didn't think would affect them. He agreed with Selectman Jasper. There's plenty of room in the back of the building with the access and stuff around there because he's been down there when they were doing the tanker shuttles. His only concern is just the hours of operation. Everybody has signed off on this. He didn't think this should have to go to the Planning Board. We should just find out what we need for information and take care of this. So he'll be voting against this also.

Chairman Massey would point out that he assumed the applicant was there and if the Board is so mindful that they would want to listen to him, he would entertain that. Selectman Jasper would certainly like to hear from the applicant. Selectman Nadeau was fine with that.

Jeff Crocker. I'm the applicant. Your concerns are my concerns also when he was searching for a location. He believed there were 153 parking spaces there. He was required through calculations of amount of people to use up 40 of those parking spaces. The hours of operation are laid out in the dance hall permits. The only reason he was applying for this permit is because any time you have more than 100 people in the Town of Hudson, you have to have one of these permits. There's no getting around it. If you're going to have a wedding function or anything like that with 100 people, you need this permit. There are some other locations in town that actually don't have the permit and he believed this would be the second permit.

Mr. Crocker said he's also talked to the Planning Department. It is an approved use of the property. The impact on the property would not be greater than what the property has already been assessed for its impact on traffic with 153 spaces there and so forth already. The hours of operation are already laid out in the permitting of a dance hall permit that you can't operate beyond 2 a.m. That's already been laid out for that permit. He doesn't want to be operating at 2 a.m. The other part of it is if you had a liquor license or a caterer coming in into the function hall facility, they're required to stop at 1 a.m. and to follow all of the State of New Hampshire liquor laws.

[Jeff Crocker] The emergency access around the building was designed many years ago. The site is what the site is. He's not impacting the site. He's bringing in a use to it and not overloading the site with parking and so forth on there. It will be a wonderful use for the Town of Hudson. There are maybe 1 or 2 other places that you could actually have a function in there. He understood the Board's concerns because to come up with all your questions off an application is kind of confusing. The Chief of Police put the comments on it to his understanding because the process was explained to him that you had to start off at the police station. He didn't have a problem with this use going in there. He had concerns on whether there was enough parking there, which isn't really a police department thing it was more of a planning and site plan review type thing. So he had put those notes on there was his understanding and passed it through.

The occupancy is there for the building. All the calculations are there - the life safety, life protection and everything is there. It would be built to code. What needed to be done were two doors needed to be added to the front of the building. The landlord is going to take that space, which is actually 2 spaces that had been built with one door and it's laid out through its life of the original plans as to spaces that are being combined. So they're adding back the doors that would be there. He's changing the use of that space of the building but it fits into the box of approvals through zoning; he's not impacting the shopping mall that's there with the amount of spaces he would be using and so forth. Really your concerns off the application are valid. If you want to ask him any questions that you'd like to clarify, he'd be more than happy to answer them.

Selectman Coutu asked what experience he had in catering and running a hall of this sort in the past. Mr. Crocker has owned a 120 year old Inn up in Island Pond, Vermont. He's been involved in businesses at Hampton Beach that were seasonal and so forth. He's held liquor licenses, wholesale liquor licenses. He's very familiar with that. He has a track record that's not a problem with any police department of any activities. He noticed they mentioned biker problems and so forth. This is not going to be a biker bar if that's what your concerns are.

Selectman Coutu asked if Mr. Crocker could foresee a time in the future where you would be applying for a liquor license. Mr. Crocker said no. He's had liquor licenses at Hampton Beach. What happens with a liquor license is someone is going to sue you. He's tired of that liability and this business has been a combination of many different businesses and it's a true pure function hall in that it's not limited to one caterer to come in or one type of food to come in. If you want to have a wedding reception you, you take what we give you for food or else you're off to some fraternal organization or so forth in there. That's the concept behind this. It will work. He knows it will work. He's been on a site selection for 2 years with this. It's not something that he's rushed into. He's building permits are approved but he's here to make sure that he can have the assembly permit before he spends any money in the building. That's to show the Board his conservative business part of making sure that things are right.

Selectman Coutu believed he can speak for himself what concerned him relative to the application was they're dealing with this form. When they read their agenda item, it said for dance halls and entertainment places of assembly. That raised a little bit of fear with regard to the type of assembly and who is going to be operating the hall. One of the complaints that he's had over the past several years is that he's found that the Town yes indeed is very limited as to having halls available for functions. Selectman Coutu can appreciate what he's trying to do. He appreciated the fact that he was willing to come here this evening. A lot of applicants don't. You came here and you made yourself available and have allayed his fears. At this time, he'd be willing to withdraw his second if the maker of the motion would withdraw and he was ready to vote to approve it.

Selectman Maddox said he could see it was 3 to 2. He will remove his but he will not vote for this. He thought it was setting down a slippery slope of coming to the Board of Selectmen to do Planning Board work. He'll remove his motion and we'll move on.

Selectman Jasper couldn't let that last comment just slide. The fact of the matter is this was approved as a use in the building. You needed a Place of Assembly Permit because it's over 99 people. You go over 99 and you need a Place of

Assembly Permit. This is where you come here. If it were 99 people and it was the same use, it would not be going any further than zoning. This is only for place of assembly permit and as you can see on here, the Chief's concern was on 10/21 and then it moved up the line to 11/8 and things were approved. There is no basis for them to deny. It's unfair to say that this is going around the planning process.

Selectman Maddox stated if they're going to argue first thing in the meeting, he might as well continue. There's a site plan for this but it does not include a place of assembly. So you are changing the use. Again he's concerned as to the traffic, the parking, and all the details that they're just going to gloss over. They know where they're going so they might as well make the motion and move on.

Chairman Massey would like to weight in two things. In almost every case he can think of when a change of use has occurred, the Planning Department has required a site plan. Equally important in all of the items, he thought the Board of Selectmen has an obligation to determine the hours of operation. Secondly he couldn't see personally long term going down this road without a liquor permit. Once this business is in place and the liquor permit is requested, it's a much easier to get a liquor permit he thought when the business is going than it would be before it starts. He thought there were a lot of unanswered questions especially given the fact that a) they've heard from their liaison to Community Development that they approved this because they want the Board of Selectmen to make a decision. Secondly in all the instances with the exception of one that Chairman Massey was aware of when the change of use has happened, it's been required to have a site plan to invoke that. He'd leave it to Selectman Coutu as to whether or not he wants to put a motion on the table.

Motion by Selectman Jasper, seconded by Selectman Nadeau, to approve Consent Item C. 4) Application for Dance Halls and Entertainment Places of Assembly by Jeffrey Crocker.

Selectman Jasper said there was a time that there was a great deal of debate about change of use for everything, which he had always felt was extremely unfair. When you have a building such as this, you never know what the uses are going to be. You build a building with parking, generally those are planned for the maximum type or average occupancies and if it is something that is allowed in the zone and it doesn't require a change to the parking or the exterior of the building, then there's nothing that should say that it's a change of use and needs a new site plan. Site plans are supposed to be just that - a change to the site. If you go from one use to another, which is allowed in a zone and it requires absolutely no change to the exterior of the building, then it is just unbelievable government intrusion to start requiring the owners of these buildings to come in and have a new site plan. There's nothing to do. They're not doing anything to the site. He always felt that was just a real intrusion by government. There's nothing here. You can think that maybe they're going to come for a liquor license, that's not what they're here for. We cannot and should not be trying to micromanage someone's business. We already have the hours of operation restricted to 2 a.m. It's not a residential neighborhood. You have a convenience store that was open and he wasn't sure of the hours. It could have been open 24/7.

For clarification Selectman Jasper, Chairman Massey asked where on this permit it said hours of operation. Selectman Jasper said it was pursuant to our Town Code. When they updated the Town Code, places of assembly because of the problems they were having down at the 102 plaza, they made changes to the Code which closed down the operations at 2 a.m. It's not the application. It's the Town Code.

Selectman Coutu asked if it would be fair to ask seeing that the Assistant Town Administrator is in charge of this department and he was sure he's dealt with some of these cases to have him step forward. He's inquisitive as to the Change of Use clause and have a more definitive response to make sure that he's voting the right way. For the record, Chairman Massey said Mr. Pearson is the Assistant Town Administrator and Community Development is under his management. Selectman Coutu asked Mr. Pearson if he had an opportunity to review this application. Mr. Pearson said personally no. Considering the statements that were made both by Selectman Maddox and by Selectman Jasper relative to change of use, Selectman Coutu asked based on what he knew and if he hadn't seen it all you know is what you're hearing here this evening, based on what you know about the department do you feel that it should be subjected to a Planning Board review on a change of use for that particular area considering that according to a determination made by the Building Inspector Mr. Oleksak that the use is permitted on that property. Mr. Pearson deferred to the Zoning Administrator when he makes these determinations. He has a large degree of experience with the buildings and his tenure here in town. He also knows that he consults with the Planning Director. So he has confidence that he looked at it - the four corners of the document and looked at the use and if he made that zoning determination, he would have to defer and go with his opinion. Having said that being in on discussions about changes of use, and Mr. Pearson hears what Selectman Maddox is saying about a site plan, the thing that occurred to him listening to this conversation tonight was that if the concern is that the parking would exceed what the limits are of that site if there was some potential limit on the parking so that if it exceeds what originally was allowable for that site, he thought that would invoke a further site plan review. In other words, if this gentleman had a function that they were parking on the curbs and grass and they were changing what the original design was for. Mr. Pearson thought in terms of if all the cars fit into that parking lot and his use is called something different than what originally was there, he thought it fell within the original site plan. The parking would determine a site plan review if it exceeded what the capacity is.

Selectman Coutu said to Mr. Crocker he believe he said 40 parking spaces. Mr. Crocker said that was the number that they had talked about that he would consume. That's in a calculation in the Town Ordinances and so forth. That's already laid out. He can't talk to what the future tenants might be in the building or something like that. He can only talk to if he needs 40 spaces, there are 40 spaces there for him and a lot of other spaces left for whatever change of use might come along beyond that. As of here the today and now, there is enough parking there for him. He wouldn't even have the occupancy of

the building and the seating capacity to overload the parking lot unless it was a freak thing that everybody came in their own car. He understood what they were saying. He didn't believe that he would overload. Selectman Coutu asked what he expected his function capacity to be. Mr. Crocker said the average wedding now statistically through different research he's done is now down below 125 people. At Hampton Beach he had 379 people occupancy. That's way too much real estate. He wants to be at this size and that's why this room works for him. If you had a 100 person reception, 50 couples, Selectman Coutu asked if it would be unreasonable to expect that perhaps you would have more than 40 parking spaces necessary to accommodate. Mr. Crocker didn't know. That would assume that two people come per car. That would assume that if there was a husband and wife and two kids. That would be 4 people in the car. He didn't know how that would play out. There's no way for him to judge that.

Selectman Jasper indicated that what Mr. Crocker is saying is that those 40 spaces are based on the Town's calculations. That's what we have determined he needs not what he's saying he needs. The reality is that is an extremely large parking lot which he has never seen even when the building was virtually full. There are probably always 50 or 60 empty spaces in that parking lot.

Vote: Motion to grant application, carried 3-2. Selectman Maddox and Selectman Massey in opposition.

Before they go further because Chairman Massey does have a concern that they may or may not be using a different set of criteria depending on the application, he would like to refer this matter to the Planning Board and ask them to explain why they have change of use site plan applications in some instances and why they don't in others. Selectman Maddox said he was asking the wrong people. You should be asking the Community Development Department. They're the ones that are the gatekeepers to that. Chairman Massey said he meant the Planning Department. He's like a consensus. Selectman Coutu said that was fair.

Selectman Jasper thought that was a fair question to ask. He thought the obvious answer was that there are some buildings and some things in town that were built and approved for a specific use. When the usage changed from that specific use, it triggers a change of use. When you have a strip mall that allows all the things that are allowed in the zone, unless there is restriction and he specifically pointed to the strip mall that's been approved on 111 and Bockes Road, the site plan specifically had restrictions as to hours of operations and types of uses often occur. That's when there's a change of use. He didn't think there was an inconsistency here. He thought they just have to look at the individual site plan. Certainly to have them come back with that explanation was fine.

Chairman Massey thought what he was really after was he well understood that if you have a site plan that approves a strip mall for retail purposes then you don't have to have a site plan update if one retail changes to another retail. When you have a use that's not specified in the original site plan even though it's a permitted use in that zone, that's where he thought the confusion may or may not be relative to change of use. He would like to get it clarified.

Selectman Maddox said a sit down restaurant is by square footage as opposed to 40 parking spaces for 150 people. Again, he thought they at least needed to clarify as long as they're being fair and consistent.

Chairman Massey told Mr. Crocker that his application has been approved 3 to 2. You're all set.

D. Acceptance of Minutes

- 1) Minutes of meeting on October 23, 2010
- 2) Minutes of meeting on October 26, 2010
- 3) Minutes of meeting on October 28, 2010

E. Calendar

- 11/25 THANKSGIVING - TOWN HALL CLOSED
- 11/26 Floating Holiday - TOWN HALL CLOSED
- 11/29 7:00 Budget Committee - Community Development Meeting Room
- 11/30 7:00 Budget Committee - Community Development Meeting Room
- 12/01 7:00 Budget Committee - BOS Meeting Room
- 12/01 7:00 Planning Board Workshop - Community Development Meeting Room
- 12/02 3:30 Trustees of the Trust Fund - Community Development Meeting Room
- 12/02 6:30 Recreation Committee - BOS Meeting Room
- 12/02 7:00 Benson Park Committee - Community Development Meeting Room
- 12/06 7:00 Budget Committee - Community Development Meeting Room
- 12/07 7:00 Board of Selectmen - BOS Meeting Room
- 12/07 7:00 Council on Aging - Community Development Meeting Room
- 12/08 7:00 Budget Committee - BOS Meeting Room
- 12/08 7:00 Planning Board - Community Development Meeting Room
- 12/09 6:00 Sewer Utility Committee - BOS Meeting Room
- 12/09 7:30 Zoning Board of Adjustment - Community Development Meeting Room
- 12/13 7:00 Budget Committee - BOS Meeting Room
- 12/13 7:00 Conservation Commission - Community Development Meeting Room

12/14 7:00 Board of Selectmen - BOS Meeting Room

7. OLD BUSINESS

A. Votes taken after Nonpublic Session on November 9, 2010

- 1) *Motion by Selectman Jasper, seconded by Selectman Maddox, to forward as Article E the Hudson Police, Fire & Town Supervisors Association contract to the Fiscal Year 2012 warrant, carried 5-0.*
- 2) *Motion to adjourn at 11:40 p.m. by Selectman Maddox, seconded by Selectman Jasper, carried 5-0.*

B. Senior Center Building

Chairman Massey recognized Selectman Maddox.

Selectman Maddox said he was famous for saying, "government is glacial". They're continuing on brilliantly on this one. We're trying to put some numbers together and it has been a challenge trying to get some answers, trying to pull together some numbers. At this point, the Committee does not yet have sufficient information to bring to this Board. A couple of thoughts are being tossed around as far as warrant articles. They needed to hammer those out before they come back to this Board. This is just a place holder. It will probably be on their next agenda because the time is creeping to the end of our ability. At this point, it's truly trying to pull some information together for our next meeting.

Motion by Selectman Coutu, seconded by Selectman Maddox, to defer action on the senior center building until the December 14, 2010 meeting, carried 5-0.

8. NEW BUSINESS

A. Request to advertise for open position - Highway Dept. Dispatch Clerk

Chairman Massey recognized Road Agent Kevin Burns. Good evening.

Very simply, Mr. Burns said the current Clerk/Dispatcher that he has gave her notice effective the end of the year and he would like to advertise to fill that position.

Selectman Maddox asked if this could be a part-time position. Mr. Burns said no. When they did the re-organization, the hope that he had was the full timer became part timer and could train the full timer and then eventually phase out the part-time position so they'd be narrowed down to 1 full-time position. At one point in time, there were 2 full time people. He changed it from 2 full time to 1 full time and 1 part time. His goal now is to eventually narrow it down to 1 full time. He needs someone consistently there to run the office.

Motion by Selectman Jasper, seconded by Selectman Coutu, to allow the Road Agent to advertise for the Highway Department Dispatch Clerk position, carried 5-0.

B. Authorization to hire a Temporary Firefighter

Chairman Massey moved the authorization to hire a temporary firefighter to nonpublic without objection. He's spoken to Chief Murray and he's agreeable too.

C. Donation from Wal-Mart to the Hudson Fire Department in the amount of \$1,000

Chairman Massey recognized Fire Chief Shawn Murray. Good evening.

Good evening Mr. Chairman and members of the Board. Chief Murray was pleased to announce that Sam's Club made a \$1,000 donation to the Hudson Fire Department. They'll put the donation towards community fire prevention and education activities if accepted.

Motion by Selectman Jasper, seconded by Selectman Nadeau, to accept the donation of \$1,000 from Wal-Mart to the Hudson Fire Department with the Board's thanks and appreciation, carried 4-0.

For the record, Chairman Massey indicated that Selectman Maddox has stepped out for a few minutes.

D. Donation from Lifetouch National School Studios to the Recreation Department in the amount of \$850.76

Chairman Massey recognized Town Administrator Steve Malizia.

Mr. Malizia said that this was a pretty standard donation. When these folks come in and do sports card photos for the kids who participate in the Rec. programs, they tend to make a donation. This will go into the Recreation Donation Account as it does usually.

Motion by Selectman Coutu, seconded by Selectman Nadeau, to accept the donation of \$850.76 from Lifetouch School Studios to the Recreation Department's donation account with the Board's thanks and appreciation, carried 5-0.

E. Donation from Southern NH Radio Control Club to the Town of Hudson in the amount of \$1,000

Motion by Selectman Maddox, seconded by Selectman Nadeau, to accept the donation of \$1,000 from Southern NH Radio Control Club to the Town of Hudson with the Board's thanks and appreciation.

Selectman Jasper said that the others indicated where this money was going. Is this money going into a fund? Mr. Malizia said it was going into the general donation account - town donation. Selectman Jasper said it is going into a donation account.

For the record, Chairman Massey said that this was a thanks and appreciation from the Radio Club for the use of the West Road landfill area to do their radio controlled aircraft. He thought it was pretty generous and it was something they've done every year. Mr. Malizia said the number got bigger this year.

Vote: Motion carried 5-0.

F. Waiving fee for use of Hudson Community Center on February 18, 2011 and April 16, 2011 - GFWC Hudson Junior Woman's Club

Chairman Massey recognized Town Administrator Steve Malizia.

Mr. Malizia said he'd pitch hit for this group but they've done these activities for the last several years. One of them is candidates night which they have that forum. The other is the annual bunny breakfast which the Board in the past has granted both of these fee waivers.

Motion by Selectman Maddox, seconded by Selectman Nadeau, to waive the fee for use of the Community Center on February 18, 2011 and April 16, 2011 by the GFWC Hudson Junior Woman's Club.

Selectman Maddox said to circle that date if you're thinking about running. Plenty of notice.

Vote: Motion carried 5-0.

G. Request to sell Town equipment outside of auction

Chairman Massey recognized Town Administrator Steve Malizia.

Mr. Malizia indicated that Ms. Nute was not here but as you're well aware we got off of the VAX system for several years. They used to jokingly refer to it that it would be sold as a boat anchor, but someone apparently wants it for parts. So there's a recommendation from the IT Director to sell the old VAX 4000 to Keyways, Inc. for \$300.

Motion by Selectman Maddox, seconded by Selectman Coutu, to sell the VAX 4000 for \$300 to Keyways, Inc. as recommended by the IT Director.

Selectman Coutu said he has a friend who deals in all kinds of used computer equipment and they operate out of Tyngsboro. It's a multi-million dollar operation. He had him research it. He said grab the \$300 as it's a bargain.

Selectman Jasper said he was going to have a real hard time voting for this motion. That's one of the only things that have been around town longer than him.

Chairman Massey said that he was going to abstain and he'll tell the Board why. In the early 1990s when Digital had come out with what was going to be the successor to the VAX, the successor was a machine called the ALPHA. In order to demonstrate that the ALPHA was every bit as good as the VAX, the company ran a contest worldwide to find the VAX that had been running non stop verified by the operations log, which was almost impossible to hack and they would win an ALPHA. The winning entry was the Bank of Ireland with a VAX that had been running nonstop without a single down time for 17 years. The VAX clearly has a place in his heart. It would be a boat anchor. Bottom line, this is really a sad for him.

Vote: Motion 4-0-1. Selectman Massey abstained.

H. Benson's Train Station #14408 - Contract

Chairman Massey recognized Town Engineer Gary Webster and Bernie Manor.

Mr. Webster said as long dated getting the process with the train station, he came before the Board in July. They picked their consultant subject to DOT approval for the contract. That was back on July 13th. Since then, they've gone through 4 different contracts. They finally sat down and they've been up to Natural Resources 4 times and he has all the schedules here. They've been with DOT about 8 times. The last time they finally got to the head that they had to phase this project. There was no way that they could finish it in one contract because of funding. Warren Street has been working for us and we haven't paid him one dime yet because we don't have a contract with him.

[Gary Webster] DOT finally came through and there's a new revision date for the contract. The original work that the NRPC did they came up with a \$20,541 for engineering. We're into the \$33,510. What they've done is they're going back to the Feds to get the additional funding for the engineering for Phase I on this project. It's in December. There was one little add on which he had in the Board's packet for \$960 for doing the layout for the utilities which was done for the archeologist to go out there and do his shoveling. He and Bernie were out there and watched them. He didn't have to do as much as he thought he did because a lot of that area has been filled over. He didn't have to do as much. Hopefully they saved a little money. His contract was for \$3,725.

Mr. Webster was there tonight because he received the new contract dated 11/22/10 to reflect the \$960 extra. So they can start the project. It's been a long, long process. He showed the Board all of his e-mails through September. He didn't do October or November because he would have killed a few more trees and he didn't want to do that. They finally got it pinned down. They finally agreed to do it in phases. The next phase will be moving the foundation/design. That's probably as far as they're going to go with this project as far as the money they have. There is some extra money, but they'll go as far as the money goes. They wanted them to have one contract and it would never happen. Like Mr. Webster said, he and Bernie went up there and finally convinced them to get going. It's been a long process. They picked Warren Street back in May with Steve Malizia, himself and Bernie. They had 4 consultants who were all well qualified and well respected. It's been a long process. Bernie talked him into it back in April. The did a test pit out there to make sure there was no ledge. They haven't gone anywhere. They're finally seeing something that might happen. Hopefully by approving this contract they'll be able to start the design. There'll be another addendum to the contract for the design of the foundation and so forth so that they can get the documents to go out to bid and actually move the station and the utilities. They're trying to get the utilities in, the station moved on a foundation and hopefully they can get the roof on. It was most important to get the roof on and get it weather tight. After that, it's going to be a volunteer type or find more money somewhere. The Natural Resource they did have money that they mentioned to him around \$50,000. DOT said their limit was around \$50,000 for going over because the figures that they have were back in 2003. It's not there today. Some of those numbers were \$3,000 for the sewer. There's no way that's going to happen.

In light of what Mr. Webster has presently, Selectman Coutu has read the document and was concerned that perhaps they should get a hold of the Commissioner. Apparently you've done your work and you've done it well. One of the notes he made in reviewing it was talking about using volunteer work. What would satisfy him is knowing that with the monies that they have they can have the foundation built, the utility lines brought in, the sewerage brought in, the water brought in, and the building sit on its foundation in a permanent fashion with a roof so that all that would need to be done would be the interior of the structure which he thought with a few phone calls and a little bit of pleading they can get volunteers to do. If you can assure them that the monies that are available, somewhere around \$272,000 is what's left to complete to do that, that money would be sufficient to achieve that objective. That would certainly please him and he could support moving in that direction at this time. He'll sit down with Selectman Jasper because he loves to ask people for money and they'll put together some volunteers.

Mr. Webster said they were going to be doing an estimate. One thing that was a possibility would be using town forces. They have to go under the guidelines of the Bacon Davis Act. He's asked this question when they first met with them. If they did that and then they said to just get the contractor to do it, the last time they met the time before with Bob Hudson who's handling this project, he mentioned it to me about using town forces. It would really make a big difference. They can get the utilities there with or without town forces. It would make us a lot better if they used town forces to use more money in getting the train station a little bit further on than they wanted to with the windows, doors, and maybe the platform and so forth. That's what their goal is and they're going to sit down and meet. It's the process of how the Town of Hudson has to do it with DOT. They'll be like a contractor technically. They have to oversee them and so forth. With the money they have, they can do what Selectman Coutu mentioned with moving the station, putting on the foundation, all the utilities, and a roof. If they have an advantage to use the town forces to try to get that done, it would make a big difference in getting more work done.

Selectman Coutu asked if the purpose of this was to give the Board a generally update or do they need a consensus to move. Mr. Webster said they didn't have a contract yet.

Motion by Selectman Jasper, seconded by Selectman Coutu, to approve the revised contract with Warren Street Design Service in the amount of \$33,510 and authorize the Chairman of the Board of Selectmen to sign the contract.

Selectman Coutu asked if that included the additional money. Mr. Webster said yes.

Selectman Maddox said that this was estimated now to be a \$358,000 project of which \$105,000 is engineering. We could have built our very own sphinx with an airport on top. This is just absolutely insane. We're stuck if they want to use those monies but it looks like more and more of our money is going to be needed to be able to make it happen. \$105,000 for engineering to move the train station and site it.

When Mr. Webster first came here for the first contract, it was \$25,000. He thought that was pretty reasonable. Going back and forth with the contract with DOT, he's not trying to pick on them, and then they gave us a contract back in July for \$50,000. We sat down with them before and then they want the study behind the paneling to see if its plaster, etc. That's what they did. They put all this into it. They're never going to get to there. They're never, never going to spend that money on that. That's what they want as a full project. That's why we phased this because we'll never see that \$105,000. We'll never pay that. That's 38 percent of the money.

If Chairman Massey recalled correctly, this money from the State is coming from the AARA - American Recovery and Reconstruction Act. Selectman Jasper said no. Chairman Massey said they were applying some of the same rules. Mr. Webster said that's the problem. Chairman Massey said they have to have an inspector on site for every hour that it's done. Every person that comes on the site has to fill out a time sheet. It has to be stamped and approved. There's a whole lot of extra paperwork required when you start dealing with the federal government now.

Again, Selectman Maddox said it was something that they want to do. It makes no sense just sitting there. We need to get this done. It's frustrating. He hoped DOT is going to grant us an extension because we're on our third extension at the end of December for doing something and it's not our fault. Mr. Malizia said they just have to start basically is what that extension was. We've started. Mr. Webster said it's December 31st. They're going to change that date any way. That was the last meeting they had. They've already changed it but they haven't given him the date. It's some time in 2011 or 2013.

Vote: Motion carried 5-0.

Before we let these 2 gentlemen go, Chairman Massey thought the public needed to really recognize the outstanding community service that Mr. Bernie Manor is providing us. He's been with Gary Webster almost from the beginning on this. He truly was grateful for all you've done. From all the Board, thank you.

Mr. Webster said he wasn't going to do this if it wasn't for Bernie. He volunteered me so he was stuck.

I. Bid Recommendation - Brownfield Phase II Environmental Site Assessment at Industrial Drive

Chairman Massey recognized Assistant Town Administrator Mark Pearson and Selectman Maddox.

Thank you Mr. Chairman. As some of you may remember as part of the project on Industrial Drive to bring hopefully the Tompkins stadium, Selectman Maddox said this Board after concurrence from the Planning Board agreed to take \$12,000 from the donation account that the Planning Board holds for recreation. Mr. Pearson went out to bid on this because of the price and trying to fall within the Town guidelines. Low and behold we actually got a lower number. At this point, we have a recommended vendor. The breakdown will be the Town portion is \$10,300 and the foundation's will be \$5,000 so everybody saves a few dollars. We have done some research with people at the approving agencies and asked for their guidance on this. You can see the spreadsheet asked them some questions in regards to methods and types of questions that they should have asked. There was a meeting in Town Hall. He went over all of that. This would get the Phase II assessment done so they know what it's going to cost so they can move forward with the grant application to Regional Economic Development Corporation. We're still in the time frame for their January 15th soft date as far as getting this moved forward.

Selectman Jasper was looking at the sheet where everything is evaluated where DES has some concerns about using test borings rather than test pits. Selectman Maddox said they followed up with Nobis with a phone call and an e-mail. Mr. Pearson addressed that concern with the recommended qualified low bidder and clarified that that needed to be done with an excavator. That came from NH DES that said that was a far better method to see when you dig the earth out to see what's there than a boring. A boring as you know can hit a plate and you don't get a sample so you're not really getting a representative sample of what is there. That was in the RFP. He followed up with clarification on that point and the second point about the soil analysis. That bidder assured him that they would do the method that we wanted for the same price.

Motion by Selectman Maddox, seconded by Selectman Coutu, to award the bid for the Brownfield Phase II Environmental Site Assessment to the lowest qualified bidder, Nobis Engineering, in the amount of \$15,303.80 by committing \$12,000 from the Recreation Fees Account (2050-182) and the remaining funds of \$3,303.80 to come from the Tompkins non-profit organization for the Phase II Site Assessment for 9 and 17 Industrial Drive as recommended by the Assistant Town Administrator and the Finance Director.

Selectman Maddox said he would amend the motion relative to the dollar values. As he said, they agreed on \$10,303.80 out of that fund from the Town and a separate purchase order will be cut by the foundation for \$5,000.

Motion by Selectman Maddox, seconded by Selectman Coutu, to award the bid for the Brownfield Phase II Environmental Site Assessment to the lowest qualified bidder, Nobis Engineering, in the amount of \$10,303.80 from the Recreation Fees Account (2050-182) and the remaining funds of \$5,000.00 to come from the Tompkins non-profit organization for the Phase II Site Assessment for 9 and 17 Industrial Drive as recommended by the Assistant Town Administrator and the Finance Director.

Chairman Massey had one question. He wanted to understand. If he just understood what you said Mr. Pearson, the RFP specified that the method of asbestos discovery was to be via a digging machine as opposed to boring. This individual came in with boring. We helped them meet the bid spec as a result correct? Mr. Pearson said it was a point of clarification. Chairman Massey asked if they increased their price. Mr. Pearson said no they did not. It was a clarification he had. He'd like to refer the Board to one particular passage in the RFP. There are 3 criteria on the consultant firm's selection it will be based on. (Page 6 of 6 of the RFP) The firm's demonstrated experience in investigating and remediating asbestos to disposal sites in New Hampshire and having personnel with asbestos site work are credentials on staff to conduct the work. Two, the quality and thoroughness of the proposal and three, the cost considerations.

In light of your question Mr. Chairman, Mr. Pearson said it was a concern of theirs that they had in the estimate to excavate and they in turn turned in a proposal for boring. We addressed that with them and said that was not acceptable as we wanted excavation. They sent him back an e-mail and said they'd do the excavation. There was no adjustment in price up or down.

Chairman Massey asked why they wouldn't have just disqualified them as a bidder. Mr. Pearson said they went through consultation with NH DES. If he were to look at this matrix chart, the most qualified without talking about price actually GZA would be his choice. When you factor in the cost and who meets the qualifications to do the work, then obviously they're down to Nobis. He has to deal with the proposals as he gets them. He did put out 20 proposals. He did receive back 6 bids. This is what we have to work with. He tried to follow that 3 cut criteria and look at what was in the best interest of town. He also reached out to another bidder and had questions with him. They replied back and actually adjusted their price down. It didn't go down past another bidder. He clarified it with them and they dropped their price because they didn't understand what it was he was looking for. Mr. Pearson can just tell the Board that he was performing due diligence on the Town's behalf and he clarified that that they would excavate it instead of doing the borings.

On that same thing under "geotechnical expertise", Chairman Massey said it says, "not clear" this bidder. Mr. Pearson said correct. If it's not clear, Chairman Massey didn't understand how they meet the requirements then. Mr. Pearson said the Geotechnical means is that the contractor would go and meet with the nonprofit to find out what the uses were going to be with respect to if they were going to give us a cost to remediate the brownfields where would they locate it, how would it fit with the overall plan of the topography and the elevations? They just weren't clear on how they were going to approach that. That was the other clarifying point that he had with them was are you going to meet with the group to look at what the big picture is. They need to know what our final goal is so that they can give us the cost analysis to move this asbestos on the site. They weren't clear in their proposal that they were going to do that.

The last question Chairman Massey had was can this work be done when the ground is frozen. Mr. Pearson said they could almost start immediately within the next 2 weeks provided that they do their safety plan, the contact Dig Safe, and that they provide a scope of work plan to NH DES. Chairman Massey said that wasn't his question. The question was can they do the work when they have to dig if the ground is frozen? Mr. Pearson said as long as the ground doesn't freeze within the next 30 days they could do it. Selectman Maddox said unless we have a real hard freeze very quickly, they're still digging foundations right now.

Selectman Coutu said the answer was no. You can't do it if the ground is frozen. Chairman Massey said that's what he heard him say. If the ground is frozen, they won't be able to use that machine.

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

For the record, Chairman Massey was going to be consistent. He's voting no not because of the (inaudible) but because of the representations that were made at the beginning for this site.

J. Speedway Closing Times

Chairman Massey recognized Police Chief Jason Lavoie.

As you can see, Chief Lavoie said they submitted a bunch of times which they closed. They were not in any violation meaning the speedway. There were a couple dates that were cancelled due to weather or whatever the case may be but they were in compliance.

Selectman Maddox asked if this report and administrating of it any great hardship on your department. Chief Lavoie said no. Sometimes you just hope that they don't forget to call out because it's such a minute issue that's all. Again, Selectman Maddox said that now they have a record. This tells us they closed at 5:30 and they were permitted to 5:45. It breaks it down. Again we've heard anecdotal. They ran late or whatever or maybe they now realize that we are paying attention. There were no violations of the whole season as we can see here.

Selectman Jasper said they really don't know because there are 4 times when there was no log entry. Chief Lavoie said some of those were rain dates. Chairman Massey said there are 2 other incidents where it says no race. Selectman Jasper can tell them that he's not aware of any time that they went over. He's satisfied. When you have 4 times with no log entry and no explanation, you really can't jump to the conclusion that there were no violations. He's certainly not aware of any. He thought it was a good process and they ought to continue it.

Selectman Maddox asked the Chairman if he wanted a motion to continue this process next year or they can wait until when they come in for their...Mr. Malizia said it would be better to attach it when you do the permit. Even though they keep track, it's easier to do it all at once. Selectman Maddox thought this exercise answered the questions. There was no "we think there was". Good, bad or indifferent, they did what they said they were supposed to do documented by your people that were on site. Next year we'll be shooting for only 2 missed.

K. Petitioned Zoning Warrant Article

Chairman Massey recognized Town Administrator Steve Malizia.

Mr. Malizia put this item on this agenda because the deadline for accepting Petitioned Zoning Articles is Wednesday, December 8th, which means they all need to be in by that date. This Board is not meeting again until the 14th of December therefore if any come in, they need to have some approval process already in place to move these petitioned zoning articles over to the Planning Board office provided they are validated by the Town Clerk's office for appropriate number of signatures. This is housekeeping in advance in anticipation of receiving Petitioned Zoning Articles.

Motion by Selectman Maddox, seconded by Selectman Coutu, to forward any petitioned zoning articles received by the Selectmen's office through the end of business on December 8, 2010 and validated by the Town Clerk's office to the Planning Board, carried 5-0.

L. Budget to Actuals

Chairman Massey recognized the Town Administrator Steve Malizia.

Mr. Malizia said that the actuals were through October 31st. That's basically 33 percent of the year done - a third of the year. When he looked at the actual expenditures obviously some are a little higher and some are a little lower. If he got to the bottom line of the general fund and he took out the trash contract with they basically accrue for the whole year, we're right around that number. He didn't see anything yet. Legal is obviously a little bit busy because they're doing collective bargaining agreements and what not. That's a little in advance. In general though he thought most of their accounts are where he'd expect them to be on the expenditure side.

On the revenue side, Mr. Malizia said they were still continuing to track motor vehicle registrations. He didn't see anything real different there. As you recall, we've discussed that several times. The same with interest, Mr. Malizia didn't see any great uptick in interest costs but the Board adjusted that down accordingly. We do put money in CDs. They get recognized. That revenue gets recognized when it's realized. You'd see some anomalies there when you're dealing with the scale of interest. It's going to be modest. It's still pretty lean out there.

9. OTHER BUSINESS/REMARKS BY THE SELECTMEN

Selectman Nadeau - A few things this evening. The first on is himself and Selectman Massey went to the VFW for the Veterans night on Friday night. He would like to thank all those who came and participated in the event and all the students and boy scouts, girl scouts, brownies, and daisies that were all there and also the VFW for hosting the event. Every year it seems to get a few more people there. It's always a good time and a good way to thank the vets that were there.

The next item is on December 7th. Selectman Nadeau said that the Hudson Chamber of Commerce will be having their annual Christmas silent auction for St. Vincent de Paul. He would encourage people to call the Chamber office if they have either donations for the auction or if they'd like to attend.

Last night Selectman Nadeau said there was a very bad motor vehicle accident right out here on 101, Chase and Ferry Street. He wanted to thank Officer Allyson Cummings. She was there on the scene. She was actually driving home and she stopped to help us out with the traffic reconstruction seeing she's on that particular field in the Police Department. She stopped and helped out and there were quite a few people that also stopped and helped out. With the helped of the Fire Department, everything went pretty smoothly out there. That's all he had this evening.

Selectman Coutu - The first thing he wanted to say is that this past week in the Hudson Litchfield News there was a headline on the front page relative to what transpired here with the budget review and our wrap up night. Though he appreciated the headline, he wanted to make it very clear that this was a team effort. This was the Selectmen's budget. This was something that they pondered very carefully. It was not Selectman Coutu who cut the budget. He's but one vote. There are five of them sitting here. They agreed on some. They disagreed on others. We arrived at a number which was palatable. They support their budget and it was not Selectman Coutu who cut the budget. It was the actions that were taken by the majority of this Board on each and every single motion. Some passed and some failed.

With that, Selectman Coutu has a segway into what he really wanted to discuss which is he represented our Board yesterday evening without any direction at the School Committee. He would like to have a consensus of opinion, or a motion, a direction how you wish him to represent this Board at the School Committee portion of the budget deliberations. As you know, our Chair is taking the Town side and he's going to do the school side. So that the Board is aware of where their budget is, and it was clarified yesterday evening - he knows Selectman Massey watched most of it because he buzzed him

in the process - their budget will represent if it passes as is a \$.47 increase in the tax rate next year. They're coming in at \$1,300,000 more than last year. Last night they went through one school and they cut \$4,000. He was prepared to make some motions but he didn't dare step on anyone's toes. He said he could wait one more night because we can always go back if they had to and review the budget. He'd like to have some direction but the number is a \$.47 increase if it passes as is.

Selectman Jasper said they were having kittens over \$.19. He thought Selectman Coutu knows where this Board is at.

Selectman Maddox seconded what Selectman Jasper said. We had (inaudible) taking positions finally out of our budget to get down to the same number as they had last year on the tax rate. He knows that might be impossible at the school side but \$.47 is a sizeable increase for the whole Town, County and everything else never mind just the School Board. He thought that our liaison must try to cut wherever possible to get them back as close down to what they were last year. Again, knowing that two different entities but they still have an obligation as the people catch the abuse for the fact that the taxes go us because we collect their money. They saw the need to get down to where they were. He just can't see how \$.47 can be palatable to our citizens. Thank you.

Selectman Nadeau agreed with the rest of his colleagues on this one. Chairman Massey thought a consensus was enough. He only has one caveat. He would not like to see our Selectman's Rep. to the Budget Committee make motions or seconds to motions to cut the school budget. He would leave it to his judgment for any motion that is put on the floor as to whether or not it would be something that the Board of Selectmen should approve. He didn't think they would serve themselves very well if they were the ones that were making the cuts to the budget. Remember it is not the School Committee's budget at this point. It's the Budget Committee's budget. They're the ones that should be making the decisions.

Selectman Jasper agreed with the Chairman. Certainly he took some heat whenever it was he was last on there and things sort of blend together after a while. He took some heat from Representatives of the School Board because he was voting for motions. He didn't believe he made any but he did vote for them. For a while, the town and the school were supporting whatever they wanted. He didn't think that was appropriate. He did think it probably would be poor form for them to have their representative making the motions. He thought you have to use your judgment. The school population is going down and has been leveling off for a while. This is just not an acceptable increase. He didn't think people could afford that.

Chairman Massey asked Selectman Coutu if he had his consensus. Selectman Coutu said he had two people who told him not to make motions. He has two others. He at least wants to hear a third.

Since he obviously has experience in this matter, Selectman Maddox said making suggestions he didn't think was beyond what he should be...he's our representative there. He has the experience and he'll leave it at that. If bringing a motion up brings conversation that maybe others wouldn't have seen, he didn't think he should charge in wholeheartedly. Again if there's an area that he sees that maybe they just don't see, ignoring it because he can't make a motion he thought was tying his hands. The Selectman knows what the Board is tentatively saying and what he should be doing.

Selectman Nadeau said he sat on the Budget Committee for a few years and he did remember that there was school board members making motions and there were selectmen making motions. He didn't think it was a problem if Selectman Coutu sees something that needs to be discussed, brought up, cut or even added. He thought if it was within the realm of his position, he should be able to do it.

Selectman Jasper thought you can certainly lead them in the right directions by asking questions about things that you see in the right way. He still thought though that you can do that and obviously if there's an interest on other members of the committee they'll pick up on that and make the motions. He's certainly not sitting there telling him not to. His opinion is it's not the best forum.

Selectman Coutu said he received the message loud and clear.

What Chairman Massey was hearing Selectman Coutu is use your best judgment all the way through. Selectman Coutu said he will and he assured the Board that he will use proper discretion. He will do so professionally. He will not engage in name calling and tirades as they've witnessed in at least one of the past two meetings. If there is something that is of a major concern for him and he felt should be addressed and it's not being addressed, he will bring it back to this Board for your guidance as had been customary in the past. He appreciated the Board's guidance.

The next thing Selectman Coutu would like to bring up is the Hudson Litchfield News again. In the Thumbs Up Thumbs Down column there was a misrepresentation about the Hudson Fish and Game Thanksgiving Day annual food giveaway as they have done for many, many years now. The Hudson Fish and Game is having the Thanksgiving dinners delivered to home of the 2 people who are in need this year. We presently have an excess of 1,300 requests right now. We have so far donated as of yesterday 135 turkeys. It became such a curiosity factor after that item appeared in the Thumbs Down, even Selectman Nadeau called him and was concerned that this wasn't taking place because there were people - he received one call and Selectman Coutu had received one also from people who wished to donate turkeys. He told them to bring them down to Fish and Game. As a matter of fact, they're there right now beginning to peel and cook the potatoes. They will be delivering meals throughout the community. They will be doing as they have in the past. He and Selectman Nadeau will be at the club. They make their rounds Thanksgiving morning. They start with their veteran friends at the Legion and then head

over to the Hudson Fish and Game Club to thank all of the people for volunteering. Last year Selectman Nadeau became a great gravy maker. He learned how to open up the cans of gravy and got them all ready to go.

Selectman Coutu wished everyone a happy Thanksgiving. Again, gentlemen thank you very much for your guidance this evening. He feels better going to the Budget Committee now with some ammunition. Having had a couple of conversations with Selectman Coutu, Chairman Massey can assure them that he appreciates the guidance. He really does have the interest of the Town in this.

Selectman Maddox - A couple of things. Number one. For everybody watching this program and they have the day after Thanksgiving off and they want to come to Town Hall, we're closed too. Just so they don't get caught up in coming down, Town Hall will be closed on the day after Thanksgiving.

Those of you who have read your edition of Town and County, the municipal magazine, there was an article on Kathy Wilson. He'd like to recognize her here for all of the work that she does for this Town. She has a difficult position trying to balance the benefits program here as well as meeting with our citizens in regards to assistance. Her desire to help people is obvious. Every time he sees her she has a smile on her face and does a very difficult job in balancing all of that. He wanted to give her recognition - nice article and fine job.

Selectman Maddox knows for all that are sitting at home waiting for the latest update on Engine 4, truck 34, Selectman Coutu didn't cover it but they went down and saw the anticipated repairs. There have been repairs done to the truck as he understood it. It's back in service. The third party looked at the truck, gave it his blessing, and the noise was found, a repair was found, and hopefully it stays in service consistently.

Selectman Coutu indicated that the Fire Chief was here. He would ask him to step forward. Selectman Coutu said the Chief invited him to go down. The independent agency was at the Town barn where the fire truck was delivered and he sat through the inspection. They inspected all of the areas which he had expected they would, which would have been the frame, the work that was done according to the engineer's recommendation from KME in order to adjust the cab setting so that when the cab is lowered the pins are set so that they will lock in firmly without rubbing or chaffing against the housing unit. The bumpers that were suggested to be put on so that the housing when hitting the bumpers will come down and set straight and accurately on the cab. He checked all of the framing. Beyond that he did all of the things that the State inspection would do in inspecting the vehicle, they found that 3 of the tires in the back would not have passed inspection. We're talking fractions now. They were not bald tires by any sense. They were inspected in September and they were fine. The wear and tear from September until now rendered them to a point where it was best that we change them. That has been done. They noticed that the transfer case was what they call "tearing" not "leaking". It's not a leak of oil coming down the ground. There was a little bit of oil that tears which means it seeps out a little and stays on the pan. He felt that maybe if we re-torqued the bolts and tightened the box that would take care of the problem. If not, then it was just a question of removing it and putting a new seal and that should resolve that. He said it was not a critical problem at all. The framing and the metal itself they tested and found that it met all of the specifications that are required for a truck of that size.

Subsequent to the inspection, Selectman Coutu said he and the Fire Chief, a mechanic from the Fire Department who drove the vehicle as well as the gentleman who owns the company that did the inspection they took the vehicle for a ride. They went down at least 2 cul-de-sacs, took some very severe sharp right and left hand turns as well as exiting back on to the roads and all of this was done up by the barns in the industrial area off of 111. Coming off of the roads from one road to another, he made sure that the turns were very sharp and done in a critical manner that if there was anything that was going to shift or make any noise, it certainly would have happened because they experienced what that can do going around a cul-de-sac. He was very satisfied and he heard from their own mechanic who had been working and been critical of the unit that he felt that the vehicle felt much more secure, felt that it was much more properly aligned and better balanced. It's not a Lincoln or a Town Car or a Limousine but it gave a much better ride. He felt very comfortable with it. Time will tell but he was very satisfied with the overall performance of the vehicle and he was extremely satisfied at the results of the inspection.

Chief Murray said that was accurate and he appreciated him taking the time out to come out and witness the inspection and verification of all those issues. Selectman Coutu also wanted to comment that the amount of time and expertise that was given us from KME having providing the engineer who studied the problem and designed and made sure that the quality of work that he expected to be done on the truck was completed satisfactorily, we owe them a debt of gratitude although he was somewhat reserved. They built a truck and they could have built it a little better initially. They came and met their obligation. They went above and beyond he felt because our warranties have gone by and they didn't have to do anything. They could have given us a blind eye to the whole thing. He appreciated what they've done and I appreciate the amount of time and effort also. You learn through the process that Bulldog put in quite a bit of time into this at no cost to us. It's certainly appreciated and he thought our firefighters should be likewise such as he satisfied that they've done everything they possibly can to bring this truck to standard and he felt it was a safe vehicle. As he said, time will tell. Selectman Coutu felt very confident at this point having been involved with Selectman Maddox almost from day one. He thanked the Chief.

Selectman Maddox said as to Truck 34, unfortunately he had a meeting with the Chairman so he didn't get to go around in circles and cul-de-sacs again. He didn't really miss much. Again it was just frustrating that they couldn't hear the noise. Again putting the Chief and I in the back seat they heard it, brought it to Bulldog and they heard it again so now they know what to chase. Putting the switch on so that that can't happen again that lever is there. He thought the bumpers all along were kind of part of the solution. Hopefully this resolves the issue. They're going to get a copy of that certificate.

Chief Murray said there will be a full, written report analysis coming from the company that did the evaluation. He'll forward it to the Board and if you want to schedule it for a regular meeting, they can do that. Selectman Maddox thought they should have that on their files. Again, he thought that time will tell if there are more noises down stream. We heard noises, they finally had something to fix. He agreed. They went down to the facility at Bulldog. He thought they were a little unhappy when the noise reappeared but they went back and they could hear where the noise was now coming from. They had a place to go to. They were probably as frustrated as our staff and we were. Hopefully the saga of Engine 4, truck 34, will be closed at this point.

Selectman Maddox said a long time ago a group of selectmen made a motion that for every job hire there will be 3 applications and the department head will bring forth their selection so that we have a chance to do that. He thought they've kind of slipped off of that. If the Town Administrator can bring that policy that is from 1993 back to the forefront, it makes it easier for us when they go in to look at these. This is your choice but we can see the other two. He knows it has kind of fallen by the wayside and he thought it was something that they needed to get back to. There's already a motion from the selectmen. He thought it was 1983. It was brought up and he thought it was something they needed to get back to. Chairman Massey said they have been doing it in some cases. Selectman Maddox thought they needed to do it consistently in all cases.

Selectman Maddox thought it was incredible that the Fish and Game is looking at 1,300 meals. He thought that was indicative of where we are. Also it's indicative of the people in the Town of Hudson that are going to step up and cook turkeys for 3 days and peel more potatoes than probably some army grunt doing it. That's an incredible amount of meals to be able to deliver. He thought not many people actually come to the club. A lot of those were shut ins and elderly. Again the amount of work that is going into this project, they need to be thanked in advance he was sure by Thanksgiving they don't want to see a turkey. He knows some people that do some carving and they say at some point you just are cutting away. Again, thank you to them and to all of my fellow board members, staff and the citizens, enjoy a safe and happy holiday.

Selectman Jasper - He had just a few things. He realized Selectman Coutu that you do not write headlines for the Hudson News. He saw that headline and said boy next year the other 4 of them can just stay home and let Selectman Coutu do it all himself.

Yesterday Selectman Jasper was listening to the radio and he heard something about engine 4. He knew engine 4 was back in town. Then he heard the Chief say something about what happened to the rear end or something like that. Then it was "It's not attached to the truck any more". He called the Chief and he said it was not truck 34. If it was, he'd be asking him for a ride home. He did go down to see what had happened. It was the truck that was in service for truck 34. It was potentially very, very serious. In all his years driving trucks and going to accidents, he'd never seen anything quite like it. The main leaf spring just broke and the axle slipped back. Luckily they were on a straight away at a slow speed. They brought the truck under control and there was no harm. That's the type of thing that could be extremely dangerous. He guessed it was one of those freak things from metal fatigue. Luckily no other damage was done to the truck. Luckily everybody was able to joke about what had happened. Had that been on an emergency call or high speed on a highway, it could have been a totally situation and he didn't know how you'd really prevent something like that. It's a freak accident.

Chief Murray said it was back in service. What they ended up doing was Donovan Spring has put a double leaf now to give it a fail safe method so it doesn't happen again. It did penetrate the generator compartment on the engine. Donovan is very good. They got it back in service and came back in this afternoon. The 1997 Freightliner will go up as soon as we can to get that checked. It's only a year old and they will take the same step - put a double leaf on it so at least if it happens again, there's another fail safe there.

Selectman Coutu said it was funny that they talked about that. He and Selectman Maddox were on the phone and Selectman Maddox hollers on the phone, "Engine 4 just fell apart on the highway. I have to go and find out what's going on." They hung up and he didn't know what had happened. He was assured that Selectman Maddox had spoken to the Chief. He was trying to call and everybody's phones were busy. The Chief finally called him back and told him that he had communicated with Selectman Maddox. He was primarily concerned with the safety of the people on the vehicle. Fortunately as he had explained it to him, the driver felt something and he slowed it right down. Thank God he had the presence of mind to be able to do that. As you said Selectman Jasper, that could have been a lot more serious. He didn't want people to panic and think that this was because of age and normal wear and tear on a vehicle. Things like this happen. You could be driving down the street and your transmission could fall out of your car. Our men are safe. The vehicle is repaired. It was a simple fix only as the Chief said, he put a double spring so it makes it even that much more secure than what it was before. Thank you.

Selectman Jasper apologized for not getting this sheet out to them last week. It was extremely busy for him and he never even thought about it. As you can see the genesis of this was October 21st and then it was revised November 11th. For our purposes, Chairman Massey asked what they were looking at - repair to what? Selectman Jasper said to the remainder of the gorilla house. They talked about this somewhat a while ago. Half of this was to build a wall over the top of the gorilla cage. As you know, there's the back room that they're having problems with people and kids climbing up and then down in. You'll see that this is broken down into the window repair. The total here for this project comes to \$865.23.

Motion by Selectman Jasper, seconded by Selectman Coutu, to authorize the expenditure of up to \$900 for the repair of the gorilla cage with the money to come from the Shepherd's Hill account.

Selectman Jasper said that this is the final amount for repair work. There's still exterior painting to do but this takes care of the repairs to the building for the purposes of not including if they ever go forward with a bathroom. This takes care of all the damage that was done by rot.

Selectman Coutu said that they're primary concern is the accessibility within the building from youths climbing into the back. This should prevent that. People have seen it. It's a caged unit. It's very easy for somebody to get in there and get hurt. If they're caught in the back of the building and there's no one in the park and the doors happen to be locked, we just want to make sure that children - there's a curiosity factor and then there's a vandalism factor and people are going to get in there and they're going to do whatever. He believed this would secure the building properly for the winter and should make it a lot tougher for kids to be able to get into it. Thank you.

Selectman Maddox was wondering if this was going to secure the building. You made it sound like that was going to block off above the cage. This is going to keep them from getting into the building. Why don't we make it \$1,000 and seal off those windows in the house? Are those windows still missing at the back of the long low roof? Selectman Jasper said that everything was secured now. There was plywood for that. Everything is secured now. This was the last.

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

Selectman Jasper wished everyone a happy Thanksgiving and safe travel.

Selectman Massey - He had three things. First of all he will be sending a letter out on behalf of the Board next week to our 13 State Reps. and State Senator inviting them to come to the January Workshop to present them with our issues that we think is important to Hudson. If they have any issues that they want us to be aware of that impact Hudson, they can share it with us. He thought they should take up Selectman Maddox's suggestion that on a quarterly basis we have a review of where we are with those issues.

Secondly, Selectman Massey said it was that time of year. We've been posting in the paper and it's on the web site. We have every board and commission in town with the exception of the Budget Committee which is an elected position has openings for people to apply for. The application deadline is going to be the Thursday, December 9th. He would encourage all of our citizens out there who want to take part in government that this is the time that you make known your interest. Who knows, we may find some people out there to take this opportunity to finally get involved. We would really appreciate it.

On a personal note since it will impact a lot of people in that respect. Selectman Massey has given a lot of thought about when he would do this but he decided that tonight it was appropriate given that people are going to be making the decision on what they want to do for offices. For the last 20 plus years, he's been a very firm believer in term limits. When he ran for election this time back in 2008, he made a commitment to his family and to himself that he would apply those term limit constrictions to himself. This will be his last year in office. He will not run for re-election in March. He thought it was important that if you stand for something, you have to apply it to yourself if you're going to apply it to everybody else. He has enjoyed his years on the Board but its time for somebody else to take up. All you folks out there who have ever thought about running, the good news about running this time is you will not have an incumbent on the ballot. You don't have to worry about whether the incumbent has an advantage or not. You are going to be able to run on your own merits. Let's hope that we see that the people take advantage of it. Again, thank you all and I'll say more at a later date. He thought it was important that since he knows there are some people out in Town that know it but he thought it would be fair that everybody in town know it. If somebody hadn't thought about it before, they can think about it now.

Selectman Nadeau has one final thing that he forgot. The day after Thanksgiving they have the tree lighting at Library Park. He believed it was at 4:30 on Friday afternoon. After that at the Community Center on Lions Avenue, they will be having activities for the kids to meet Santa and different groups in town have different activities for the kids to do.

Another thing Selectman Nadeau forgot to bring up was last Saturday at St. Vincent's they put out 140 meals to Hudson families. He would like to thank everybody that helped them with that, including the people who came in and donated the last 20 boxes this week to finish those off. He'd like to thank everybody that helped out with that. When he started it was 75 Thanksgiving dinners 4 or 5 years ago. As you can see, things have gone up along with the Fish and Game. He'd like to thank everybody that helped out with that big project.

10. NONPUBLIC SESSION

Motion by Selectman Coutu, seconded by Selectman Jasper, to enter nonpublic session under 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; and (c) Matters which, if discussed in public, would likely affect adversely the reputation of any person, carried 5-0 by roll call.

Nonpublic Session is being entered at 8:58 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.

Motion by Selectman Maddox, seconded by Selectman Jasper, to exit nonpublic session, carried 5-0.

Open session is being entered at 10:55 p.m.

Motion by Selectman Coutu, seconded by Selectman Maddox, to hire John J. Mirabella, a certified New Hampshire Police Officer, effective December 12, 2010 with a starting salary of \$22.02; and to hire Brent A. Smith and Larisa J. Johnson effective December 13, 2010 with starting salaries of \$20.98 per hour according to Police Union Local #3657, carried 5-0.

Motion by Selectman Coutu, seconded by Selectman Jasper, to hire Larisa J. Johnson as a Police Officer with a starting salary of \$20.98 per hour effective December 13, 2010 according to Police Union Local #3657, carried 4-1. Selectman Maddox in opposition.

11. ADJOURNMENT

Motion to adjourn at 10:57 p.m. by Selectman Coutu, seconded by Selectman Jasper, 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