

HUDSON, NH BOARD OF SELECTMEN
Minutes of the October 26, 2010 Meeting

1. CALL TO ORDER - by Chairman Massey the meeting of October 26, 2010 at 7:00 p.m. in the Selectmen's Meeting Room at Town Hall.

2. PLEDGE OF ALLEGIANCE - led by Selectman Maddox.

3. ATTENDANCE

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

Staff/Others: Steve Malizia, Town Administrator; Donna Graham, Executive Assistant; Fire Chief Shawn Murray; Dave Yates, Recreation Director; Town Engineer Gary Webster; Chief Lavoie; Pat Nichols; Lucille Boucher; members of Tim Marshall's family and friends; members of the Police Department

4. PUBLIC INPUT

Chairman Massey said it was pleasure to see as many people tonight. They don't often have a crowd. When they do, they relish it. Thank you all for showing up.

Chairman Massey recognized Chief Lavoie and asked Tim Marshall to come forward. This was in Chairman Massey's mind the best part about being an elected official. You get to do things like this. You get to honor people for being a part of the community. He really enjoys it.

As Chief Lavoie indicated in an earlier e-mail, the Town of Hudson has always had a unique community. One that always seems to pull together in times of need and when certain things start to get out of control and we need help, people always seem to step up in this Town. Back on September 30th, they had such an incident where they had a male teen that went missing for a little while. After several hours and different methods of trying to find this person to include contacting the NH Fish and Game, it was a great effort of community policing. As he indicated in his earlier e-mail to them that it wasn't just the police department looking for this team. The Fire Department also responded. The NH Fish and Game came out to help. The School Board sent out phone calls to try and encourage people to see if anyone had come across this teen. As a result of those phone calls, neighbors and neighboring communities took to the streets in the late evening hours at 9, 10, 11 o'clock people were roaming the streets trying to find this teen to help them. The weather conditions were breezy, windy, and had been periods of intermittent rain. The neighborhood that had taken to the streets had heard a voice calling out for help. Officers were then summoned to that general area. They took off into the woods, and they did find the teen at least 75 feet up into a tree. There was no way they were going to be able to get fire apparatus down to try and use a ladder to get the teen out of the tree. They were not trained in order to climb the tree to get up there and get the child down nor were NH Fish and Game where they do a lot of those things for their living.

Chief Lavoie said they didn't know what they were going to do. The tree was bending back and forth from the winds. Officer Al Marcotte came up with the idea - he knows who can get this teen down. His former employer who owns and works for Atomic Tree, Tim Marshall. They were able to wake Tim up at roughly 12 a.m. and he came without hesitation came right out. He got his equipment, responded down to the scene, assessed the scene, essentially looked up and said, "I can get him." Tim's pretty humble. Chief Lavoie called him and asked him to come up to this meeting so they could issue him a Citizen Service Award that the Police Department has and he didn't hear back from him. He called his sister-in-law to track him down. He was able to get his cell phone number at which point he could sense hesitation on his part that he really didn't want to come out for this. He didn't want to be recognized. Chief Lavoie then had the opportunity to run into his wife Ann recently. Ann said that Tim didn't really tell her what he did. She found all her information from the Hudson Litchfield News.

[Chief Lavoie] Unfortunately today the media had played the word "hero" as kind of a passé type of word. They always refer to sports figures as being heroes because they had the gaming winning home run, or threw a touchdown pass or something. Heroism is defined as someone who displayed a distinguished courage or ability, admired for his brave deeds and noble qualities. Given the circumstances of Tim's deed that night is no doubt in their mind at the Police Department that he certainly was a hero to this team and to his family. They certainly appreciate Tim for his efforts in what he's done and not only does the Police Department like to present this Civilian Service Award which outlines what that night. This is the second time they've had the opportunity to hand out this award in his tenure. He believed it was the third one that the Police Department has ever given since they've enacted this but the Board would also like to make him a presentation. For your efforts, Chief Lavoie said he couldn't thank him enough for his help. [Applause]

Chairman Massey presented Tim with a Certificate of Appreciation that's awarded to him for assisting the Hudson Police Department in rescuing a teenage boy who went missing and was found 75 feet in the air in a tree on a night

where there were winds of 40 mph and rain. Mr. Marshall's willingness to assist in the rescue at 1 a.m. plus his expertise in tree climbing allowed him to negotiate his way up the tree to the stranded teenager where he was able to secure the boy to safety by rigging and lowering him to the ground. On behalf of the Town Tim, thank you very much. [Applause]

Chairman Massey stated that the boy's parents Randy and Kristina Prior are here and they would like to come up and make a small presentation.

Kristina indicated that they had already given Tim a card but if he didn't mind if they could give him a hug that would be wonderful.

Chief Lavoie thanked the Marshall family for coming out, Tim's parents and his wife Ann.

Chairman Massey asked if anyone in the audience wished to address the Board on any subject at this time. Seeing none, he moved on to the next item.

5. NOMINATIONS & APPOINTMENTS

Chairman Massey said that they still have several openings. If you go to the Town web site - hudsonnh.gov, you'll see where they are and they really would encourage people. They're getting close to the end of the year when they start making re-nominations for all of the Boards. If you could take a chance, they'd appreciate it.

6. CONSENT ITEMS

Chairman Massey asked if any Board member wish to remove any item for separate consideration. Selectman Coutu asked to hold out Item A.

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

A. Assessing Items

- 1) 2007 Tax Appeal Settlement - 220 Lowell Road, Map 222, Lot 018, w/recommendation to approve

Chairman Massey recognized the Assistant Assessor James Michaud. Good evening Jim.

Selectman Coutu indicated to the Board that they have a packet that was put on their desk relative to this material. Chairman Massey said they should have a letter from Jim Michaud, Assistant Assessor, on their desks.

Mr. Michaud thanked the Board for letting them put this item on this agenda and without a lot of backup at the beginning. They've been in active negotiations on this 2007 property tax case involving the Market Basket plaza and between Attorney Jay Hodes, himself, and the appraisal that they had hired. They really came to fruition in terms of a negotiated settlement and recently got the documents in yesterday and today. Basically it's an appeal from 2007. So they were scheduled to go to trial for either next week or the following week at Hillsborough County Superior Court. The outcome of the discussions are that the 2007, 2008, and 2009 there would be no abatement overlay monies going back to the taxpayer. For 2009, there's approximately \$5,600 plus or minus going back to the taxpayer and a further slight reduction in their assessment for 2011.

While they may have been very successful in winning this case for 207, 2008, and 2009, Mr. Michaud said there was also a risk. The sides were very close and in our Attorney's opinion when the sides are very close like that and the Superior Court Judge is looking at it; frequently they're splitting it down the middle. At the end of the day they will have gone through a day and a half of trial prep. for their legal counsel and expert appraiser, plus they would have gone through a day of trial. This is not zero dollars. The Board knows that Mr. Michaud has been spending some of the legal budget as well as the appraisal money on getting those cases resolved. This was one that seemed right for a settlement that was beneficial to the Town and beneficial to the taxpayers at the same time. In return, they have no appeal for 2010 and 2011. They won't see them at a minimum until 2012. He thought the value was supportable that they arrive at for the arrived at settlement this year. The capitalization mark it's the economy. The commercial mortgage backs securities market. The cost of capital and terms of capital are such that it would have been a fairly dramatic change in their appraiser's opinion of value this year. That also led to this discussion. Mr. Michaud told the Board that he would welcome any questions from the Board if he wasn't too clear on what he was discussing.

Motion by Selectman Coutu, seconded by Selectman Maddox, to approve an abatement on property taxes for 220 Lowell Road, Map 222, Lot 18, as recommended by the Assistant Assessor from \$8,019,500 to \$7,669,500 for the 2010 property tax year and as per items outlined in his Memo dated October 26, 2010.

As we all know, Selectman Coutu said that Mr. Michaud has been at the State Tax Appellate Board on several occasions on several of those matters. They've had a tremendous rate of success as a result of his diligence and the input as well from their legal counsel to resolve those matters so that they don't get into a lengthy litigation relative to the abatement requests. He was sure that he would be joined with him in thanking Mr. Michaud for the effort that he puts into the cases and the net result though there is a modest abatement the cost of pursuing this in court would be far in excess overall than what they are abating. Mr. Michaud again the Board thanked him for the work that he's put into this particular case and all of the others and you have several others he knows that are still pending that he was working on. It's worth appreciation as well.

Vote: Motion carried 5-0.

Mr. Michaud wanted to add that there will be a green abatement form for the Board to sign once they get the final tax rate and once they actually send out the tax bills. The mechanics of that is they'll send it out as is and then they'll abate it. It will be clean. The other side has agreed to that and it was the cleanest way to do it.

Just so people out in the audience and on camera land, Chairman Massey said what Selectman Coutu alluded to was they in fact won two huge settlements at the tax agency for two commercial properties in the south end of town. Without the work that Jim has done, we wouldn't have won those he didn't think because those two companies are successfully winning these suits in other parts of the State and in other States. Thanks to your great work, we were able to prove that our values were the values to be used. It made a huge difference in their commercial tax base. Thanks again.

B. Water/Sewer Items

- 1) Sewer Abatement, S-UTL-11-01, 147 Derry Road, M/L 157-033-000, w/recommendation to approve

C. Licenses & Permits

- 1) Request to Solicit Funds by Friends of Alvirne Ice Hockey

D. Acceptance of Minutes

- 1) Minutes of meeting on October 5, 2010
- 2) Minutes of meeting on October 12, 2010

E. Calendar

10/27 7:00 Benson Park Landscape Subcommittee - BOS Meeting Room
10/28 3:00 Trustees of the Trust Fund - Community Development Meeting Room
10/28 7:00 Selectmen's Budget Review - BOS Meeting Room
10/28 7:30 Zoning Board of Adjustment - Community Development Meeting Room
11/01 7:00 Board of Selectmen Workshop - BOS Meeting Room
11/02 VOTING DAY
11/03 7:00 Planning Board Workshop - Community Development Meeting Room
11/04 6:30 Recreation Committee - BOS Meeting Room
11/04 7:00 Benson Park Committee - Community Development Meeting Room
11/08 7:00 Conservation Commission - Community Development Meeting Room
11/09 6:00 Sewer Utility Committee - Community Development Meeting Room
11/09 7:00 Board of Selectmen - BOS Meeting Room
11/10 7:00 Benson Park Landscape Subcommittee - BOS Meeting Room
11/10 7:00 Planning Board - Community Development Meeting Room
11/11 VETERANS DAY - TOWN HALL CLOSED
11/15 7:00 Energy Committee - Community Development Meeting Room
11/16 7:00 Cable Utility Committee - BOS Meeting Room
11/17 5:00 Water Utility Committee - BOS Meeting Room
11/17 7:00 Council on Aging - Community Development Meeting Room
11/17 7:00 Library Trustees - BOS Meeting Room
11/18 7:00 Budget Committee - BOS Meeting Room
11/18 7:00 Zoning Board of Adjustment - Community Development Meeting Room
11/22 7:00 Recycling Committee - BOS Meeting Room
11/22 7:00 Budget Committee - Community Development Meeting Room
11/23 7:00 Board of Selectmen - BOS Meeting Room
11/25 THANKSGIVING - TOWN HALL CLOSED
11/26 TOWN HALL CLOSED
11/29 7:00 Budget Committee - Community Development Meeting Room
11/30 7:00 Budget Committee - Community Development Meeting Room

7. OLD BUSINESS

A. Vote taken after Nonpublic Session on October 12, 2010

- 1) *Motion by Selectman Jasper, seconded by Selectman Coutu, to hire John Barry as the part-time Maintenance Person with the Recreation Department at a starting salary of \$13.30 per hour with a start date of October 13, 2010, carried 4-1. Selectman Maddox in opposition.*
- 2) *Motion by Selectman Coutu, seconded by Selectman Jasper, to hire Ed Peterson as the 2010/2011 Instructional Program Basketball Director for the fee of \$1,000; Steve Porter as the 2010/2011 Boy's League Basketball Director for the fee of \$2,100; Lori Bowen as the 2010/2011 Girl's League Basketball Director for the fee of \$1,600; and Andrew Gora as the 2010/2011 Teen League Basketball Director for the fee of \$750, carried 5-0.*
- 3) *Motion by Selectman Coutu, seconded by Selectman Maddox, to hire Sarah Unger for the position of part-time Water Utility Clerk at a starting rate of \$14.77 per hour for 30 hours per week with an anticipated start date of October 18, 2010, carried 5-0.*
- 4) *Motion by Selectman Maddox, seconded by Selectman Nadeau, to authorize the Fire Chief to hire Amanda Turcotte to the position of Dispatcher within the Fire Department. This assignment will be a non-exempt position and in accordance with the IAFF Local #3154 Contract with an hourly rate of \$14.37 per hour and then to Step 1 at the completion of probation as recommended by the Fire Chief with a start date of 10/31/2010, carried 4-1. Selectman Coutu in opposition.*
- 5) *Motion by Selectman Maddox, seconded by Selectman Nadeau, to authorize the Fire Chief to hire Leslie Scott to the position of Firefighter Paramedic within the Fire Department. This assignment will be a non-exempt position and in accordance with the IAFF Local #3154 Contract with an hourly rate of \$14.78 per hour and then to Step 1 at the completion of probation as recommended by the Fire Chief with a start date of 10/31/2010, carried 4-1. Selectman Coutu in opposition.*
- 6) *Motion by Selectman Jasper, seconded by Selectman Maddox, to authorize the Fire Chief to hire Sarah Graham to the position of Firefighter within the Fire Department. This assignment will be a non-exempt position and in accordance with the IAFF Local #3154 Contract with an hourly rate of \$14.58 per hour and then to Step 1 at the completion of probation as recommended by the Fire Chief with a start date of 10/31/2010, carried 3-2. Selectman Nadeau and Selectman Coutu in opposition.*
- 7) *Motion by Selectman Coutu, seconded by Selectman Nadeau, to hire Joseph O'Brien as an HCTV camera operator "Regular Special Shift Employee" at the rate of \$11.00 per hour effective October 13, 2010, carried 4-1. Selectman Maddox in opposition.*
- 8) *Motion to adjourn at 11:46 p.m. by Selectman Maddox, seconded by Selectman Nadeau, carried 5-0.*

B. Senior Building Committee

Chairman Massey recognized Town Engineer Gary Webster, Lucille Boucher, and Pat Nichols. The other two members of the Committee are Selectman Maddox and Selectman Massey.

Chairman Massey said they were there tonight to accomplish two things. The first one was to get the Board's consent to move forward and to obtain approval from the Department of Transportation for the selected design. When they were last there, they had picked a site and the charge was to come back with a rendering of the facility that would in many respects reflect the old red barn. So what the Board has before them now are the drawings. The drawing on the top is the building as seen from the front. For purposes of identification, the top drawing is sides A and B. It's the front and the right side looking from Kimball Hill. The bottom drawing is the back side of the building C and D looking up towards Kimball Hill. He thought at this point he asked if Selectman Maddox would like to add anything at this point.

Selectman Maddox said that Selectman Massey had covered most of it. In the handouts this evening to make this more understandable, you have a colored rendering that labels the A, B, C, and D sides so that they can all be talking the same language. If for those of them at home if you were to say the A side was heading towards Kimball towards the driveway that goes down to the parking lot to the present Benson's parking lot. C is the one exactly opposite 180° so again they could bring some relevance to it. Selectman Jasper, they took some of his concerns as far as the red barn and trying to incorporate that into it. The back, which is the B side, shows a two level. Again they tried to bring the features that were on the barn as far as the look of it as best they could. As you can see, this will have two levels. This particular lot works itself well to this need. Those of you who are looking from television you look at the top drawing that is the one that is the A side

that faces Kimball Hill Road. You can see that it is on level ground. So the seniors would come into that building from the front and most of the time from the right hand side, which would be the working entrance if you would. The bottom photo, the back of the building the two story, has at this point a full basement to be utilized for something. At this point they were just planning on an empty shell inside of that. Again, to keep the look of the two story building they tried to bring that feature into the design so that from the back of the building it is a two story barn with its access at level ground.

Selectman Maddox said there's going to be two separate uses. At the present, it will be for a senior center on the top level and in the future as monies and uses arise, they will then go from there. There has been talk about a number of different venues for it. At this point, they're trying to drive towards the senior center. As you can see also if you look closely on the bottom photo, you can see the walls that are basically going to take this and keep those two separate levels what they are. Mr. Webster has done a great job of taking the topo of the land and being able to break it at the halfway points for the topic of this discussion to be able to have a ground level exit on the side of both levels. On your handout tonight, you can see the parking arrangements that show there's plenty of parking around this building. Hopefully good traffic flow for the various needs of the Fire Department. What they are now looking for is to get Berard Martel to get them floor plans for the inside estimated costs for the construction first year operating costs. They have proposed a price of \$4,850 to do that of which the Senior Council on Aging has agreed to fund that number.

According to the Fire Department, Chairman Massey said that with a fully automated sprinkler system, exterior exits can be as much as 250 feet from any point in the building. At no point in this building will you be more than 60 feet. The only other consideration that they're going to have to do is although it's unclear whether you truly need to put in an elevator for a two story building, the architect told him on Friday that caution would say you should at the very minimum put the footings in to be able to put the elevator in at some point. That's going to have to be a factor in the floor layout on the first floor.

Chairman Massey asked if there were any questions for the Board. Any comments or thoughts?

Selectman Coutu said he liked it. He thought it was saleable. He thought it was a step in the right direction and hopefully the voters will see it the same way that they do. It's a tough year to sell, but they'll make every effort to do so. He thought it should allay some of the fears that Selectman Jasper and he had - he wasn't going to speak for him. He was sure if he wanted to add he will. It certainly gives the semblance of a barn. He thought architecturally it's a beautiful design for a barn. Selectman Coutu thought it was conducive to the environment in which they're going to place it. Again if the Governor is successful with his election, he assured them that he would help walk them through this with DOT if it should present a problem. Frankly, he didn't even think they were going to need him one way or another. This is a beautiful design. It's very appropriate. It will serve the seniors needs in their community that they've so hungered for over these oh so many years. Thank you.

Selectman Maddox said by the hard work of a number of people - Gary Webster certainly - they've done some archeological excavations in an old building that you can see from Kimball Hill. There was a water line that ran under Kimball Hill Road that appears that there is a pipe that is under the roadway presently that they will be able to hopefully use as a sleeve to run water from Kimball Hill over to this parcel. Thus the concern about running large lines of water to this site will hopefully be dramatically reduced as well as there is a sewer manhole very near to this. Again, some more investigation needs to be done. It appears that water and sewer will not be the long runs that they once saw.

On the point about the water, that was Selectman Jasper's hope as well. Maybe there's something new but he was told that the new line was run to Shepherd's Hill that it was not connected to that line. Selectman Maddox said it was not. It's a dead end but it's a piece of pipe underneath the road is what they're being told that they can use for a sleeve to fit a pipe inside because it's a 12 inch that they could that as a sleeve. Selectman Jasper said that would be helpful. He certainly liked the design of the building. To some degree, it evokes the red barn better than the last. He's cautiously optimistic. What concerns him is another road cut into Kimball Hill and all the area that would be disturbed for parking. He's going to vote for the motion to move forward with it. He would caution against throwing \$4,000 out to have any more work done. It's not his money but until they get approval from the State, that could be just money to the wind. If the State says no that this doesn't do it, it could be a waste of money. As long as people go into that with their eyes wide open, this is certainly something that he sees as more saleable. He's still concerned given what they're going through trying to just get a simple little 32 inch 15 - 20 foot walk through a dry wetlands area. He didn't know how quickly they were going to be able to do that. He was not as optimistic as Selectman Coutu.

Chairman Massey met with the Senior Council on Aging last Wednesday and they did talk about this issue about going forward. They are well aware that they want to try and do it on two steps. Do the architectural work at the same time that they go forward with the State in order to hopefully if they do it right they can at least make a decision on whether or not to go to the warrant this year. They are well aware of that and the money he didn't think when they're said and done will ever be lost. The building will have all of the work done for the building no matter where it is sited.

Motion by Selectman Maddox, seconded by Selectman Nadeau, to accept the donation of \$4,850.00 from the Hudson Council on Aging to be used to engage Berard-Martel Architects to complete the final layout and cost estimates to design, engineer, and construct the proposed Senior Center at Benson Park with the Town's thanks and appreciation, carried 5-0.

Motion by Selectman Maddox, seconded by Selectman Coutu, to authorize the Senior Center Building Committee to meet with NHDOT to update it on the Town's plan and obtain approval for the building in accordance with the provisions of the Benson Park deed, carried 5-0.

Again, Chairman Massey thought they should absolutely acknowledge the role that the Hudson Council on Aging has played with this. As he indicated very early in this process if they wanted to move forward with that this year, they were not going to be able to do it with town monies because there was no money in the budget. The seniors have a building fund and they also have a furnishings fund. They very graciously agreed to front the first part of this project to get the ball rolling. Again, Chairman Massey thought it was a good sign and the seniors have been very cooperative and he thought they were very understanding about what they're trying to do for the town. He thought they're just as anxious as we are to see this move forward. Again Pat and Lucille on behalf of the Board, please thank - Chairman Andy Renzulo and there are several other members of the Committee that are here - please accept the Board's thanks and appreciation for what they're doing to help them move this forward. Without you, they wouldn't be where they are today. Thank you. Thank you Gary. You've done herculean work. The site work in particular and he had to tell him that when he and Gary Webster tramped down through the mud, and it was muddy they went to the old shed and found this water pipe, it was a sight to behold. Again, thank you Gary.

Mr. Webster thanked Chairman Massey and said it was the first time he's come to a meeting and he didn't say a word. Thank you.

Chairman Massey said that the Building Committee was meeting tomorrow night at 5 p.m. with the architect in the Board of Selectmen's meeting room. It was contingent upon what they did tonight.

C. Real Estate Proposals for 47 Ferry Street

Chairman Massey recognized Selectman Jasper. Selectman Jasper said he did meet with the Library Trustees last week. They are very agreeable to have the property rented out and run by a management company if that is something the Town can do. He believed it was. Certainly they have been in the rental business with Lions Hall. They are also amendable to the Town taking the portion that would be payable, the property taxes, if it were private residents paying it, the management fee, and the rest. Their only real concern was that the Warrant Article would authorize in the sale and the money going back to them would run out in 2014. Hopefully at that point the real estate market would have recovered some and if not, they'd put it back on the Warrant Article and try to extend the Warrant Article in 2013. It seemed like a good idea to them because certainly the price is much lower right now than what the taxpayers have invested in the property.

Selectman Coutu didn't know if they had done any exploration with regard to what the cost of a management company is at this point before they enter into it. He has a suggested proposal but he thought it would best discussed in nonpublic. Chairman Massey's expectations typically are that real estate management fees, and they may change because of the climate, is typically 10 percent of the rental fee in what they charge to manage the property.

Selectman Jasper said he would be curious as what would qualify for non public. Selectman Coutu said a name. He can discuss it right now without getting into names. He would suggest that if they go that route, he said that he felt that they should sell it because he felt that the difference that they would gain by having it on the tax rolls would more than make up for it. If the market turns, he would expect that the market was going to start to turn in 2 years. So it wouldn't make up for it. The numbers are askew at that point once the 2 years go by. If it was a 5 year or a 6 years out that they could sell it, he would say it would behoove them to sell it now. He's not in opposition to renting the property out. He'd like to see them explore the possibility of rent to own. He thought that they could manage it themselves. Selectman Coutu yielded to Selectman Maddox.

With all the things that they have staff do, Selectman Maddox thought becoming a management company is going to be a challenge that he didn't think they wanted to get into. When a pipe breaks at 3 a.m. who are they going to call? All those issues he just didn't see the Town being set up to do that. He still thought that if they sell the property for a reasonable amount, and he didn't disagree. If they listed it with one of those brokers to have them come in and tell them whether they should rent it, what a price would be, or to sell it. He thought they're getting themselves into a quagmire of whose going to be responsible day to day of running rental property. With only one, he thought it was going to be problematic by the time you figure it all out, it's going to cost them more in staff time than its every going to be worth. Thank you.

Selectman Coutu was interested in what Selectman Maddox had to say. He hears where Selectman Maddox is coming from but if they're going to have those kinds of problems and it's just going to eat away at the rental money and they're not going to gain anything at that point, they might as well sell it. If they're going to anticipate that pipes are going to break and they're going to spend a fortune rebuilding the house while there's a tenant in it, why don't they just sell it and get it on the market and get the tax money. Six one way half a dozen the other at that point if they're going to anticipate all of those problems.

Selectman Jasper didn't think they should be anticipating any problems. He thought where there's no mortgage on the property they really don't have any overhead. They really can't lose by renting it out. They talked about rent to own but the problem with that is you really have to agree on a price when you go into it. How does somebody go and say he'll agree to buy it but he didn't know what the price was going to be until the market comes back up. It just seemed like a straight forward rental. They would be getting their tax dollars because that was one of the caveats he put out there. All the money would not be going to the Trustees. Say the property taxes are \$3,000 on that property, we would get our \$250 a month and

would come to the Town from the rental. The Trustees may end up with a small amount but hopefully their equity is going to grow over the period of time. That is the hope. For them, they will be getting their property taxes. The risk is going to be with them if you will. There are management companies as Selectman Jasper mentioned - he knows the Department of Transportation has one. They rent a house on Old Derry Road through a management company. So he thought it was something that they should at least explore. See what the rental market is for a house like that. He would not be surprised if it's better than \$1,000 a month. It doesn't seem like there's any harm in exploring it.

Motion by Selectman Jasper, seconded by Selectman Coutu, that the Town put out a request for a proposal for a management contract on the house at 47 Ferry Street.

First of all Chairman Massey didn't see anybody in Town Hall being responsible for the phone call that comes in the middle of the night. One of the things that he'd be looking for if this motion passes is that the entire management of the property would be turn key. They would not have anything other than a monthly status report, etc., etc. He agreed with Selectman Maddox. If the Town staff has to be responsible for answering the calls, we're not in that business and they don't have the money to fix it. That's the only other concern he has is if anything breaks, the Town is going to have to be responsible for repairing it. Even under a management commission, the homeowner is still required to pay for all the repairs to it.

Selectman Jasper's intent was he thought very clearly. That they would have a management company. They would be responsible for those calls. That the Town would have an arm's length agreement and any repairs would have to come out of the rental income. Right now they're putting it on the market and you sort of have an understanding that the furnace is good. The mechanicals are good in the property. After a while, the Trustees are going to build up some cash that could go in there. There aren't a lot of things in a house like that that is going to cause you - you have a water heater and there's no pump, no septic, and there's really nothing to go wrong except a pipe here and there and a furnace. Selectman Maddox said appliances, electrical, and roofing. Any number of things could go wrong in a property. Selectman Jasper said they just had the roof inspected. Yes you're talking a refrigerator is \$399; a stove is \$300. You're not talking a lot of money. If he suspects this is \$1,000 a month and they pay the utilities, you're going to be able to cover any utilities that break down very quickly. He didn't see a down side to that except if they don't do this they're essentially giving away \$25,000.

Selectman Nadeau said he was just talking to a management company the other day. What they do is if you allow them to pick the person that they put in, they charge you one month's rent and they were right about 10 percent to the management company for answering the phones. We can tell the management company a broken pipe call Fred the Plumber or they have their person fix it at 2 a.m. and we just get the bill. If it's a broken window, they could tell us you have a broken window on the second floor and they say okay we'll send the librarian's maintenance guy over to fix it by the end of the week. There are some good things to that. When he heard Selectmen Coutu talk about rent to own if they have this management company and they come up with a price of \$175,000 if that's what they use for a number and they want to sign an agreement to rent to own, he'd be willing to look at anything at that point. That's just like selling the piece of property. You use 20 percent towards their deposit over the 3 years; he would be interested in looking at that option too. For now, he'll be voting to put this into the hands of a management company or proposals for it.

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

8. NEW BUSINESS

A. Proposed Benson Park Dog Park Information

Chairman Massey recognized Town Administrator Steve Malizia and Chairman of the Dog Park Steve Briand.

Mr. Malizia stated that he was asked to get some information from the Town Attorney as well as the Town's property liability insurer of which he put a packet together for the Board's review. He also had the opportunity to contact the Derry Town Administrator to find out about the park in Derry, which he found out was actually a town park and not a private park. It's owned by the town. Volunteers do help out but it is a town park. That is different than what they thought. Bottom line if there is an agreement that can be successfully negotiated between the Town and whatever nonprofit group has put together to run the park, the Attorney will be more than willing to review it and provided a sample of what the Freedom Field Agreement looked like to give them an idea of what they're talking about. From a liability perspective, you could structure it so that the majority of the liability would be on the non profit and not on the Town. The Town would still have liability. We own the property. We would probably get our insurance company to review any agreement. They recommended as opposed to the normal \$1 million liability rider that another group would provide a \$2 million rider to cover the Town.

Mr. Malizia said it appears that you could do this. You could affect some sort of agreement. You just have to structure it so that whatever the nonprofit group that's put together on the other side understands their obligations and requirements. That's what he's come back with and he believed that's what the Board asked for and that's what he's gotten.

Selectman Jasper was a little bit confused because he knows he was quite clear in saying that they would not be leasing the property because he didn't believe that the deed allowed them to do that. The non profit would be maintaining. They would build and donate the park to the Town and they would operate the park. They would not be leasing the property. From what he saw here, it seemed to indicate the idea that they would be actually leasing the park.

In the case of the Hudson United Soccer, Chairman Massey said they don't lease that facility. They're not paying the Town any money for the use of those fields. Based on the agreement, they're responsible for maintaining the fields. Selectman Jasper said right to use the premises and provide insurance. Chairman Massey said they were also responsible for the liability policy and if it was applicable, a worker's comp. policy. From that perspective, it was identical to what Selectman Jasper was suggesting. What Selectman Jasper was looking at was the September 22nd letter from the Attorney who said if the Town does go the route of leasing the dog park. Mr. Malizia thought it was semantics. He thought an agreement was what they were looking at similar to the Freedom Field Agreement. There is no money changing hands. He thought that was just his terminology when he was writing it.

Selectman Coutu asked if the Dog Park Committee been privy to any of the correspondence that they've received. Mr. Malizia said he presented it to the Board who asked him for the information. Selectman Coutu would insist on a \$2 million policy as recommended by their underwriter, which is NH Municipal. Mr. Malizia said they work with the Local Government Center and HMA. Selectman Coutu said that they were saying that they're recommending that in this case it should be a \$2 million limit. He would probably put them in touch with them to find out what they want written in the policy and maybe coverage over and above. Is it just strictly a liability policy in case of a dog bite or an injury in the field? Mr. Malizia said yes.

According to what the Board read from their Attorney, Selectman Coutu said it appeared that even with a \$2 million policy, they could still be enjoined in the law suit. Obviously anybody can be enjoined. Mr. Malizia said they were never immune from anything. It's not possible.

Chairman Massey wanted to double check with Mr. Briand and identify the gentleman sitting next to you for the record. Joe Undercofler, 137 Musquash Road. He's a member of the Committee. Chairman Massey asked if they were familiar at all with the agreement with the Hudson United Soccer Club. Mr. Briand stated that he hadn't gotten a copy of it yet. Chairman Massey said they could make a copy of it and make it available to him. It's a public document. Basically in that document the Hudson United Soccer Club in return for giving them a 15 year preference for use of the property agreed to build and maintain the fields next to Hills Garrison. In return, the Town required that they carry an indemnity policy which is basically standard procedure for anybody doing business with the Town. They have to have a \$1 million liability policy. They also if they are required have to have a worker's comp. policy. The gist of it is they were responsible for maintaining the property. The only caveat in the Agreement is that when they're not using the property, and it was specified the periods that they're talking about, the Hudson Rec. Center could use the property for their own programs. Chairman Massey asked Mr. Yates if they had ever finally agree that if they put any electrical systems up there that he would share in the cost of that. He knows that they haven't put it up there because of the cost. Not that Mr. Malizia was aware of either. Chairman Massey said that was where they were with this right now. Please take that as a copy and take a look at it.

Selectman Jasper said he was getting very frustrated. He's going down the route here of no good deed goes unpunished. These folks came in looking to build a dog park for the citizens of Hudson and to maintain a dog park. Not only for the citizens of Hudson but the citizens in the State because they can't restrict the use of the Benson property. They're not looking for something for their own use. They gave United Soccer exclusive use of the field at dates of their choosing. They have the opportunity to use it for other things but they have an exclusive on it for certain times. Those folks are looking for anything exclusive. This is something that many communities build and we may well have at some point decide to build. Selectman Jasper was a little frustrated by saying they should be carrying the insurance. They have dogs in the park now. It's not a lot different. Yes those would be dogs that would unleash in an area like that. A dog bite is a dog bite. There are people that unleash their dogs in that park and he didn't care if they were leashed or not. They can still bite somebody. He thought in terms of insurance, they should be saying this is something that has an inherent liability but it's really not significantly different than the liability that exists in the park now. They're coming here looking to do something for the citizens of the Town and they want to build it, maintain it, and that's what they should be talking about and not the liability. Maybe they have a different feeling on this, but this was very frustrating to Selectman Jasper. He didn't think they should have to be insured. It's not their dog park. It's our dog park. They would be maintaining it for us. If the Town of Hudson says no they do not want to have a dog park, and then let's not have a dog park.

Chairman Massey wanted to stay on that line of thought then for the moment. If in fact the model is the Dog Park Committee is basically going to raise the monies to allow them to donate to the Town for the dog park and they start off with good intentions to maintain it and at some point down the road for whatever reason they say hey not my augmon. Are you suggesting at that point that the Town take over the management of the park? He wanted to make sure they understood. Selectman Jasper was suggesting that they have an agreement for them to maintain it, to run it, to build it and the understanding would be that in fact if they decided at some point they were no longer willing to run it, which would be the case anyhow. Whether they have an agreement or not, this was not with an individual. Mr. Brian and Mr. Undercofler wouldn't be personally liable to continue to operate this. The Town would have to make a decision, and he was assuming they would do that through the budgetary process. He didn't think that there was any reason that they should have to raise funds to ensure this because this was a decision that they needed to make. Is this something they want to have there or not? If it is something they think it's a good idea to have to benefit the community, and then they should be paying the liability insurance. He didn't think that it would really make any difference on our liability because we have so much liability insurance now. Again, there are dogs in the park. Selectman Jasper thought they were probably as apt to bite someone in the park as it is in the dog park. It's a distinction without a difference.

The only thing Selectman Coutu was going to say was that they contract with NH Local Government Center to provide them advice and insurance. This is their recommendation. You're asking them to discount their recommendation. Selectman

Jasper said no. To be clear Selectman Coutu, Chairman Massey said they're suggesting that if this was an operation similar to the Hudson United Soccer Club. He didn't think they would have the same opinion. Selectman Jasper was right. If this were the Town's responsibility and they just had volunteers working on it, the same way they have on Benson's Park, then the Town's liability covers this.

Selectman Jasper thought if you read that letter it says, "It's my understanding that these volunteers will not be volunteering on behalf of the Town but operating this park independently of the Town." He didn't think that was a true statement. He didn't think that was the intent. He thought it was their intent to operate it on behalf of the Town. Chairman Massey asked if that was there they thought they were going Mr. Briand. Mr. Briand said that was what they thought. Selectman Jasper said that any rules or anything would be approved by this body. The operating hours are going to be the same as Benson Park and anything that they have there they will have the ability much like we've given the Friends of Bensons. They would be operating on a very similar level to the Friends of Benson Park was his understanding. They would have a very specific mission. The dog park. The Friends of Bensons has (inaudible). They're not going to maintain anything. Those people are getting more specific as to what they want to do. Selectman Jasper thought it goes back to the question is this something they want to have there. If the Board says no they don't want that, then he thought they'd have to see if they can actually lease it to them and then they would be in total control of it. That was never the intent. He didn't think they'd have any problem if it was a town operation to have it come under the insurance. Maybe Steve needs to clarify that. It was never his understanding that it was going to be independent of the Town.

Mr. Malizia said the documents they received that evening indicated and the discussions seemed to be that they were going to operate a 501C corporation independent of the town. Selectman Jasper said to raise the money yes. Mr. Malizia said and to run the park. That's why he did this exercise. How do they do that? That's the whole point of it. If they were doing it themselves, they wouldn't have had to do that. They would have just gone to the insurance company. Chairman Massey thought they really needed to understand this because he's right. There's a fundamental difference between those 2 models. The Friends of Bensons is also a 501C organization that allows them to raise money. They're intention at some point is to do projects correct? Selectman Coutu said their intention was to fund projects that are requested that are in need of funds to be done. They're not going to do it. They're just collecting funds to assist people who want to develop a project and don't have the funding and the rest would go to them. They'll analyze it and make a decision whether or not to fund it.

Chairman Massey wanted to reach a consensus on which way they wanted to go down the road. There's 2 basic models they can be talking about. They can be talking about the model that says for a consideration of some sort which there always has to be in a contract. We are going to have a contract with the dog park organization that they will build, maintain, and be responsible for that area. On the other model, is the one that Selectman Jasper is putting forth that they simply donate the money to build it and it's the Town then that owns and operates it? Because of the way they want to set them up, they would provide the people to operate it. Did you anticipate that that would also include the maintenance of the property - mowing and sidewalk shoveling, etc. in the winter?

Mr. Briand said there really was no mowing. There's not going to be any grass. It's minimal maintenance. It's basically going to be stone dust in a fenced in area. He really didn't see a whole lot of maintenance. They'll have volunteer cleanup days for raking in the fall and raking in the spring. He really didn't see a whole lot of maintenance involved in it. Selectman Jasper said they were talking about a hedge row around it so that might require some pruning but that was going to be your responsibility. Mr. Briand said yes. That would be part of a volunteer clean up day to trim the hedges, rack the leaves.

The difference Chairman Massey would see, and again this was a critical distinction, if they can use the Hudson United Soccer Club as the model, they don't set the hours of their operations. They're responsible for all the rules and regulations when they're running their programs on that field. That's one major distinction between somebody donating the materials to build the property as opposed to having the exclusive rights to use the property by contractual agreement. He could see a lot of merit in what Selectman Jasper was proposing. It just means that if they go down that road, they would be ultimately responsible for the maintenance of this park. For whatever reason their fundraisers were not enough to cover it, they'd have to put it in their budget to do it under that model.

Selectman Jasper didn't see that was any different than under the model. If United Soccer Club gives up tomorrow and walks away, they have no recourse. They can't go after them. They either then decide do they take it over as a town facility or do they just abandon it. The same is true here. Under either model, you have no guarantee that the groups will be successful and continue to be successful. Here they have absolutely no expense involved in doing it initially. You simply either find another group that's willing to do it or say no we don't have the resources to do it at this time. You just lock the gate.

Selectman Coutu asked Mr. Malizia that the e-mail aside from NH Local Government Center has there been any conversation with them relative to if they don't buy the policy that we have to increase ours? Is there going to be an additional cost. Mr. Malizia said they did not have that discussion. They are covered for liability for town property. So whatever they're doing they either make them aware that we're doing it, or it's already covered. Selectman Coutu said that we didn't know that. They don't know if there's going to be an increased cost. The packet that Mr. Malizia was given indicated to him there was going to be a 501C separate from the town. Here are the parameters. That's what he gave to the lawyer and the insurance company. That's why he got that information back. This was not as he understood it, maybe he misread the minutes, he didn't understand that they were going to own or run this park. It was going to be some 501C corporation doing it under some sort of agreement between them and the town. That agreement being you have the right to

run it. He realizes they could abandon it tomorrow but that's not what the model that they gave to the attorney after that meeting or the insurance company.

Chairman Massey said that was the assumptions he was operating on. Selectman Jasper just raised a question on whether or not that's the right assumption. It has a lot to do with what the intentions of the dog park folks are.

Selectman Nadeau was under the same assumptions as Selectman Jasper has through this whole thing about the dog park and how it was going to be run. He thought the reason that they were looking in to see what Derry did was so that they could go from there and give that to the attorneys. He was thinking that this was just like any other extension of Benson's or what happens in there. If they pack up and build a dog park and Dave says he doesn't want to run it any more but Joe says he'd like to run it and he'll take over the maintenance with this group, that's all he thought was ever going to happen. You don't have the same volunteers at Bensons you had the day he started it. He thought that other people step up to the plate and take the ball and go with it. That's the way he expected this to go. He didn't think it was going down the same way.

Selectman Jasper thought the reason that they were sending it to the insurance was Selectman Coutu was concerned about the Town's liability not what it was going to cost to get somebody else liability insurance. That's what he always thought. How much extra was it going to cost the town? His assumption always was that it was not. He assumed they had well in excess of a \$1 million liability policy for the Town of Hudson. If they don't, they then certainly ought to. Chairman Massey said the only difference was every time you add a new piece of property or coverage to the policy, the premium changes. You may not change the coverage amount but the premium itself may change. Selectman Jasper said that may be. Frankly he didn't see that. Again, he thought that was a question too was having a dog park any different than having a park that allows dogs.

Chairman Massey thought they needed to get closer on that. Since the money for doing that was coming from a private organization, he thought they first of all have to find out from them what their intentions are and what they were expecting in order to be able to move forward. So Mr. Briand if they want to go forward with this, what's your operating premise under which you're going forward.

Mr. Briand said Selectman Jasper and Selectman Nadeau pretty much hit it on the head. They were just looking to build a park in Benson's for the dogs. It will be a town park but they'll organize volunteers for cleanups. They have a 501C III so they can collect money just like Friends of Bensons. If there's any equipment inside the park, of course they'll ask for permission to install whatever. That's why it was all in the packet of what they want to have in the park eventually so they could basically get a broad approval now.

Selectman Maddox thought differently than most. He thought this was going to be a park that was going to be not like United Soccer because we can't lease land that we don't own. We have the title to the property but they can't use it for anything. He never thought they were going to be able to sub lease if you would this property. He never thought that they were going to lease a part of Benson Park that isn't doable as he understood it from the deed. With that said, he thought they were going to Derry and now he sees Rochester to see what issues, what expenses - and he was thinking the insurance was what they were talking about. Again, he might have missed that whole part of it but he was always thinking that once they build it, we were going to be on the hook for the insurance liability, some parts of the follow up on rules and regulations, and if they walked away. He's kind of with those people. He just never thought that this was a discussion that they were going to have. Selectman Maddox was hoping to see tonight what Derry has seen with issues with cost. He disagreed slightly. A park that has dogs in it as opposed to a dog park is not the same thing in his estimation. You're not putting 20 to 30 dogs into the same enclosure not knowing who those dogs are, what their temperament, and all that was. He thought there was a more potential for issues to happen and that's what they were going to be looking for from communities that already have this. What are going to be the issues that we as a town if they accept this are going to have to sign on to?

The other thing Selectman Maddox was looking to see was where they were as far as a cost estimate. As they saw with moving the train station, as soon as they want to dig a hole for a fence post, they may need to have an archeologist on site. He was just saying. That's where they're running into with the train station. He thought they need to have some idea of what their costs are going to be to install this thing. Are they prepared to get to that point and then have a discussion if that was something they want to do. He thought they're mired in the weeds of things that don't matter. Thank you.

Chairman Massey asked Mr. Briand where they were relative to their fundraising program. Mr. Briand said they just started the corporation recently. They have the bank account papers and he's going to be starting the bank account tomorrow. They really haven't gotten that involved. They didn't want to collect money from citizens and then have the whole idea shot down and then go now what do they do. They've been trying to stay level with the Board, the Benson Committee, and everybody at the same time. Chairman Massey thought that unless the Board has a different thought process that they should continue down the road that's basically been sketched out by Selectman Jasper and pretty much agreed to by Selectman Nadeau and he thought by Selectman Maddox. For them to continue on the fundraising level but he thought Selectman Maddox was right. They probably ought to go back to Derry and at least understand. If they finally say yes go build it, what they're getting into in terms of the issues that Derry has relative to running a dog park.

Selectman Coutu agreed. He was concerned primarily because of the notice from NH Local Government Center. He's not against the dog park. He just wanted to make sure that they're not going to be in the dog park business. He didn't want to be in the dog park business. He didn't want to subject the Town to that because it could be costly to the Town. He agreed

with him. He thought in order to do due diligence, let's find out from Gary what is involved in terms of their overall cost. They're not interested in the construction cost because they're going to do that through their fund raising efforts. He understood Mr. Briand to say that initially when he proposed the dog park that he felt that there was somebody that was even going to donate some of the fencing if not all of the fencing. Those things happen and then they fall through. He understood that. He wanted to be certain that if they agreed to do this that there was at least a commitment not necessarily in a seriously long term, but there is a commitment within the community to want to make this dog park a recreational/exercise facility for dogs on a long-term basis. In other words, at least 2 or 3 years they have volunteers lined up that are really interested in it and want to participate. If he can get that kind of assurance, he knows the gentleman sitting to Mr. Briand's right (Mr. Undercofler) and he knows him to be a man of his word. If he's committed to it, he knows that his son did the Eagle Scout project up there that they're all proud of. With that, Selectman Coutu had no problem with supporting it as long as he knows that they are going to continue this process and maintain the park for them.

Selectman Nadeau has a lot of faith in the group that's doing this. He did believe that they will stand behind this for quite some time.

Just so he is clear, Selectman Maddox hoped that they would just not call Derry but Rochester also. What are the pros and cons? Are you building a 4 foot fence? If they had to do it all over again, would they have said put in a 6 foot fence? He was hoping to not follow over the same traps that they fell over. If they had a chance to do it over again, what would they do differently so that when they build this - again we are now saying tonight that the Town is responsible for this. Other than locking the gates and saying goodbye, he just wanted to know what they Town was getting themselves into.

Chairman Massey believed that first of all they're not committed to doing anything at the moment. They haven't gotten a final plan from the dog park approved. He thought they could go down a dual track. They can get the information from the dog parks that are around to find out what their operating experience is. One particular question they should ask is if you had to do it all over again, would the fence be the height that it is today, etc.? In the meantime, Mr. Briand and Mr. Undercofler and their Committee can keep going forward with trying to raise the money to make this happen. At the point in time where they're already to come back together again, they'll accept their donation assuming that the Town wants to be in the business and go forward from there.

Just on other thing to keep out there, Selectman Nadeau said when they're putting water to the senior center put water to the dog park. He wanted to throw that out there. Chairman Massey said that Mr. Webster has already plotted on the ground where the line would go. Very good. They're going to keep moving forward and the model that they're talking about is the one that Selectman Jasper basically outlined. The Town is responsible for the park. They set the hours and rules and regulations and you provide volunteers for as long as you can to make it go.

Selectman Jasper wanted to put some closure on this or perhaps not closure but at least know who's responsible for what and when would they expect this to come back to the Board. Are they expecting the Town Administrator to do this or task it to someone to do it and come back to them with the information they've talked about? Chairman Massey was going to suggest that they have the Assistant Town Administrator do the leg work for the Town. Selectman Jasper was assuming that he would do that but since he's the one sitting at the table that it would be tasked to him to see that it was done. Who he got to do it on his behalf would be fine but as soon as practical.

Chairman Massey said they want two things from their side. They want to know if they were to have a park and it was the responsibility of the town, what additional costs would our liability policy have to cover and what are the operating experiences that the other parks are having. If they had to do it over again, would they build the park different especially with emphasis on the height of the fence? Selectman Jasper thought the second thing was to send the United Soccer document to the Town Attorney for a rewrite talking strictly about this organization building and maintaining this on behalf of the Town. Chairman Massey didn't think that point mattered. As a matter of fact if they raise the money, they could actually have the Town build it. They could contract to have it built with the money they raise. Selectman Jasper thought they were anticipating on doing the whole project and not donating the money because it may not all be money. Some of it is going to be labor and some of it is going to be materials. He was looking more for the long-term maintenance document so that they have a clear understanding that they're going to be responsible for maintaining and cleaning the park. If the Board's comfortable not having a formal agreement in place, that's fine. Chairman Massey didn't think it was any different than the Benson's Committee going out and doing work in the park.

Selectman Jasper thought there needed to be a clear understanding and as long as they have it here in the minutes and they can point to it, that if the Dog Park Committee failed to be responsible for maintaining and cleaning the park that we may simply padlock the gate until another group comes along. He was fine with that being the understanding as long as it was clear and nobody says that they thought they were just going to do this. They need to be able to look to the minutes some place to say not it was quite clear and yes you agreed to it.

Chairman Massey thought it would certainly be worthwhile Selectman Jasper that when the time comes to start thinking about opening this up that they have a clear set of rules and regulations that the Town is going to implement and that this organization would be responsible for adhering to it. That would be in his mind the contract between the two.

Again, Selectman Coutu agreed with the Chairman. He has no problem with not having the go and draw up a legal contract. It's noted for the record what their obligations would be. In terms of the information that they might garner from other

municipalities with dog parks, what was your intent of the height of the outer perimeter of the fence? He thought in totality what as going to be the height of the fence which would be the outer perimeter as well as the division between the small dogs and the large dogs? Mr. Briand said 6 feet. Typically any dog kennel for a larger dog is 6 feet. With that in order to formalize the closure, Selectman Coutu thought that getting the information from Derry if they said that they had a 4 foot they wished it was 6. We have a foot and everything is fine and adequate and it meets the needs. He thought Mr. Briand was looking for a start date to construct this park in the spring. Mr. Briand said they'd like to at least start clearing out some of the underbrush so that they can at least take measurements for the fence. In order to get them to start work on this, Selectman Coutu didn't see any reason why the Board couldn't give them permission to start the clearing now. Mr. Briand said it was just the outer was what they were asking so they can at least get the linear measurements for the footing for the fence. Selectman Coutu thought that was fine. You can go in there at any time.

Selectman Coutu asked if it had been staked out the exact area in light of the new senior center. Chairman Massey said no. All they have are the GPS coordinates. Mr. Briand said if they cut down a Russian olive in the right of for the senior side, he didn't think it would really hurt anything. Chairman Massey said they weren't going to worry about a Russian olive. In fact, they have to come out anyway.

Chairman Massey asked if Mr. Briand was clear on how they wanted to go forward. Mr. Briand said he was clear on how he wanted to go forward. He wanted to know exactly what would the Board like them to have ready for the next meeting. Chairman Massey said the next time they probably wanted to see them was when they were ready to start doing the construction. If you're looking for the Board to give him permission to go in and do brush clearing now, they have the consensus for that. You have the consensus to go in there and brush clear. They'll wait with eagerness for their meeting to inform them that they're ready to start construction. We'll pass along whatever they find out about the other dog parks.

Chairman Massey declared a 5 minute recess at 8:25 p.m. The Board was back in session at 8:32 p.m.

B. Donation of Surplus EMS Equipment

Chairman Massey recognized Fire Chief Shawn Murray. Good evening Chief.

Good evening Mr. Chairman and members of the Board. Chief Murray received a request from the Allenstown Firefighters Association for our consideration to donate some surplus EMS equipment that the Hudson Fire Department is no longer using. The equipment includes a stretcher, stair chair, and 4 backboards which are no longer in service. They were replaced with newer equipment over the past few years. The Allenstown Fire Department is working towards equipping an ambulance in the future for their backup purposes.

Chief Murray has included two letters in their package. One from the Allenstown Firefighters Association as well as a letter from the Town of Allenstown. He contacted the Town to assure that they would be willing to accept those items. The fire department currently has 2 surplus stretchers, 2 stair chairs, and approximately 10 backboards. You only need 1 stretcher and stair chair as a backup in case their current equipment goes out of service. The total estimate value of the equipment is approximately \$250. Any transfer of equipment would be accompanied by a letter which would release the Town of Hudson from liability in donating the equipment.

Motion by Selectman Coutu, seconded by Selectman Maddox, to authorize the Fire Chief to donate a stretcher, stair chair, and four backboards that are surplus equipment to the Town of Allenstown, N.H., as detailed in his memo dated October 19, 2010. Total estimate value of the donation is \$250.00, carried 5-0.

C. Bid Recommendation - Replacement Chevy Tahoe - Fire Department

Chairman Massey recognized Fire Chief Shawn Murray.

Thank you Mr. Chairman and members of the Board. Chief Murray is before the Board to ask their consideration to allow him to purchase a 2011 Chevy Tahoe. The fiscal 2011 authorized funding of the replacement at \$8,700 per year for 4 years for a total of \$34,800. They had attempted to utilize the 2010 State of New Hampshire bid list, however the bid list for Tahoes have expired and a new one may not be out until November or further along the year. They did check the State of Massachusetts bid list and found that Liberty Chevrolet of Wakefield, MA, has a 2011 Tahoe for \$30,511. They asked MacMulkin Chevrolet located in Nashua to submit a price for the Tahoe for which the submitted a price of \$29,956, a difference of \$555 over the Massachusetts bid list. This would be a 4-year municipal lease approximately \$8,410.25 a year. The total cost for the lease purchase would be \$33,641. That would be if they went with the financing from MacMulkin. If approved, they would work with the Finance Director to get the best lease payment rate.

Chief Murray indicated that Town Code required solicitation of bids for all planned purchases and contracts of goods and services estimated to total \$10,000 or more. He's requesting the Board of Selectmen to consider the price difference quoted between MacMulkin and Liberty as well as the close proximity in Nashua for service and their satisfaction with the quality and value of vehicles were purchased from MacMulkin in the past few years. Based on those conditions, he would request a waiving of Town Code for solicitation of bids if the Board approved this.

Selectman Coutu had two questions. The first one is Chief Murray talked about Liberty Chevrolet and MacMulkin and we have a complete description of Liberty Chevrolet and what they're offering for \$30,511 but yet he failed to see anything from MacMulkin to do a similar comparison to see if there's a reason why there's a difference in the bid price. MacMulkin may not be offering half of what he's offering but they have no document to show otherwise. The second thing is why does it have to be a Chevy Tahoe and why can't they just go out to bid for any vehicle of similar size made by another manufacturer that might come in significantly lower? Why a Chevy Tahoe?

Chief Murray said the MacMulkin bid is attached in their packet. It's the one which has attention Robert M. Buxton on the top. They've been purchasing the Chevy Tahoes since 2004 and they find from a fire department perspective where they're using them as command vehicles, it has a lot of room in it for them to be able to put their radios and equipment and they've had very good service with them. That's why they were recommending the Tahoes.

Selectman Coutu said he didn't understand that logic. People stayed with Toyotas and now they're all being recalled. He's not saying that the vehicle is going to be recalled but we're not giving another automobile manufacturer an opportunity to bid on it. He didn't like going out for items of this magnitude without going out for a bid unless the specs are going to be written specifically for a Chevy Tahoe. Then no one is going to be able to bid on it. He found that that's been a practice in the past not necessarily in our municipality but he knows other municipalities do that. They write specifications so only one company can bid on it. He's not saying that they would do that here. He would just like to see them go out to bid and allow other companies to bid on it. He does see the two documents now - Liberty and the one from MacMulkin. Unless he sat there and spent an hour and a half, two hours going back and forth to see who's offering what and which one compares better, it's very difficult to do.

Selectman Jasper appreciated what Selectman Coutu was saying. He wasn't sure that they necessarily have to start out the route of going to bid to prove the difference. He thought it might behoove them to at least look at the similarities or differences - cargo space and that type of thing so that they actually understand why the Chief prefers this to see if in fact this has more room than something the specifications could be pulled up on the internet. He can't imagine that they're in a real rush to do it this week that they couldn't do it at the next meeting to give the Chief the opportunity to show them the differences in the vehicles. Chairman Massey said those two vehicles are the same. Selectman Jasper said no the difference between other vehicles. Chairman Massey said a Tahoe and a Ford Explorer. Selectman Jasper said he wasn't so sure he'd even want to look at a Toyota right now. He wasn't sure what they have but he didn't know who else has anything similar. If there is other similar vehicles out there but at least the Ford Explorer. He didn't think they wanted to look at a Cadillac Escalade.

Chief Murray said they could go out to bid if they wanted. Selectman didn't know that they needed to go out to bid. If Chief Murray can show them why there's a substantial difference in the chassis that led him to believe that this was a better vehicle, he thought Selectman Coutu asked a reasonable question. If there's more room in this than there was in a Ford Explorer, it may come in cheaper but if it has several cubic feet less of cargo space, that doesn't suit our needs. On the other hand if it comes back and he shows the specifications and has virtually identical cargo space, then perhaps they should go out to bid.

Selectman Nadeau said the only thing he didn't see in there was what the trade in for the vehicle that they were trading in was and if they were trading it in. Chief Murray said the trade in vehicle would be the 2000 Ford van. They weren't going to trade it in. They'd either send it to auction or see if any other department wanted to use it. Selectman Nadeau asked if they were replacing the van. Chief Murray said yes they were. The Ford prevention van. If you recall, what they're doing is moving vehicles down. The Deputy's 2004 Tahoe will replace the fire prevention van. The fire prevention van will go to auction or somewhere. It will come out of the fire department fleet. Selectman Nadeau said the fire prevention was getting a Tahoe. Chief Murray said the 2004 Tahoe with 62,000 miles on it. If you recall with the vehicle replacement plan, that was their long-term plan to stifle those out.

Selectman Maddox would like to see them get a trade in number just so that again can they reduce the price down. Get rid of the vehicle. Having that van and then trying to auction it later and it sits around, he didn't think any other department was going to want that van with the condition that's in it. Let's just get rid of it. If its \$500, it's \$500, we're done with it.

Chairman Massey was along the same lines as the other members. He didn't think they needed to go out to bid for this particular item. He thought it would be useful to know what a comparable Ford - he didn't believe Chrysler builds a similar kind of vehicle, and he'd be leery at this point about Toyota. If the Ford has as Selectman Jasper says less cargo space having been in the vehicle, he knows that that makes a difference. If it's the same and it's a difference in price, then they can decide whether the service they get from MacMulkin was worth the difference in price that they might get from some other dealer that they don't normally do business with. He thought Selectman Maddox was right, get the trade in value of it to get it off our hands. Either the November 9th or 23rd meeting the Board can do it.

D. Benson Park Review

Chairman Massey recognized Recreation Director David Yates.

Mr. Yates said it has been three or four months since the last review. He's prepared a few documents for him. The log that they maintain and the Pos that they maintain. Everything seems to be running smoothly and it was brought up at the

Benson's Committee meeting the other night. His concern is that he is getting random people going to him with receipt wanting to get reimbursed for different things that are being done at the park. He did speak to Shawn and Harry about it. They brought it up at their meeting. Anything being purchased needs to be approved by Selectman Jasper or Harry prior to them going to him. That was a concern he had way back when they started. When they were making the push to get the park ready for the Governor, that's when he started getting different receipts. Hopefully they have a handle on it so they don't just have random receipts.

Mr. Yates said the other issue is that originally the Selectmen had put \$5,000 in the account and then they added \$2,000. They're way over that \$2,000. He didn't know if it was time to replenish it but there's money in the big account but the little account that the Board gave him to manage is already beyond the \$2,000 that was put in there. Those were the 2 issues that he had.

Chairman Massey asked how far beyond. Selectman Coutu said \$1,089.85. As of now, Mr. Yates said its \$1,812. That was prepared when he was supposed to come in a couple of weeks ago. He wasn't sure how up to date with the one that they had in front of them. His has \$1,812.34 beyond the \$2,000.

Selectman Maddox knows that this was somewhat of a paperwork adjustment but he thought that it was useful. In three months it gives them a snapshot of what's going on at Benson's. He saw a couple of things that he didn't know. They're having functions at Benson's Park. There was a wedding there. All the things that this document gave the Board a heads up on. Number two Chairman that Mr. Yates is not spending an inordinate amount of time at Benson's that they were concerned about. It does concern him that they are in the negative \$1,800. Again, he thought that they needed to stay on top of it. Some of Dave's Septic can almost be pulled out of there. That should have been operating expenses per say. He thought they needed to see where they were as far as where they're headed with that. Selectman Maddox thought it was a useful document and he hoped that in three months Mr. Yates comes back to the Board for an update. Again, it's enlightening couple of pages. Thank you.

Selectman Jasper said it was a little bit unsettling to find out that this money was coming in. It was well intentioned. It was primarily paint. Unfortunately some people used a lot more paint than they should have used on things and covered a lot of things with paint, including his pressure washer which he couldn't understand why his pressure washer was any where near the painting operation. They became aware of the fact that this was going on. Of course you don't know about it until after it happens and immediately got on top of it. This isn't happening. Everything comes to a stop. Really the only thing left that they're looking to do at all, and he didn't bring the memo with him so he's not going to ask for it tonight, there are some additional rot on the gorilla cage. One side was in pretty bad shape. The rest of it was relatively minor. He thought it was \$400 and as far as Selectman Jasper was concerned, that was pretty much it for the park this year. The rest they've budgeted and the Board will see Thursday what they're planning for next year.

The one thing Chairman Massey would remind him was anything over \$1,000 requires the Chairman of the Board's signature. He was not aware of that one transaction on the gorilla cage. Selectman Jasper said that hasn't happened yet. The Board authorized he believed \$800 for wood for the gorilla cage. Chairman Massey said according to the document it has. Selectman Jasper said he knew. That was \$823. As he recalled, that was an estimate of \$800 for the gorilla cage. He thought that was the meeting when they authorized an additional \$2,000 at 8/23. This was the first time he saw the \$1,211 either. He believed the estimate that came in and what he had given to the Board was for \$800.

Chairman Massey said the next question is where the money is coming from. We're now \$1,800 over the \$2,000. Selectman Jasper thought they do need to take it from the fund. The bills have been paid and the ledger has to be balanced. Some of the money can come out of some but there wasn't a lot in the Benson Committee account. They could certainly depopulate that account. He didn't remember if that was \$1,000 or \$1,600 that was in the budget for this year. Rather than the Board trying to figure it out tonight what it is, Chairman Massey said on the 9th they could make the appropriate transfers.

Again, Selectman Maddox thought they needed to get a handle on this. Obviously there needs to be some sort of word put out to Benson's. You can't go and say you have \$800 and spend \$1,211 and expect that we're just going to pay that bill. That's not how you're supposed to be running this. They put it in there so that they could track it. He didn't have a problem taking the septic out. He didn't think that should come out of the \$5,000 anyway. Chairman Massey asked where it was going to come out of. Selectman Maddox said it was a continuing drain on an account.

Chairman Massey asked if they were going to take the septic out for the winter and then what's the plan to put them back in. Selectman Jasper said December 1st and April 1st. Chairman Massey said they have 4 more months of \$186 to factor in. Mr. Malizia asked if it would be October and November. For this fiscal year, Selectman Jasper said they have April, May and June. Chairman Massey said they have 5 more months to worry about the \$186. You can come back on November 9th with a recommended transfer of monies.

Selectman Coutu said he was upset. Selectman Jasper understood that Selectman Coutu was upset and he was upset as well. Unfortunately he didn't know how this came apart. As far as he knew, there was only one person who was going to get paint and that was the Chairman of the Building Subcommittee. Unfortunately he was not aware of what was going on either. Someone who's worked very, very hard down there - virtually been working at it full time got overly enthusiastic. There really isn't a lot they can do about it right now except they've made it very clear that this is done and over with and that it shouldn't have happened. Selectman Coutu said it was a lot of paint. Selectman Jasper said it was way too much paint.

There was a lot of wasted paint. As he said, the elephant barn looked great but the Chairman of the Building Committee, the Chairman of the Benson Park Committee, and he had no idea that was happening. Chairman Massey said there was a lesson to be taken away from that. They obviously don't have a bottomless well. They'll take another look at it on November 9th.

9. OTHER BUSINESS/REMARKS BY THE SELECTMEN

Selectman Coutu - He had three things. In light of the fact that this weekend is Halloween, he wanted to advise everyone to be very cautious about the children being out trick or treating this Sunday night. He believed it was between the hours of 6 and 8 p.m.

He wanted to remind everybody that the CHIPS Fright Night, which is run by the Police Department, will be held on October 29th at 6 p.m. at the Community Center. It's a great opportunity for the children to get out and enjoy themselves and interact with their police officers who are volunteering to put this on for all the kids.

Selectman Coutu said that Alvirne High School is holding a haunted hayride and haunted barn. You can see the previews of that. It's being shown on our local cable television. The haunted hayride and haunted barn are 6:30 to 9:30 Wednesday and Thursday; 6:30 to 10 p.m. on Friday and 6 to 9 p.m. on Saturday. There's a haunted barn and children's corn maze and a haunted hay ride. The tickets are \$6 which will get you into two events. This is a senior class fundraiser for the Future Farmers of America, the Class Act Drama Club, and the Student Council who will also participate in those activities. Again, please be very cautious of the children out trick or treating this Sunday night and try not to scare anyone in the process. Thank you.

Selectman Maddox - Selectman Coutu covered most of his stuff. He thought again the weather is absolutely gorgeous out. Hopefully it holds until Sunday. It's fascinating. It was almost 75 - 76 degrees out today. Be careful on Sunday. Thank you.

Selectman Jasper - The only thing Selectman Jasper had was to let everyone know that the Hudson/Litchfield Bear Cheerleaders are State Champions for the second year in a row. As you recall, they had them in last year. They did it again. Congratulations go out to those girls.

Selectman Nadeau - A couple of things tonight. The first one is last night he didn't go to the Recycling Committee meeting but they had they want to adopt a Town slogan of "Recycle everyday and make the trash go away." He didn't know what the Board needed to do to allow them to adopt that as their slogan. He'd like some guidance from the Board on that.

Selectman Maddox could have sworn last night that there was a banner across your table Mr. Chairman. Selectman Nadeau said that was what they wanted to adopt as their slogan. Again, Selectman Maddox said put a 30 day permit if that's what they have to go through that whole routine. He thought at the end of the end of Exit 2 and a couple of places around town before the weather changes if they could put that banner out they could make at least a start towards that and be able to get that message out.

It was Selectman Coutu's understanding that there was some confusion as to when we meet next. They wanted to adopt "Recycle everyday and make the trash go away" as the official Hudson Recycle Committee slogan for the Town on recycling. He mentioned it to Selectman Nadeau as he's their liaison that maybe he might want to bring it up tonight. They can make a motion and adopt it and get that behind us. They have one banner and he believed they were having 2 more made. He didn't know that some of that was donated but they're going to use it because they've been doing a lot of expositions at various activities that are being held throughout the Town like Old Home Days. They did one at the Pumpkin Fest. They thought that a nice banner with a Town slogan on it would be appropriate. It's a green sign as you saw with the white lettering. It's very nice and very well done. He thought it was kind of catchy. He thought it was one of the slogans that one of the kids had submitted in their drawings that the Board voted on.

Motion by Selectman Nadeau, seconded by Selectman Coutu, that they adopt the slogan "Recycle everyday and make the trash go away" and that they allow the Recycling Committee to hang the banners according to their Town Policy on banners and they can contact Community Development or the Town Administrator.

Selectman Maddox turned to Selectman Maddox and thought that Hudson already had a slogan. Selectman Jasper thought they did too. Mr. Malizia said it says Hudson recycles, you ought to too. It's on a sign on the way into town.

Motion by Selectman Coutu who offered a friendly amendment that they change and adopt a new recycling slogan as recommended by the Recycling Committee.

Selectman Jasper thought that brought up an interesting question. Are they going to take down the old signs and spend new money for new signs? Are they going to have an old slogan on the signs and a new official? Selectman Maddox asked if they adopted that during Council. That's what he was looking for from him. It could be an ordinance for all they know. Selectman Nadeau said it's only been about 6 or 7 years.

Selectman Maddox offered a friendly amendment that this is the slogan of the Recycling Committee. The Town has its own.

Motion by Selectman Nadeau, seconded by Selectman Coutu, that the Recycling Committee adopt the slogan "Recycle everyday and make the trash go away" and that they allow the Recycling Committee to hang the banners according to their Town Policy on banners and they can contact Community Development or the Town Administrator, carried 4-1. Selectman Jasper in opposition.

Selectman Massey - He had one thing. He would like the Board's thoughts. The Rockingham Economic Development Corporation has just put out their list of projects for grants. The next cycle is due on November 15th. With the Board's consensus, he'd like them to apply even though give their current track record with them since they've already gotten a grant, they may not. He would at least like to get it onto their plate to do the north end water utility projects. There are 3 of them. The tank, the booster station, and the new 16 inch line. Selectman Coutu said it wouldn't hurt to apply. Nothing ventured nothing gained. Chairman Massey said that they would put the application in.

10. NONPUBLIC SESSION

Motion by Selectman Jasper, seconded by Selectman Maddox, to enter nonpublic session under 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 RSA 91-A:2 (a) Strategy or negotiations with respect to collective bargaining, carried 5-0 by roll call.

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

Open session is being entered at 11:15 p.m.

Motion by Selectman Jasper, seconded by Selectman Coutu to seal the minutes, carried 4-1. Selectman Maddox in opposition.

Motion by Selectman Maddox, seconded by Selectman Nadeau, to hire Morgan Miller as engineering intern for 150 hours at the rate of \$12.00 per hour, carried 5-0.

Motion by Selectman Jasper, seconded by Selectman Maddox to deny IAFF Local 3154 Step 2 Grievance relative to the rotation of Dispatch Shifts every three (3) months, carried 3-2. Selectman Nadeau and Selectman Coutu in opposition.

Motion by Selectman Coutu, seconded by Selectman Jasper, to deny IAFF Local 3154 Step 2 Grievance relative to personnel not receiving 96 hours during the transition from 24 hour shifts back to 10/14 hour shifts, carried 5-0.

11. ADJOURNMENT

Motion to adjourn at 11:17 p.m. by Selectman Coutu, seconded by Selectman Jasper, carried 5-0.

Recorded by HCTV and transcribed by Donna Graham, Recorder

Hudson Board of Selectmen

Kenneth J. Massey, Chairman

Richard J. Maddox, Vice-Chairman

Shawn N. Jasper, Selectman

Benjamin J. Nadeau, Selectman

Roger E. Coutu, Selectman