

HUDSON, NH BOARD OF SELECTMEN  
Minutes of the October 12, 2010 Meeting

1. CALL TO ORDER - by Chairman Massey the meeting of October 12, 2010 at 7:01 p.m. in the Selectmen's Meeting Room at Town Hall.
2. PLEDGE OF ALLEGIANCE - led by Selectman Shawn Jasper.

Chairman Massey asked everyone to stand for a moment. Tonight begins the effort to bring the miners in Chile up from below. He thought it would be appropriate if they had a moment of silence and pray for the success of that operation. Thank you.

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; Budget Chairman Norm Martin

4. PUBLIC INPUT

Chairman Massey asked if anyone in the audience wished to address the Board on any issue at this time. Seeing none, we'll move to nominations and appointments.

5. NOMINATIONS & APPOINTMENTS

- A. Cable Utility Committee - (vacancies for 2 members - 1 term to expire 12/31/2010; 1 term to expire 12/31/2012)

Michael Blau - Chairman Massey asked Mr. Blau to come forward and tell the Board his desire to be on the Cable Utility Committee.

Michael Blau, 71 Ferry Street, Hudson. He's lived in Hudson for a year now. He has 2 children in the school district and one in Stonewood Daycare. He moved from Keene where he was currently still an adjunct professor at Keene State College in the Department of Arts and Humanities. He teaches communication courses. Right now he's teaching a public speaking course one day a week. His full time work is as a child and family therapist in Concord. He's interested in community service and public service. He felt like he'd like Hudson to be his home for a long time. He'd like to make a contribution to what's happening in the town. He saw this as an entrance, and opportunity to do that.

Selectman Coutu asked Mr. Blau if he had ever been up to the cable facility. Mr. Blau said he had not. Selectman Coutu asked if he had any experience or any hands on in broadcasting or television. Mr. Blau said he had since high school. He ran a cable television channel through is high school. It was very progressive for 1987. He's sure the equipment is much better now. In college he ran the college radio station. He was the Director of Franklin Pierce's college radio station student run radio and he has TV production experience. Selectman Coutu asked if Mr. Blau believed that experience would be beneficial to them in the Town of Hudson with his experiences in the past. Mr. Blau hoped it to be. He does have a bit of a learning curve since things have modernized since his hands on experience. He has been exposed to it and he's willing to learn.

Selectman Coutu's final question was in his application. You had checked off several committees. As of now, one of them that definitely has a position open is the Cable Committee. That's why they'd like to interview him. As opposed to the Cable Committee is there something Mr. Blau would prefer more than cable or would he be satisfied if he was appointed to Cable. Mr. Blau would prefer only cable. He was a little ambitious in filling out the application. Selectman Coutu thanked Mr. Blau.

*Motion by Selectman Jasper, seconded by Selectman Coutu, to suspend the Board's procedures and appoint Michael Blau as a member on the Cable Utility Committee with a term to expire on 12/31/2012, carried 5-0.*

Chairman Massey said an appointed position does not need to be sworn in by the Town Clerk.

- B. Conservation Commission - (vacancy for 1 alternate - term to expire 12/31/2011)

B. Jennifer Lemieux - will NOT be in attendance due to conflict in work schedule

Chairman Massey asked what the Board's pleasure was. Selectman Maddox said she was going to get back to the Town and the Board whether she went to the meeting. Selectman Nadeau said she did go to the meeting and she was interested.

Motion by Selectman Maddox, seconded by Selectman Nadeau, to appoint B. Jennifer Lemieux as an alternate to the Conservation Commission with a term to expire 12/31/11, carried 5-0.

- C. Planning Board - (vacancies for 1 member - 1 term to expire 12/31/2010; and 2 alternate members - 1 term to expire 12/31/2011, and 1 term to expire 12/31/2012)

Glenn Della-Monica - will be in attendance  
Stuart Schneiderman - will be in attendance

Chairman Massey said if the 12/31/2010 appointment were to be made tonight, that would be coming back in December for reappointment since that term expires at the end of this year. So the first person they have is Glenn Della-Monica. Please state your name and address for the record and tell them his interest in the Planning Board.

Glenn Della-Monica, 38 Bush Hill Road in Hudson. He was sort of intrigued by the Planning Board. He watched a few web casts and thought that his former experience might be of some use. It seemed like an interesting Board. On the regulatory side for the first 25 years of his career he was with the California State Police. He reached the rank of Captain. So he had a lot of administrative experience. Part of that dealt with stakeholders on various issues and resolving problems. When they merged with the head of patrol, he merged over to building management and managed 1.1 million square feet of Supreme Court headquarters in San Francisco. Mr. Della-Monica asked if the Board was familiar with Building and Managers Association (BAMA). It's one of the industry organizations. They put him through a couple of courses and obtained his real property administrator certificate and his facilities management administrator's certificate. He did that until he retired from the State of California. In looking at the web casts, he thought that some of the skills that he had learned working for the State of California plus his interest just in generally helping out with the Town would be appropriate.

As always, Selectman Maddox asked if Mr. Della-Monica had been to a meeting. He's watched the Planning Board on a couple of Wednesday nights. He thought all of them knew Mr. Della-Monica from the polls. He's not afraid of hard work and long hours. So he's ready for the Planning Board. Chairman Massey said the difference was there's no pay involved with this one.

Actually when Mr. Della-Monica signed up for the elections committee, he thought that was a volunteer position to start with. Then he found out they couldn't do that.

Selectman Coutu told Mr. Della-Monica that this was a lot more involved than just knowing what's involved in building trades. If you've watched the meetings, you see that its very detailed oriented and there's a lot of conversation - he's trying to be polite - between planners, architects, and members of the Planning Board. One of the most critical aspects of being able to service the Town well on that Board is the knowledge of the land laws for the State of New Hampshire. The members of the Planning Board on occasion go away for classes and refresher courses. His question is would he be reluctant to go to any of those if they were available to him. Mr. Della-Monica said he'd love to go to them.

If you were so inclined and appointed, Chairman Massey said there were 2 more meetings this month. Actually they start tomorrow night. You may not be able to do that one. There are 3 law lecture series and he believed they were being held in Derry this year on Wednesday night at 7 p.m. You might want to avail yourself for those but you'd have to go through Mr. Cashell to see about it. Mr. Della-Monica said for the rest of the month on Wednesdays he was teaching down in Franklin, Massachusetts, at Tri-County Vocational in the evening. Chairman Massey said they occur every year. So there's plenty of time. Mr. Della-Monica said he'd be happy to go as many as he could. Chairman Massey said they usually also hand out the law lecture handbooks that they provide. It's nice reading material.

Selectman Jasper said Glen said something that he wanted to explore a little further. You said you're teaching on Wednesday nights for the rest of this month. After this month what's your schedule? Mr. Della-Monica said next month he only had Thursdays. The following semester he tells them what days he's available. Selectman Jasper said, "So it will not be a problem to change your schedule."

Chairman Massey asked Mr. Schneiderman to approach the Board. For the record your name and address.

Stuart Schneiderman of Library Street. Chairman Massey asked him to give the Board his bio. Mr. Schneiderman served on their Planning Board for almost 2 years as an alternate. He's served on the Regional Planning Commission for 1 year as an alternate. He is Vice-President of the New Hampshire Association of Regional Planning Commissions, and he's been offered the Chairmanship of the Legislative Priority Committee of that organization as well. He said he didn't have cable TV. Chairman Massey said he could do streaming video. Mr. Schneiderman said he does but the meetings keep him pretty busy as well as the research and reading he likes to do.

Motion by Selectman Jasper, seconded by Selectman Coutu, to appoint Stuart Della-Monica to the Planning Board as a member with a term to expire 12/31/2010.

Selectman Jasper said this one of those difficult things. He cannot support Mr. Schneiderman for a full seat on the Planning Board. While he has a great deal of respect for him and he's been a tireless volunteer at the Benson project, and he does care about the Town just in viewing his work on the Planning Board, his philosophies if you would and his are not in sync.

He cannot support him. He's known Mr. Della-Monica for quite a while and he thought he would be a fine addition to the Planning Board.

Point of interrogatory please. Selectman Coutu said the motion that Selectman Jasper made - and its not that he doesn't oppose Glenn for the position, he wanted to make sure that Selectman Jasper was talking about the voting member position. Selectman Jasper said correct. Mr. Chairman, Selectman Coutu seconded the motion for the purposes of discussion because he was unclear where Selectman Jasper was going with this. They have not had any discussion. He knows Glenn. He knows his commitment to the Town, and he does feel that he would be a tremendous asset to the Planning Board. He, too, like Selectman Jasper - he's not bashful, have some reservations and some concerns about Mr. Schneiderman serving as a full voting member. He would like to have certainly more time to look at his work on the Planning Commission. He has not been thrilled about some of the actions. At one point the Chairman had to gavel him silent because he was making certain demands. He thought that he needed a little more experience. He will support Glenn Della-Monica for the position of a voting member on the Planning Board.

Chairman Massey thought there had to be one change to the motion. They have to suspend the by-laws. Selectman Jasper apologized. Selectman Coutu concurred.

*Motion by Selectman Jasper, seconded by Selectman Coutu, to suspend the rules and appoint Stuart Della-Monica to the Planning Board as a member with a term to expire 12/31/2010, carried 5-0.*

Chairman Massey indicated that Mr. Schneiderman's term expires in December of 2011 is that right Stuart? Mr. Schneiderman said 2010. The Chair would accept a motion to appoint him. Selectman Jasper said he wanted to wait until later.

D. Nashua Regional Planning Commission - (vacancy for 1 member - 1 term to expire 12/31/2011)

Stuart Schneiderman - will be in attendance

Mr. Schneiderman said he's had a reputation for needing some reigning in. He's reconsidered some of his actions. This has been a learning experience over the last couple of years. He was fascinated by an article in the Hudson-Litchfield News recently about the purchase of furniture for the Planning Board meeting room. The vote for that furniture was 5 to 1. He was the only dissenting vote. He was willing to answer some questions. He'd like to just find out what's on everybody's minds.

Selectman Maddox said as long as they were there and having fun. Again, the Planning Board is an interesting mix of trying to balance the rights of the landowners, the consent of the abutters, and the Town as a whole. There's been a number of cases where the Planning Board was going north and Mr. Schneiderman was going southwest asking questions such as asking to see the gentleman's driver's license to prove that he lived there, which had nothing to do with. It was a residence whether he lived in it or anyone lived in it. There was a case where...Mr. Schneiderman asked if he should answer that particular case now. Selectman Maddox said he was going to go to.

The other one Selectman Maddox heard was the...Selectman Jasper said he was going to make a point of order. We're no longer on the issue of Planning Board. He didn't think it was really appropriate that they get into a debate about that. He thought they should be focused now at this point on the appointment to the Nashua Regional Planning Commission. [Chairman Massey] Point well taken. - unless Selectman Maddox was going somewhere with that one relative to the Planning Commission. Selectman Maddox thought they were tied together. He thought that there was a concern obviously from this Board that Mr. Schneiderman just needed to be aware that there are some areas - passion is always appreciated but sometimes it is difficult to control. They all know that personally. He was just trying to say before they appoint him to a full member at NRPC, he was trying to see if they could work out some of those angles before they do something with NRPC. The only thing he has history with is the Planning Board. Selectman Jasper understood. He just didn't want to get into a running debate over Planning Board issues.

Again, Selectman Coutu understood where Selectman Jasper was coming from. However, Mr. Schneiderman stepped forward and in his introduction for this particular position, he was impressed. Stuart sat there and said he was going through a learning curve, and he has reflected on some of his actions. He thought he opened the door. He knows they're not in a courtroom but he did open the door. Selectman Maddox jumped right in and is trying to justify - it certainly didn't sound like an endorsement for the Nashua Regional Planning Commission but he is their representative he believed to the Nashua Regional Planning Commission. He'd like to see that if whoever they appoint is going to work cohesively with our Town representative, especially a member of the Board of Selectmen. Mr. Schneiderman certainly impressed him when he came to that table. He didn't say he was totally wrong. Selectman Coutu admired his passion. It's some of the conduct and though it didn't rise to a level where he should be chastised as a result of it, it was that the issue that really got to him was the whole issue with demanding to see the guy's license. It had nothing to do with the meeting. Those were the kinds of things that he was concerned with. He was afraid that that was going to permeate every one of Mr. Schneiderman's discussions. They haven't made a decision on the furniture. That has nothing to do with this and he'd rather than not enter into this discussion. That's why they have public input. If you have a question or you want to make a comment about whether or not we as a Board of Selectmen want to agree to allow the Planning Board to buy the furniture, you're entitled. There are many times that anyone of them on any given night here could be the descending vote and they could stand alone. It could happen here again this evening. Selectman Coutu's respects how he votes. What concerned him was his interaction with

individuals coming before the Planning Board. That raised some concern. Certainly not any ire on his part but some concern. Mr. Schneiderman is going to continue to serve, he hoped, on the Planning Board. He'll be up for reappointment when his term expires.

In terms of the Nashua Regional Planning Commission, Selectman Coutu wanted to ask Mr. Schniederman this. In all fairness so that they can make an assessment of whether or not they feel that he would serve capably and represent their best interests on the Regional Planning Commission, have you ever gone to any of their meetings? Mr. Schneiderman said he is an alternate. He goes to all of them. Selectman Coutu wanted people to know because we're live on television. Your experiences with the Nashua Regional Planning Commission can you tell him what he's garnered from that and how he felt he could continue to represent the Town in that capacity.

Mr. Schneiderman said regionalization is a way of getting a better deal for what we need. The Regional Planning Commission assists the Town with various plans and studies, information, and he personally would like to see them get a little bit better of a deal on regional planning. He would be protecting the interests of Hudson within the region. What he was seen is there are towns that are getting a little bit more than we are. He thought we could do better.

Selectman Coutu concluded with he can't agree with Mr. Schneiderman more. Mr. Schneiderman said thank you. Selectman Coutu said Selectman Maddox knows how he feels about the New Hampshire Regional Planning Commission and he thought they've been short changed. If that is your goal and that is your ambition in serving this Town, he applauded him and would certainly support him continuing in that capacity. Mr. Schneiderman thanked him.

Mr. Schneiderman said in a hearing at the Planning Board questions were being raised about somebody's residency. It was continuing until he finally raised the question in order to put it to rest about the residency. What happened is the Board woke up and decided it doesn't matter where he lives. It didn't matter who lived there whether it was a tenant or the building was empty. What mattered was that as the owner of that property he had a right to go to his property and enjoy it quietly and peacefully. That question about the driver's license is what stopped the discussion and refocused it to what was really important.

Selectman Coutu said okay. It had nothing to do with the Regional Planning Commission. That was the other thing they voted on.

*Motion by Selectman Coutu, seconded by Selectman Nadeau, to suspend the rules and to appoint Stuart Schneiderman as a voting member to the Nashua Regional Planning Commission with a term to expire on 12/31/2011, carried 5-0.*

E. Recycling Committee - (vacancy for 1 alternate - 1 term to expire 12/31/2012)

L. Cheryl Freed - was in attendance

Chairman Massey asked Ms. Freed to state her name and address.

Cheryl Freed, 4 Greenfield Drive. She's been a resident of Hudson for approximately 30 years. She recently found herself looking for a volunteer activity. She decided she would like to something at the Town level. She's done quite a bit of volunteer work with the Humane Society for Greater Nashua, Girl's Incorporated and things along those lines. She thought she would like to do something at the Town level. At Old Home Days she happened to run into Lisa from the Recycling Committee and had a nice long chat with her. She suggested that Ms. Freed go to one of their meetings, which she did in the September meeting. Connie Owen said that they did have an opening for an alternate and suggested that she apply for it since she's interested in recycling and to see if they can get recycling expanded within the Town.

Selectman Maddox asked Ms. Freed if she's ever been to a meeting. Ms. Freed said yes she has the September meeting.

Selectman Coutu asked Ms. Freed how well she knew Selectman Nadeau. You couldn't have spoken to someone more involved in recycling and more concerned because he watches a lot of the meetings though they are boring. He does watch them. He watches most meetings. She is a strong advocate for recycling for the community. What Selectman Coutu was concerned about was he truly felt that there have been attempts and stabs at we need to concentrate and focus on what they can do to increase the numbers. The numbers have been stagnant between 25 and 28 percent. We can't seem to grow from there. He was looking for like -minded people who want to absolutely focus in on what we can do to entice our residents to continue to recycle and to increase the recycling amount and try to get it up near the 30-40 percent level. In the end, it's a significant savings to our community that they're not picking that all up as rubbish and they're picking it up as recycling number one. Number two, it's because it's much better for our environment and we need to explore educational avenues in order to entice people to do that. You alluded to that in your presentation. Selectman Coutu was enthused about endorsing Ms. Freed's application to serve as an alternate on the Recycling Committee. If there's no discussion Mr. Chairman beyond this.

*Motion by Selectman Coutu, seconded by Selectman Nadeau, to suspend the rules and appoint L. Cheryl Freed to the position of alternate on the Recycling Committee to a term to expire 12/31/2012, carried 5-0.*

6. CONSENT ITEMS

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

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

Before we move on because it's in the Consent Items, Selectman Coutu would like to request that he saw a vendor, a mobile food unit, in town. He's not seen any applications for any of those units come before the Board. Mr. Malizia said they've had some. Selectman Coutu said that particular one does not have a permit. He's never seen it come before the Board. He was wondering if they're still monitoring those. Mr. Malizia said they could certainly alert the police and get the information and he can check them. Selectman Coutu said he happened to see that one in the south end of town behind a business with the back door open, people coming out and buying, and he knows they don't have a permit. Mr. Malizia said that was something the police would be checking for. Selectman Coutu said as long as the monitoring is continuing, he was happy with that. Chairman Massey asked to have the police continue to monitor it.

Just as a follow up to that. Selectman Nadeau thought in January when their licenses expire they had 3 or 4 of them come in. Mr. Malizia said they also had a couple of ice cream trucks this year too. He knows the police have been following people and trying to ascertain whether they're properly permitted. If you see or have someone, he was sure they could do the same. Chairman Massey said that was also true for anybody that comes to your door. If they don't have a Peddler's License from the Police Department, they're required to in order to sell door to door. You should ask them for their permit from the Police Department. If they don't have it, ask them quietly to leave and maybe you should notify the police at that point that there's somebody in the neighborhood who's soliciting without a permit.

- A. Assessing Items - None.
- B. Water/Sewer Items - None
- C. Licenses & Permits
  - 1) Request to Solicit Funds by Dracut Cub Scout Pack 80
  - 2) Raffle Permit by The Friends of Benson Park, Inc.
  - 3) Request to Solicit Funds by Cub Scout Pack 261
  - 4) Request to Solicit Funds by Friends of Alvirne Ice Hockey
- D. Acceptance of Minutes
  - 1) Minutes of meeting on September 28, 2010
- E. Calendar
  - 10/14 5:30 Sewer Utility Committee - BOS Meeting Room
  - 10/14 7:30 Zoning Board of Adjustment - Community Development Meeting Room
  - 10/18 6:00 Hudson School Board - BOS Meeting Room
  - 10/18 7:00 Energy Committee - Community Development Meeting Room
  - 10/19 7:00 Cable Utility Committee - Access Center
  - 10/19 7:00 Conservation Commission - Community Development Meeting Room
  - 10/19 7:00 Selectmen's Budget Review - BOS Meeting Room
  - 10/20 5:00 Water Utility Committee - BOS meeting Room
  - 10/20 7:00 Council on Aging - Community Development Meeting Room
  - 10/20 7:00 Library Trustees - BOS Meeting Room
  - 10/21 7:00 Benson Park Committee - Community Development Meeting Room
  - 10/21 7:00 Selectmen's Budget Review - BOS Meeting Room
  - 10/25 5:00 Hudson School Board - BOS Meeting Room
  - 10/25 7:00 Recycling Committee - BOS Meeting Room
  - 10/26 7:00 Board of Selectmen - 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

7. OLD BUSINESS

- A. Real Estate Proposals for 47 Ferry Street

Chairman Massey recognized the Town Administrator.

At the meeting on the 28<sup>th</sup>, the Board directed Mr. Malizia that he get a number from the Assistant Assessor regarding the property at 47 Ferry Street. Assuming that you were looking for some sort of real estate number, i.e. what it might be worth

on the market. That's what he's included. According to Mr. Michaud after he's evaluated it, he believed that the market value would be somewhere in the approximate range of \$155,000, which if you look at the proposals and do an average of the proposals the Board received, those proposals ranged an average from \$156,488 to \$162,062. He's in the ball park of the actual marketing values that were proposed by the realtors. He wasn't sure if the Board still wants the liaison to the Library to speak to the Library. He thought that was an action that was still outstanding. He knows that the Board also asked for that information. Do you wish to wait as a Board until the Library weighs in on the matter? It's up to the Board.

Selectman Nadeau would like to hear from the Library and see what their intentions are seeing that the money is going to them. Selectman Jasper said they were meeting on the 20<sup>th</sup> and he'd plan on being there and talk to them about it and wait until them. Chairman Massey asked if it was the consensus of the Board to wait until the 26<sup>th</sup> to act on this item. Selectman Coutu said yes. Chairman Massey said it would be old business on the 26<sup>th</sup>.

8. NEW BUSINESS

A. Public Hearing - Benson Park - Hours of Operation

Chairman Massey recognized Town Administrator Steve Malizia to at least let the public what this was and then they'd have the public hearing.

Mr. Malizia indicated that it was an amendment to the hours at Benson Park that takes into account the varying times that the Board would like the park to close. The opening time is still 5 a.m. The various times that it would close range from 9 o'clock p.m. to as early as 5 o'clock p.m. depending on the season of the year. This was the second of two required public hearings to change the ordinance. This has been posted on the web, in the newspaper, and on cable at some point. So its number 2 of 2 hearings.

Chairman Massey opened the public hearing at 7:37 p.m. Is there any member of the audience who wished to speak on the proposed new hours of operation for Benson Park?

Having an interest in Benson Park and having a law enforcement background, Mr. Della-Monica would really like to see the park not be opened when it's exceedingly dark to prevent crime. Everything from graffiti to violent crimes. So he supported the change in the hours.

Chairman Massey asked if there were any other members of the audience that wished to address the Board on this item. Seeing none, the Chair closes the public hearing at 7:38 p.m.

Motion by Selectman Coutu, seconded by Selectman Jasper, to amend Town Code Chapter 259, Parks and Recreation Areas Section 259-30, Hours of Operation, specifically Article IX, Benson Park, Section 259-30, Hours of Operation as follows: May 01 to August 31, 5:00 a.m. to 9:00 p.m.; September 01 to October 31, 5 a.m. to 7 p.m.; November 01 to February 29, 5 a.m. to 5 p.m.; March 01 to April 30, 5 a.m. to 7 p.m., carried 5-0.

B. Request to use the Hudson Community Center - District 13 Alkathon Committee

Chairman Massey recognized Town Administrator Steve Malizia.

Mr. Malizia said this organization used the Community Center for the last 2 Christmas seasons. The group uses it to offer a place for folks to enjoy a sober holiday. They leave it in an extremely clean condition when they're done. It seems to be a worthwhile organization. This would be the third in the row that you would approve this.

Motion by Selectman Coutu, seconded by Selectman Maddox, to authorize the District 13 Alkathon Committee of Alcoholics Anonymous to use the Hudson Community Center on December 24 and 25, 2010 for a fee of \$400.00.

As Selectman Coutu had stated in two previous years that they made the request to use the facility for the purpose of taking those people who are suffering from the illness of alcoholism, this affords them an opportunity to gather as a brotherhood and give them a safe, healthful environment where it gives them spirit during the time of the season when most alcoholics will readily admit is a very depressing time for them. In light of the fact that the Town Administrator has told the Board for the two previous years that they've used the facility, they have left it in an extremely clean condition. He thought it behooved them to continue to support the work that Alcoholics Anonymous is doing. He thought it was a very worthwhile endeavor on their part and wholeheartedly endorsed it. He knew that his fellow Board members would endorse it as well. Thank you.

In the past Selectman Nadeau has stopped by and checked on them while he was out at different times of the day and night during the holiday season. He didn't stop in to have any of their food as Selectman Coutu would probably be thinking. He went by there and because they are there over night, they were very quiet. They were very well behaved according to the neighbors. They weren't rowdy. Like he said in the past, they've left it cleaner than when they got there. He too would agree that they should allow them to do this.

Vote: Motion carried 5-0.

C. New Conference Desk System for the Community Development Conference Room

Chairman Massey recognized Selectman Maddox.

The last time this was on the agenda, Selectman Maddox took it off the agenda because he thought there was talk about the wires. He guessed they were only talking about the ones in the Board of Selectmen meeting room. What this would do is just make that room a little more attractive and functional. It would put modesty panels to this. If you've been over there, the desks are basically half inch steel legs on a formica table. Again as applicants come in to do business in the Town, he thought it would give a much better presentation. That money has been in an account for years. The Planning Board had accounts going back to the 70s that had monies in it. It was all put together into one fund. They need to use it for Planning Board type of uses. They put a computer downstairs, projector, etc. Selectman Maddox thought that would make an investment in that room and try to make it a little bit more attractive and functional. So it would take at least some of those wires off the floor and put them onto a racking system within the desks. The Planning Board approved it.

First of all Selectman Maddox, Chairman Massey asked what were they approving. Selectman Maddox said the Board was approving the expenditure of \$6,000 from the Planning Board's Expenditure Account. It will purchase and install a u-shaped desk system that will be modular so that they could take it apart and be able to move it around for cleaning and whatever, as well as a lectern and a table for the applicants.

Motion by Selectman Maddox, seconded by Selectman Coutu, that the Board of Selectman approve to expend from the Planning Board Expenditure Account for \$6,000 for a new conference desk system for the Community Development Room.

One last thing Mr. Chairman, Selectman Maddox knows he keeps saying by this fund. It is not taxpayer money. He knows there was a write up. Again, they're trying to be cognizant of expenditures but this was money that was tied to the Planning Board. Here's a chance to upgrade that. Maybe some day we'll be able to get chairs in here. Chairman Massey sincerely hoped so. This chair is bone weary.

Selectman Jasper was not going to vote for the motion. He's not going to go into his reasons for it. He has one concern that this was being bought with Planning Board funds. Is the Planning Board going to donate this to the Town or is the Planning Board going to feel that they have ownership of this furniture? Selectman Maddox didn't think the Planning Board had any thought of it being anything other than in the room that they utilize for providing a more attractive and a more useful desk system. He didn't think it was theirs. It is the Town's like everything else. Selectman Jasper said as long as that's in the record. He's seen some pretty strange things in this Town.

For the record if this motion were to pass, Chairman Massey said that the equipment is the Town's and it is being purchased by the Town and not by the Planning Board. It's being purchased with money that the Planning Board has given their approval for the Board of Selectmen to use.

As a follow up to that, the Planning Board bought the computer and the overhead projector that's in that room now and everybody uses it. They never even thought it was theirs. Its just there for the use of the Town.

Selectman Coutu wanted to make sure that he heard correctly. When he heard the discussion on the purchase of the horse-shoe type configuration that there is a provision within the construction that we're going to be able to hide all of the wires inside of that system so that they're not exposed like theirs are. Thank you.

Selectman Nadeau asked what other things would this money in this account be used for if they didn't buy a desk with it. Selectman Maddox said they did some training. They're probably going to need to buy another projector. The one that they have now is so fuzzy. He needs to get a hold of IT. He thought they may need to repair it or do that kind of stuff, do some training, chairs. Maybe we can take the chairs from the Planning Board. If they had to do a study for something, there is monies available that is in that fund for that.

Follow up question. Selectman Nadeau asked how much money was in that fund. Selectman Maddox said \$60,000.

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

D. Ambulance Billing Settlement Offer

Chairman Massey recognized Town Administrator Steve Malizia.

In front of you, we have a request from an attorney representing a patient that the Town of Hudson provided ambulance service to back in August of 2008. The request was to reduce the outstanding bill by 30 percent thereby still paying 70

percent. Again it's a 30 percent reduction of a bill as the full and final satisfaction for an ambulance billing from August of 2008.

Motion by Selectman Coutu, seconded by Selectman Jasper, to accept the settlement offer of \$479.50 as the full and final satisfaction for Town of Hudson ambulance billing #131192 dated August 20, 2008 in the amount of \$685.87, which represents a 30 percent reduction.

Selectman Coutu said that this has gone on for an awful long time. The only thing that disappointed him was the attorney representing his client was asking everyone to take a 30 percent reduction yet he only reduced his fees by 20 percent. You lead by example. However when you read the little bit of documentation that's presented to them by Shaheen and Gordon, it appeared that this has been something that's been confusing to the applicant for the attorney's client. This will put this to bed once and for all. When you look at the accumulation of interest on this, it was getting a little out of hand for something that's lasted this long. He'd like to see them collect the money and put this to be so that those people can sleep well at night.

One point Selectman Coutu. Chairman Massey read that to read that they reduced their recovery fee from the customary 30 to 33 1/3 percent to 20 percent, which in fact is a reduction. Typically when an attorney takes a case, they take it on contingency. Usually the contingency is a third. Selectman Nadeau said they only took a 10 percent decrease. Selectman Coutu said they took a third.

Vote: Motion carried 5-0.

E. Budget to Actuals

Chairman Massey recognized Town Administrator Steve Malizia.

Mr. Malizia said this was through September 30<sup>th</sup>, so they are 25 percent through the year. Obviously within the next couple of weeks as the Board carefully looks through the budgets, you'll see some of those numbers popping up as they look at what the departments request. Nothing major to report at this point in time. Again they're still only a quarter of the way through the year. They've committed for things like the trash contract for the year. So that tends to skew some of the numbers upward. We continue to track a couple of the significant revenue numbers, mainly motor vehicles and interest of which its still pretty anemic but it's a little bit better than it was last year. At this point in time, Mr. Malizia doesn't really have anything else major to say. We're still fairly early in the year. It doesn't look like any cause for alarm in any major area. You'll obviously be seeing a lot of those numbers in the next couple of weeks as you look through the budget.

If you look at the Planning Board fees, Selectman Maddox said they're already above what they projected. Mr. Malizia said there's a few glimmers of hope out there. Chairman Massey said they are seeing an uptick in the business and not just a small project. They're looking at some rather significant projects coming before the Board at the moment. In particular just to give them some idea if it passes the Planning Board, it's going to produce a \$50,000 impact fee for the town. It passed. There was a plan before the Planning Board last Wednesday night to expand an industrial building in the industrial park, which a) is good news and the offshoot of it additional jobs in the industrial park. He's talking about the industrial park down at Sagamore.

F. 2010 Tax Rate

Chairman Massey recognized Finance Director Katherine Carpentier. Good evening Kathy.

Good evening. She comes before the Board as she does this time every year to give them some facts and figures so that the Board can approve the tax rate. Before you she had requested to set a tax rate of approximately \$16.14. However today she was informed that the School received an additional \$95,000 for the kindergarten aide. So it's an additional \$.03. We had budgeted to use just a little over \$600,000 of the surplus - \$618,000, leaving us still with a very healthy surplus of 7.3 percent. With the additional surplus we just received, the tax rate would be \$16.11, which is a 5 percent increase. Approximately \$234.00 for the average single family home.

Selectman Maddox had a question of Selectman Jasper relative to the County dollars. How did they go down? Selectman Jasper said the County's goal has been to stay at about zero. That fluctuates community to community. We had federal stimulus money coming in to the County one year and we have a very health surplus as well. Our goal is to keep the tax rate as near zero as possible. He expected that next year we'll be able to do the same by probably doing more of our surplus to manage our tax rate. It's actually been relatively stable for a number of years now because of our surplus. We haven't been bringing a lot more in where for a few years we've tightened up the budget substantially so we're not bringing in millions and millions in surplus every year. We're still in pretty good shape.

Selectman Jasper would agree with the \$618,000 although he still would like to see that go down but he thought in these economic times where bottom line is we end up with approximately the same unreserved fund balance as we had the previous year. While the percentage goes down, hopefully better days area round the corner. He didn't want to see this number fall further than it has but given that it stayed within 19,000, 18,000 where it was, he thought this was the best thing to do and alleviate what they can for the taxpayer. This problem, as Selectman Jasper has said, started quite a few years



ago particularly when they used 1.4 million and before that 1.1 almost 1.2 million. That's an effort you have to do every year otherwise you affect the tax rate. It started when a Board of Selectmen wanted to cover up their spending by using surplus and making everything look wonderful. That doesn't work very long. He thought they were in very good shape and he'd support that if they'd like it in terms of a motion.

Before you do, Chairman Massey wanted to at least get on the record. He's uncomfortable with even a 5 percent increase. He would like to see them go below 5 percent. He shared their concerns a little bit on the surplus but as we've just learned this month, a substantial portion of our population is going to for the second year in a row receive no increase in their salary. We have a lot of people out there that are having financial difficulties. He thought that would be a good time to use more of the surplus. He personally would support going up to \$700,000 on the surplus. It is tough times and he thought they were in a position to help people. What of real interest right now is the Town budget is up approximately \$800,000. The School budget is up approximately \$2 million. We've seen a reduction in the County in terms of their overall expenses. He personally thought that they need to do something to keep this tax rate below a 5 percent increase. That's Chairman Massey's position on that.

Mr. Malizia said that with Chairman Massey's proposal, it would take \$.03 off, which is \$9.00 to the average person. Selectman Coutu said not only would it take \$.03 off what you're proposing but it brings it to \$16,008. Chairman Massey recognized that. To him, there's a little bit of perception in that as well. Selectman Maddox thought that the voters decided to approve raises and those costs are coming out in this budget. They obviously knew what they were voting for. We're trying to keep it as realistic as we can. He wouldn't have a problem doing that but its not going to have a significant impact. He guessed something was better than nothing. He thought \$700,000 would not break the bank but again the voters made a decision at the warrant. That is the outcome.

Selectman Jasper thought that they have to stop taking responsibility for the whole thing. The bottom line is the approved school tax effort goes up 65 percent. We go up 25 percent and he guessed they're now down to \$.62. That's still nearly three times what we are. This surplus is the money that we have to manage. We didn't put additional monies in the fund really this year. This draws it below. The \$100,000 doesn't do anything for anybody but in the long run, its then another \$100,000 next year that we either have to continue to take or cut some place else. These budgets were approved by the voters. He thought the best thing we can do is sharpen our pencils in this next budget. He thought they should just stick with the recommendation. Nobody looks at their tax bill as a percentage. They look at it as a dollar. Eight dollars is not going to make any difference. Collectively it will make a difference as we move forward. He shared their sentiments, but he didn't think it was a practical matter amongst anything.

Selectman Nadeau too would like to lower it but he didn't think it was the way to do it. What he would like to see though is this particular document put on our website so that people can look and see where their money is coming and going to and from and how we get to set the tax rate just so that they can see what the schools are doing, what the county is doing, and what the Department of Education is giving us or not giving us. He thought this would be one of those documents that would be good to have on our Town website. He'd like to see the IT Department get this up for them. Kathy Carpentier said she'd be happy to follow through with that. Which document would you prefer? This document or the one that is approved by DRA after she sets the appointment in the next week or two. It's very similar to looking like that but it's approved by the Department of Revenue. Selectman Nadeau said whichever was the easiest. Selectman Jasper said the most accurate. Ms. Carpentier said the Department of Revenue.

Selectman Coutu had a question for Ms. Carpentier. The Department of Revenue document - he and Ben are looking at it - the 2010 estimated tax rate calculations broken down by the Town of Hudson, School, State Education, and County. Will it delineate all of those categories so that people can see where the increases and/or decreases are in each of those categories? Ms. Carpentier said she'd have to put two years up. It's only a one-year snapshot. Selectman Coutu would like the people to see the comparison. Chairman Massey said there would be no reason why they couldn't take this page after you've gotten the final numbers from the State and put this up. It would give the two-year picture. Selectman Nadeau asked how long would that be. Mr. Malizia said it depends on how quickly the State responds and how quickly she gets an appointment. It will probably be a couple of weeks at least. Chairman Massey asked if it would make sense to put this up with the name "DRAFT" on it subject to approval by the State. Selectman Coutu said no. He'd go for the final draft.

Selectman Coutu applauded what the Chairman was trying to do. He thought it has a considerable merit. It's a gesture in the right direction if nothing else. However, they have said it countless number of times. He didn't know why he bit his tongue but he did. He was going to move to pull an item from consideration at the beginning on the Consent Items simply because it was an item that the voters said not to. When you read the item, he was going to support it but he wanted to point out that here the School Department was funding something that the voters said no to. They're funding part of it. Selectman Coutu wanted the people to know, and we've said this time and time again, we as a Board of Selectmen are responsible for the Town side of the budget. We're not responsible for what the school appropriates - in essence what the voters appropriate in the School Department and what they spend and what they do with their surpluses. He just wanted to make it very clear that they read this document and understand that though there is a slight increase on the Town's side, the school side has gone up 200 percent above us in terms of affecting this new tax rate which is going to increase, which pains him because he can no more afford to pay any increase in taxes in light of how bad business is out there. He applauded the Chairman's effort and again he reminds the taxpayers and the people who are listening that we only have control over our portion of the budget, which is the Town portion, and the school has responsibility for theirs. It brings to question how they found money in a budget that he never saw in last year's budget to open up the library and do whatever they're doing in

there. That's money that could have probably come back to the taxpayers. Be it as it may, this is what it is and unfortunately they have to live with it. He thanked Ms. Carpentier for her time and energy that she's put into this to try to come to a number that is obviously what we're going to need to do in order to continue to survive as a community so that the people are receiving the services and the protection that they've become accustomed to receiving. It is what it is and we have to accept that. Thank you Mr. Chairman.

Selectman Jasper thanked Selectman Coutu for jogging his mind at something. It bothered him on primary day and he thought this was an appropriate time to mention it. We just talked about what the voters approved and the increase in the school district with the contracts. The difference that day was the students who were bused in. We all saw all the ballots that were blank except for a few things, primarily teacher contracts. It can be sold as a valuable lesson in civics until you realize that nobody was bussed in on primary day, which leads you to the obvious conclusion that there was a political purpose for busing students in March. If it had been about civics, they would have been bused in September as well. He didn't think students should be bused in at all. The polls are open for over 5 hours after school is closed. He's talked to the supervisors of the checklist. They're willing to hold session at the school. They only have to be invited in and they can register the kids then. Those who want to vote can then find their own way to get there. We had a difference in the budget in March and can only assume on what they saw that it was because of the bus loads that were bused in at that time. That didn't happen. It will be interesting to see if it happens in November. He didn't think it should, but for the purposes of consistency if it's about that, it should have happened in March, September and November. Thank you Mr. Chairman.

Motion by Selectman Maddox to authorize \$618,100 of the Town's \$5,081,787 surplus in support of a tax rate of approximately \$16.11 per thousand as recommended by the Finance Director.

Selectman Coutu asked where does the money that the School Department is kicking in - doesn't that change that \$618,100? Ms. Carpentier said it changed from \$16.14 to \$16.11. It doesn't change our surplus. They are just getting more revenues. Chairman Massey said they have to still put the \$618,100 in. Ms. Carpentier said it was going to change the \$38 million in the middle of the page - the net school budget.

Motion by Selectman Jasper, seconded by Selectman Maddox to authorize \$618,100 of the Town's \$5,081,787 surplus in support of a tax rate of approximately \$16.11 per thousand as recommended by the Finance Director.

It pains Selectman Coutu to have to support this motion as it pains the Chairman. Unfortunately we have to set the tax rate.

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

Chairman Massey said we also have another issue for the Finance Director. That is a consensus to authorize the Finance Director to use less surplus or change the tax rate when she meets with the Department of Revenue Administration. Selectman Jasper would move that if there is additional money that it be used to lower the tax rate.

Motion by Selectman Jasper that if there is additional money that it be used to lower the tax rate.

Mr. Malizia said consensus is fine. All you need is a consensus. Ms. Carpentier said Selectman Jasper said to lower the tax rate if by any chance it was to increase. It's to change the tax rate. Selectman Jasper said yes to change the tax rate and to leave the surplus alone. Chairman Massey wanted to be clear. If they were to go up do you want the tax rate to go up as opposed to using surplus? As of this point, Ms. Carpentier has been on the phone with both the school and DRA. She didn't anticipate any changes. It would be a \$.01 rounding. If there was a significant change, she would contact the Town Administrator and we'd get another consent. But that hasn't happened. Mr. Malizia said we know the numbers basically going in. They wanted to make sure just in case \$50,000 falls out of the sky.

Selectman Jasper moved for a 5 to 10 minute recess. Without objection, Chairman Massey declared the Board in recess at 8:13 p.m. The Board is back in session at 8:20 p.m.

G. Fire Department Equipment

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

Good evening Mr. Chairman and members of the Board. Chief Murray would like to maybe suggest that to start this out and provide a framework. Selectman Maddox presented some questions for answering. Before you is a package with his questions and my answers. The response is in the red text. That would be a good starting point for them and then to continue from there if that was all right with the Board. Seeing no objections [Chairman Massey]. Since those were Selectman Maddox's questions, Selectman Maddox would you like to follow up on it.

Selectman Maddox said certainly. He didn't want to blind side the Chief and he knew some of the questions were going to require some time to pull some answers together. Unfortunately yesterday the Town was closed so he only received it this morning. Obviously he was scrambling to get some of the answers. He made up a list of questions that he e-mailed to the Board. Again, that was some of the questions that he had. His first question was, "Do you agree that the KME has been out of service for 18 percent of the time since we first took possession?"

Before Chief Murray continued that, in your package you have the list of questions. The second document is a spreadsheet with the repair history review that's been updated for the last time it was out. You'll also have an e-mail with Chief Murray's name on top. It's from Jack Terefinko from Kovatch. He's a chief engineer and they'll discuss that separately later. The third document has the word "CAPE" on the side. It's a letter. This document was provided when they signed the Purchase and Sales of the KME back in 2006. It talks about the Society of Automotive Engineer's Recommended Practices and how they test the cab and everything. He'll discuss that at the end also.

Again, Chief Murray said Selectman Maddox's first question was, "Do you agree that the KME has been out of service 18% of the time since we first took possession of it?" He does agree using an in service date of July 1, 2006 until today, October 12, 2010. KME fire engine has been in service a total of 1,564 days. This equates to 4 years, 3 months, and 11 days. Out of service days calculated to today's date is approximately 284 days or 0.1816% over the 4 years.

[Chief Murray] When evaluating the out of service time using this method, it's important to note that the 284 days must be taken into context as to the reason for out of service time. The listed 284 days included annual pump tests, accident repairs, and work completed by other vendors for routine maintenance and repairs. The number of days includes weekends and holidays where repairs to the engine did not occur because the business was closed. It also includes idle time waiting for parts to be shipped from the KME factory. In the case of the rear axle housing, it took a number of days to get the axle housing delivered to Bulldog Fire Apparatus in Massachusetts. It came by ground truck transportation. In some cases, additional work was requested by Hudson Fire Department while the engine was down there which added a few days to the out of service time.

[Chief Murray] What would be the average out of service time for frontline custom fire truck?

There is no documented or industry standard for average out of service time for a frontline custom truck. Each truck is its own unique piece of equipment. However, our experience tells us that usually 2 to 3 days depending on the repair issues is what we typically see. Even our local vendors have to order parts from engine manufacturers or pump manufacturers. When you consider issues such as body work, reflect on if you've ever had body work on your own personal car. That can most often take up to a week for body repair and paint as well as ordering any replacement parts for your car. In this case with the fire truck, this can typically double or triple.

[Chief Murray] What has been Hudson's experience with the truck previous to this one and the one subsequent to the KME?

The 2006 KME replaced a 1990 KME. At the time of purchase of the 2006 KME, the 1990 KME had reached a service age of 15 years. During its final years, the department had invested over \$20,000 in repairs before they replaced the 1990 KME. The 1990 KME fire engine provided good service to the town. The increase in both calls for fire and EMS over the 15 years of its service resulted in the apparatus experiencing a faster end of service life than what was expected of its 20 year service life when they first bought it.

The 2008 Pierce is the latest replacement for the 1992 KME that they had. It's been in service since approximately June of 2008. They have not had any issues similar to the KME. They have had some minor warranty issues as well. They did have to rebuild the fire pump and repair a damaged diesel exhaust regeneration system when the engine ran into a soft shoulder during flooding a few years ago. It is difficult to compare the latching systems between the KME and the Pierce engine as they are both two different manufacturers and design.

[Chief Murray] Is there written documentation between the Town of Hudson and KME in regards to the numerous issues facing this truck out of service.

There is documentation to KME as well as a number of e-mails that have gone between himself, Deputy Chief Carter, and Bulldog Fire Apparatus. In January of 2010 he wrote a letter to John Kovatch, President and owner of KME Fire Apparatus, informing him that they've been experiencing a number of issues with their 2006 KME. He acknowledged the ongoing excellent service they were receiving from Bulldog Fire Apparatus in addressing those issues and as a matter of record, asked him to continue to stand by his product should these issues continue in the future.

[Chief Murray] Is it a correct statement that although there are 51,000 miles on the vehicle some of that can be attributed to the running of the pump?

That is correct. When the pump is engage, it also turns the odometer. It does not change the mileage as fast as when you're traveling but does add mileage to the apparatus. He believed the mileage is at its current number due to having the engine travel to Central Fire Station for ambulance coverage a number of years ago. We have since changed this and significantly reduced the mileage on the engine.

[Chief Murray] In the ensuing years since our truck was built has KME made changes to the latching on their newest vehicles?

He is not aware of a different latching design on their newer vehicles. On the other hand if you're referring to the mid cab rubber mounts and retainer brackets, Jeff Terefinko, Chief Engineer from KME Fire Apparatus, informed him via e-mail that KME has used the mid cab isolator retainer brackets design since 1985. The purpose of the "mid cab" isolators according to

Jeff is to provide a resting support while the cab is in the down position. He further states that racking of the frame as experienced in hard left or hard right turns will result in the mid cab isolator separating from the receiver while the pivot point and the latch point remain fully engaged. The noise heard is the mid cab isolator coming back into contact with the receiver once the turn has been completed. This scenario is not a safety issue or concern and in no way impacts the integrity of the cab retention system or structural integrity of the cab or chassis.

Mr. Terefinko also stated the following: "KME has utilized this type of support system with great success since we started building chassis in 1985. I will add that if changing to the type of system as you noticed in the KME chassis at Kingston or Windham will help bring closure to this matter and further show KME's continued support, we would be glad to accommodate that change at no cost to your department. I will add that this offer in no way indicates that the current system is inadequate or flawed in any way but rather that our offer is an attempt to allow of us to bring closure to this situation."

Chief Murray is currently evaluating this offer and interested in having the design change done, but first he wants to visit Windham and Kingston to see how this design differs from ours. The last thing he wants to do is change to a different design and find out they have only complicated the current situation.

In addition, Mr. Terefinko has offered the following on the cab latch warning light activation. "There are only two ways for the cab "not latched" light to intermittently come on and off while driving. The first is in the adjustment of the indicator light switch. If the switch is set to close, any movement of the latch and the holder could possibly trigger the light to intermittently turn on and off. The other scenario for light activation is if the cab lowering switch is left in the middle position while driving. With the cab lowering switch in this position during driving, pressure could build up and cause a switch to activate and the light to intermittently turn on and off. The system is designed to have the switch in the down position while driving. With the switch in this position, excess pressure is relieved back into the cab until pump reservoir."

He further states, "KME can make further arrangements to verify the adjustments of the switches as well as reinstruct the firefighters that the switch should left in the down position while driving. As one other option, KME can modify the existing circuit to always relieve pressure whether the switch is in the down or middle position whenever the cab is in the down position. This work would also be performed at no cost to the department. "Chief Murray will be pursuing that option.

Have you verified with KME regarding the weight of the medical box that was custom built for Hudson on this truck and if its structural engineer has reviewed whether this could also be a part of the load shift experience in the cab area.

In an e-mail to Mr. Terefinko on Thursday, October 7<sup>th</sup>, Chief Murray asked him the following question. "There was one other opinion I would like to ask of you. You may or may not recall but Hudson Fire Department was one of the first, if not the first, fire department to have a medical cabinet built into our cab. In your opinion as an engineer do you think that the additional weight in the cab from the weight of this diamond plate medical cabinet in any way could be contributing to these issues?"

Mr. Terefinko's reply, "Chief, KME has included medical cabinets in many cabs over the years. This additional weight will not contribute to the issues being discussed. ."

[Chief Murray] What is the weight of the cab for this vehicle?

Chief Murray did not know the weight of the cab. However, the engine itself with water and all equipment on it currently weighs 42,640 pounds. That falls under the engine's rated GVW of 48,480 lbs. So the engine is not overweight. This is approximately 21.32 tons of weight if you were to compare it to an average 4,000 pound passenger car at 2 tons.

As I look at this truck I'm struck by the fact that all the weight of the cab is basically attached on those 2 center rails. With the added weight of the medical box as well as the size of this cab, is the latching system as it's designed adequate for this truck?

Chief Murray cannot speak as to the design of the latching system and its adequacy except to say that he has seen similar design specifications from other manufacturers. As stated earlier, Mr. Terefinko has stated the weight of the medical cabinet is not a factor with the cab issues.

Again as I look at this truck, I was struck by the nylon guides that are being held by 3/8 inch bolts. Again has an engineer signed off on this being capable of handling the weight of this truck?

The entire design of this engine is done by engineers. The engine is built following National Fire Protection Association standards. In this case, NFPA 1901 Standard for Automotive Fire Apparatus. Further, there is other third party independent evaluation conducted to certify the cab meets the recommended practices. A certification letter received for the Predator fire engine certifies that the engine meets the following: cab roof strength, COE frontal strength evaluation, and ECE R29, which is Protection of the Occupants of the Cab of a Commercial Vehicle.

It's all part of the Society of Automotive Engineers Recommended Practices. These requirements in testing are comprised of evaluating the engine cab's ability to maintaining survivable space of the occupant compartment in all seating positions, and also maintaining the cab to chassis attachments in at least one location, and maintaining the cab doors closed during testing.

The Predator cab met all of those requirements. That is the letter that Chief Murray provided the Board with their package at the end. It talks about the different standards that they test it to.

[Chief Murray] What is the general order in regards to documenting issues with any piece of apparatus?

There are a number of avenues for documenting issues with or apparatus. There is a daily check sheet and a vehicle maintenance report. We call it, "the Hudson Fire Department Request for Service", which Chief Murray has with him. It's a 3-part carbon copy form. The originator keeps a copy and the other 2 copies are forwarded to the Mechanical Division. We also use it for any equipment, radio maintenance offer, office supplies, etc. The Mechanical Division acknowledges the issue of problem and sends back a copy of one of the 3-part forms. They then follow up on the issue.

With the KME engine issue, Chief Murray asked the officer assigned to Burns Hill Fire Station to send him an e-mail each time they heard a noise or issue with Engine 4. Typically a mechanical issue is also entered into the shift log book.

Chairman Massey asked if there were any questions on the set of questions from Selectman Maddox.

Selectman Coutu asked if the Chief could tell him in light of his response to the very first question and also the second question. Have we ever owned any other vehicle that has had as much idle time as this one? The only thing that comes to Chief Murray's mind on idle timing - the longest this was out of service was 44 days. We had the ladder out for approximately 30 to 40 days when we had to replace the engine back in 2004. Selectman Coutu said that was for one. Chairman Massey thought there was also a case where the ladder went off the road. The stabilizers had to be replaced within the last 2 years. Chief Murray said that was another time too. Chairman Massey asked how long it was out of service then. Chief Murray said potentially another 30 days or so.

Selectman Coutu asked if that was a result of an accident or as a result of potentially faulty equipment that came with the vehicle. Which is it? Chief Murray said the stabilizer was a result of a stabilizer failure. When they had the ladder up in the air on an incline and the truck shifted, it caused the stabilizer to fail. On the engine it was the same thing. It was just turning 10 years old and was determined that the engine wasn't going to last long, so they replaced the engine on it.

Selectman Coutu asked if they had a cost estimate of how much they've spent both in material and labor on this truck for repairs since we've acquired it. Selectman Maddox indicated it was the last page of the spreadsheet. Selectman Coutu said it didn't give him the value of the labor. That's worth some money. According to this, the total cost is \$34,018 but what's the labor worth? Chief Murray said it should include...what Selectman Coutu was interested in was not the labor for general servicing but labor involved in trying to address the problems that have existed with this vehicle. Chief Murray asked if he wanted him to give them some examples. He has them all listed here and broken down. Most of it starting in 2007, they track every cost (started back in 2004-2005). Every invoice on any truck is broken down by labor, parts, and a total. He does have that if the Board would like to review it or if they're looking for a specific item, Chief Murray could give that to them.

For the purpose of edification, Selectman Coutu asked what is Bulldog's interest in all of this. Chief Murray said you would consider them like a local Ford or Chevy dealer. Bulldog is an apparatus dealer. They sell apparatus. They service it, and they're an authorized service facility for KME on any warranty work that would have to do with the purchase of a new engine.

In response on page 2 to the fourth question the one in which you mention Deputy Chief Carter, Selectman Coutu said that Chief Murray states at the very end - he believe these were the Chief's answers - "I acknowledge the ongoing excellent service we were receiving from Bulldog Fire Apparatus in addressing these issues and as a matter of record, asked him to continue to stand by his product should issues continue in the future." What do you expect him to do other than declare it a lemon, take it back, and give us our money back? What would you expect from them? Chief Murray said the warranty on the truck has been out of warranty for 2 years now. A lot of the issues that are coming up, KME does not have to honor. They have continued during this whole time period to try and work with us and rectify the issues that have come up. They could have walked away 2 years ago. Chief Murray knows manufacturers that would do that. They've continued to stand by and work with them towards a resolution. Has it been frustrating? Absolutely. For them to stand up and continue to work with us, that's what Chief Murray expected them to do.

With regard to the ongoing problem with the latching system, Selectman Coutu asked if that was not made aware to the Chief and his staff in 2007 that there was an ongoing problem with the latching mechanism. Here it is 2010 and we still have the problem. Chief Murray said yes but two separate things happened. Back in 2007 there was a latch issue. It was a singular issue. Last year in November of 2009, the cross member which supports the latches broke. Between that time, it hadn't been an issue. Since November of 2009 to today is when we've been dealing with this latch issue again. Worst case scenario Chief, Selectman Coutu assumed for the sake of argument that there is a malfunction in the latching system. The vehicle is responding to an emergency situation via fire or traffic accident. That vehicle hits another vehicle. The latching system fails. What happens to the men inside that truck? Wouldn't they not get catapulted? Chief Murray said no. Selectman Coutu responded, "They would not." Chief Murray said, "They would not." When that latching system hooks onto the cab, there is a fail safe pin that comes through and locks that in. It's a secondary fail safe system that keeps that cab locked down. If you refer to the e-mail from Mr. Terefinko - Chief Murray had another e-mail in discussion.

As you know, myself, Chairman Massey, Selectman Jasper, and the Town Administrator went down to KME and they asked them that question at that time also. They told them that in addition to the e-mail that Chief Murray received, that's a fail safe system. That pin comes through and secures that latch so it won't come loose. Selectman Coutu asked if they were saying it's impossible to come loose. Chief Murray said no. It's no different than a car involved in a car accident. That has a similar theory of your car door when it latches, when you shut your car door, there is a little pin called a "Nader bolt". That Nader bolt connects into the latching system. That's a piece of solid steel that's supposed to keep that door closed. As we know from auto accidents, rollovers, or any type of forces, doors do fly open. Their fail safe and the weight of the cab alone wouldn't cause that to flip up.

In response to Selectman Coutu's last question, Selectman Jasper said from viewing the pin himself and seeing what it takes to lift the cab, you're not talking a little cab that if it were unlocked would just come flying forward. This is a substantial amount of weight. He thought it would take something pretty catastrophic to cause that cab - he didn't see how that cab with the hydraulics involved and everything else could ever come forward like that. He thought you'd have a lot more serious issues in the accident to cause something like that. He didn't believe it could easily happen. He thought what they were talking about here has been a light that's been coming on and off and they found that issue. There's also the possibility that the switch wasn't in the right place at times. That's not anything for sure. Certainly that's been identified.

In looking this over, Selectman Jasper had to say that this has been a problematic truck. Certainly in his experience with the Fire Department there's never been a truck that's had so many problems. Has it been safety issues? Certainly there have been issues with the brakes. Brakes are certainly a safety issue. You don't think they failed. He thought they were identified before that was a problem. Selectman Jasper sat there and looked at it and he did some math taking out things that were related to accidents and normal things. The dollar amount that they put in really should be looking at \$23,000 or \$24,000. Certainly it's not the truck's fault that it was in an accident and some of the other things that were requested to be done to the truck that show up there. There are a number of things that do concern him. We put \$1,259 into new front tires when the truck was only a year old. Certainly that's not a normal thing. The rear brakes failed when the truck was about 2 years old. That didn't seem normal. At this point, what do we do? We sit around here and just beat this horse. We have the truck. It's essentially over 4 years old. How long are we going to go around in circles with this? Selectman Jasper looks at some things here and wondered why they had to pay for them. Those issues are years ago.

This clunking issue, which Selectman Jasper thought has now finally been identified frustrates him very much because when he took a ride with Mr. Malizia, the Chief, and Chairman Massey, he was sitting the back. He felt a vibration which now turns out to be the same thing that they were talking about. He never said a word because everybody was talking about a clunking, banging noise not saying there's a vibration in the floor. It was a left-hand turn at least on the one occasion he specifically remembered. This is the problem. If people aren't being specific about where it's coming from, when it's doing it, these can be difficult things to chase down. He didn't think anything of it. It's a big truck. Trucks make noises. He thought all they can do is try to move forward at this time. If they continue to go back here, what is the end game here is what it is. What can they do? Certainly nobody is going to take the truck back. Its four years old. If you look again, it was out of service 8 times, a total of 217 days. That's the bulk of the time. There were 8 specific times and a number of those were because of accidents. Essentially there were 33 other times in the 4 years. About 8 times a year that it's been out of service. He didn't find that to be acceptable. He thought that was a lot of times for a truck to be out of service. Selectman Jasper thought when you break it down and look at the 18 percent, that's specifically the vast majority of it is 8 times with 8 major things, and several of those are accidents. Beyond trading in the truck at this time, what can we do? He believed the identified the last problem that we have. Now we're trying to find a solution to that.

Again, Selectman Maddox said the spreadsheet Chief Murray provided them only goes up to 8/23/2010. So it has been out of service additional since then. As he understood it, it's not running as Engine 4 tonight. Chief Murray said yes. That was his decision. Selectman Maddox said there are additional days now that would come on to the spreadsheet for times out of service. Chief Murray said it was out of service for 2 days last week. There were some intermittent electrical problems with the backup light and the backup alarm. It went up to DDA. They took it up there. They found some loose wires and stuff, which is expected out of a fire truck after 4 years. Some of those connections are going loosen up, and they repaired that. The day it was up there, it also received a State inspection. It passed the State inspection. At the time of the State inspection, they identified it needed a new exhaust - 4 years old and it needed a new exhaust. It went up today to get the exhaust. They opened the exhaust box and its dented so they can't use the part. They have to send it back. It's been out a couple of other times since then. We're talking a day or two.

Chief Murray said a fire engine, especially Engine 4 - and this isn't in defense of it. He told the Board he's as frustrated as everyone else. It is a lot issues. There is something going on with that cab as far as how it's setting down on the troths and everything. There is something going on with the latch. The cab is flexing like it should. The chief engineer and anyone that builds a fire truck will tell you that cab needs to flex. It cannot be tightened so much because of the conditions it's operating in. Engine 4 like Engine 2 down here are heavy duty service engines. They are the 2 primary engines that are running close to 3,000 calls a year. So they're run hard and they're run in various conditions but they run from a dead idle position to a high idle, high speed, high braking. They talked about the brake issues 2 years into it. The 2008 Pierce we just had to fix one of the calipers too. That is not a surprise to a Fire Chief. When you have a 21 ton vehicle coming down the road 40 to 50 miles an hour and you're trying to slow that thing down, you're going to go through brakes. You're going to have brake issues. The exhaust on Engine 4 doesn't surprise him. The vehicles run hot. They are diesel engines. When we run them at fires, they're running them way above 1,500 to 2,000 rpms so they can pump water with them. We're going to have those types of issues.

Chief Murray said the latch issue has been very problematic. Chief Murray does give a lot of credit to Firefighter Mike Mallon and Firefighter Dean Sullen. They have a collateral duty. They're often referred to as mechanics or they refer to them as the Mechanical Division. They're really not. They're not certified mechanics but the 2 firefighters who have volunteered to work on our preventative maintenance program, which they can show the Board a pretty good cost savings on that over the past few years since they started doing that. Just doing the minor things. He shares in their frustration. He shares in the frustration in the rest of the Fire Department. The problem is when the frustration goes beyond the department and its not trying to hide anything, it's just a matter of trying to work through one issue, get by that, get to the next issue towards a resolution to the problem. Is it a lemon? No. It's not a lemon. Is it problematic? Absolutely. He thought while they still have the chief engineer of KME working with them, while they still have the President of Bulldog Fire Apparatus down in Massachusetts telling them that they're willing to support them and keep trying to come to a solution, then that's the direction they need to go. As Fire Chief, he is the one responsible for that fire engine. Through this Board here who appointed him as Fire Chief but he also has a statutory requirement and authority under RSA 154, which says he's responsible for the fire apparatus. He can assure the Board that if there was any question in his mind whether there was a safety issue on that fire truck, he'd be here in a different manner asking the Board to pursue other avenues.

Selectman Maddox and the Chief have had this conversation several times about documenting so that if they needed to go because this has been ongoing. Selectman Jasper asked where this was going, his concern was it's going to be replace this truck in 3 or 4 more years, we're not going to get 15 we're going to get 8 at the rate this thing is down. No one has disputed that 18 percent is probably unacceptable. No he does look at this and some of it is for accident repairs; some of its for routine maintenance but it just seems that if a truck is out of service this much at its beginning and is still not resolved, something needs to be done. Selectman Maddox wasn't sure what that was. He thought that if KME is still willing to work with them they said they'd put those wings on if they took a look at that to help stabilize. They would rework the switch to be able to do that. If they come out and say that that truck is the same structural as what they built and it's up to standards, he guessed that's the best they could hope for. He was concerned about long term. By long term he means 5 years from now. At the rate its going, it has cost us \$20,000 in its first 4 years. He just didn't how much the Town could afford this fire truck.

In 2006, Chief Murray said they build 170 of the same apparatus. The problem we are having is unique to Hudson. There are not any other fire engines that they know of that are having this level of problems. The other thing he wanted to clarify is the only real issues they're working on right now on is the latching system and the mid mounts. Back when it had that brake issue a couple of years ago, they identified the outer axle housing. Not the axle now the outer axle housing which had a crack in it. Miratour who made that rear axle covered it under warranty even though we were out of it. That was a one time issue. That was one of the longest times that it was out of service. At the same time is when they had the brake issue with it. As far as Chief Murray is concerned the one issue remaining is with this latch and with that mid mount, and he thought tied into it, is the cab out of balance? Is something contributing to that which complicates the other one? All the other issues are either cursory or part of it is wear and tear in his opinion.

Selectman Jasper commented on one other thing that was unusual to this truck is the amount of mileage that was put on this truck. The policy was started by the previous Chief. When Burns Hill station opened, he said at the time they should be moving one ambulance from her down to Burns Hill station but we didn't. We left all the ambulances here. Consequently when there was no manpower here, Burns Hill got in this truck and drove down to Central and then back again. It was a tremendous amount of mileage. The Chief finally recognized that there was a better way to do it and he implemented that policy. The result was a tremendous amount of mileage going on that truck for what he considered to be no good reason at all. He thought that's part of it. It's relatively short distance - stop, start, it's not good for any vehicle. That's what fire trucks do to a large degree. On the other hand, this one was doing it more than anything else because in addition to all its calls, it was driving back and forth like a taxi cab. Selectman Jasper does think when he looks at what it's been going out of service for of late other than the 2 issues, we seem to have it resolved. You may absolutely be right but what can we do about it. All we can do is be aware of it, try to recognize that, and maybe the truck ought to go in as the fourth truck out. Right now it's at Central. Maybe that's where it belongs at some point whether it's permanent or temporary. If it runs at Engine 3, it's going to get a lot less use than it does as Engine 4. If that's a problem, that's a potential solution to see how the truck behaves when it's not getting the same level of use. Are we having the issues or are we not having the issues. There's ways to evaluate under different usages how the truck holds up is all he's saying. He didn't know why Selectman Maddox was looking at him so puzzled.

Selectman Maddox was having a tough time. Why didn't they just buy a commercial truck? It sounds like its almost becoming don't drive this because if we drive it it's getting too much use. We spent good money to buy a custom frontline truck. Selectman Jasper said they continue to do what they're doing and you may be right. The fact of the matter is it's out of warranty. There's nothing they can do about it at this point. Selectman Maddox said if it's documented that we've had these problems all along, he would think they could send Hodes, Buckley and the boys at some point. Selectman Jasper said they're not having any new problems. They're working with us. They've offered to change the mounts. They're down to 2 issues. He wasn't aware that the cab lock was still an issue. He thought that was rectified where they had re-engineered that whole locking mechanism. He thought the only thing at this point was an occasional flashing light and he hadn't heard anything about that lately. Chief Murray said it is but it's where the mounts are sitting down into the latch that they want them to look at. It really becomes all part of one system the latch itself then what the main cab balances down on. So they may get the mid mounts right and stuff but they have to make sure the rest of the cab is lined up.

What Selectman Jasper is saying is there aren't reoccurring even looking here - all right the brakes have been replaced twice and 51,000 miles on a fire engine. That's probably not unreasonable. When he said that initially he was thinking of his history with fire trucks. They weren't getting any where near that kind of use - 51,000 miles for a lot of trucks they were out of service. They'd been here 15 or 20 years by the time they got to that level. This is an incredible amount of miles in 4 years.

Chairman Massey said they could sit here all night. Let's go back to page 3. The second paragraph from the bottom in which Mr. Terefinko indicated two different ways that the not latched light could intermittently come on. The first one is if there's any movement in the latch in the holder could possible trigger. Is that what they're trying to determine right now that even if the latch is perfectly set and that other pin goes in, that there may be an electrical failure failing to pick up the fact that that pin has been engaged? Is that what they're currently working on?

Chief Murray said if the latch comes up and goes over the pin, which is mounted to the top of the cab, he thought what he's saying there is if that slides in any way, that can trigger the cab latch signal. That's one of the issues. The other issue could be we could be chasing an electrical issue. Chairman Massey asked if that was the area that they're working with you to determine if that's in fact an electrical short somewhere causing that to happen. Chief Murray said yes. He's saying he can look at that circuit and adjust it. Chairman Massey said the other half of the problem is a training problem. The training problem is that if the operator of the vehicle does not put the switch in the down position but leaves it in the middle position, and then this says you are going to get that intermittent. Chief Murray said you can yes. Chairman Massey said there's some training issues involved here. Again, there were 2 things that he observed about that truck when he was down there. The first one is that when the cab was up - first of all it is on hydraulic arms. That truck is not going to go up with those hydraulic arms engaged on the cab. However when the truck is in the up position on one of the hydraulic arms, there is some type of a collar. If that collar isn't set before they drop the cab, it's going to cause knocking once it's down. That's again a training problem. It's not a design defect. It's just something that has to happen when they're putting it down. It sounded to him like there's 2 separate issues. One is a training issue which is easily rectified. Everybody that's driving that truck is responsible for ensuring the switch is in the right position when it's being driven. The second one is, to get to the issue, is there a short in the electrical circuit which needs to be fixed?

The second thing that Chairman Massey was looking at was the list Chief Murray put together. The one in particular that struck him was in July of 2006 it was out 49 days (page 2). It says it was for body work but there's no indication of why they had to do the body work, especially if they had to paint the vehicle. Do you know why it was out for that work? He wasn't interested in the other stuff because that would have been taken - the cab latch, etc. Chief Murray said some of the body work was warranty paint issues. They reworked a part of the front cab. The windshield got broken by a rock, so that had to be replaced. They reprogrammed the generator, compartment switches, and they did some body work and welding. If you remember, they had some cosmetic cracks or weld cracks that they did warranty work and repair on.

The other thing Chairman Massey would let the Board know is that the chief mechanic from Bulldog took the 4 of them - the Chief, Town Administrator, Selectman Jasper and himself on a ride. It was approximately half an hour in length. The first part of the ride was up a steep, in excess of 10 percent grade. Over a period of about 2 to 3 miles max but it was a very curvy almost a one-lane road, very poorly maintained. There were a lot of frost heaves and depressions in the road bed. They then went on a very short section of highway. Then they went to a cul-de-sac and at speeds of approximately 15 to 20 mph, the truck was put through that cul-de-sac from left to right, counter clock wise for 720 degrees. So it went around the circle twice. They came back out at speed making a hard right turn, went back into the cul-de-sac and now going clockwise, did the same thing. Two complete revolutions and came out at speeds making a hard left turn coming out in order to straighten up. He heard what he expected to have heard, which was normal noises in a truck of that type. He never saw anything that would have given him any pause to think that there was a serious safety issue with it. Admittedly, it was only one turn. One day's effort. The torque that was put on the cab and those 2 violent maneuvering - and he considered them violent because he was hanging on to the handle. The centrifugal force was hard enough to cause him to hang on to the handle. It certainly was put through a lot of centrifugal forces that if there were really any serious problems with that, he would have expected it to be exposed.

That still brings us to the question that Selectman Maddox was raising. Chairman Massey asked if they were looking at a problem child and they're just going to have to understand that over the next few years they're going to have to pay attention to it and make sure that they take care of it. Or was there truly a structural defect in it? Given the fact that KME has fixed every problem that we have brought to their attention, it's hard for him to see how we could ever go to dewey, cheatham, and howe and ask to have this engine returned.

Selectman Maddox told the Chairman that he was probably right. He thought that they as the Board of Selectmen, the people that control the monies, need to look at what they spent. He didn't disagree that the cab's not going to fly open and off. He can't imagine that we're the only one out of 170 that the latches broke in 2 separate incidences. Something has to be different with this truck than the other 169. Have they had a failure? He heard that one of them was actually broken off the wells at the top and that center portion that was originally welded onto the frame had broken loose. How did that happen on just our truck and none of the other 170? That's his concern. Where this is going to take them in years to come if this truck is still our fire truck. Again documenting through KME that this has been an issue ongoing that we have some resolution if they have to go to dewey, cheatham and howe. We have some backup. We have all of this documentation which he's asked for and the Chief has provided. We have this information to say how we have got the only one out of 171 vehicles that the latches have broken twice in 2 separate places. Again, if they're willing to put those side mounts and that stabilizes the truck, they look at those latches, he thought the concern as you look at the latching system, and they saw a



bunch of metal shavings. How much stress is that locking mechanism taking with that truck cab weight? Those are issues for people outside of us. He thought they needed to send this to somebody independent and say as a structural engineer, through NFPA fire protection design engineer, is this truck a problem or not so we can put this thing to bed and not only have to watch the expenses.

Selectman Coutu said in a letter dated January 19, 2010, Chief Murray corresponded with Mr. Kovatch, President and CEO of KME and he says, "In June of 2008, a crack in a meritor rear axle housing was discovered. The axle housing was replaced by Bulldog Fire Apparatus through warranty authorization. Because of the complexity of this issue, the apparatus was out of service for over 52 days. In November of 2009, we discovered a cross member that holds the tilt cab locking mechanism had broken loose on both ends leaving the cross member free floating. This resulting in the apparatus being out of service for over 36 days." In a letter dated May 28, 2010, Chief Murray wrote to a person that he just eluded to Mike Mullen the Firefighter and he said, "That I am in receipt of your undated complaint letter from you relative to the 2006 KME fire engine identified as truck 34. In you letter you question the safety and reliability of the apparatus. In June of 2008, a rear brake caliber failure occurred. During the inspection of this problem, it was discovered that the rear axle housing had a crack in it. The engine was out of service for 60 plus days." In the next bullet, "In December of 2008, the apparatus was out of service for approximately 30 days to evaluate and repair a hopping issue." In the next bullet, "In November of 2009, the apparatus went out of service due to a cross member failure that holds the latch mechanism for the cab. This was out of service for approximately 30 days." Two bullets further he states, "Most recently there were cracks identified in some of the wells which make up the grid structure of the cab flooring."

The point Selectman Coutu was going to make was two-fold. Number one, Selectman Maddox just made a request. This was the reply that the Chief gave on May 28<sup>th</sup> to Mike Mallon the Firefighter. "I want to thank you for bring your concerns forward. I am not convinced or inclined to have a third party evaluate the engine for structural integrity and safety based on no specific clear or convincing evidence that any specific safety issue or structural integrity issue currently exists and has not been addressed through repair or evaluation. The Fire Administration will continue to address any issue related to the safe operations of our fire equipment when presented with definitive information or evidence that a problem exists." Now in response to a comment that Selectman Jasper about where we're going to go with this. Selectman Coutu said he really didn't know. However, he can tell them this. As a person who has supervised many people in his working career, as a person who has worked for a public service agency, as a concerned taxpayer and as a Town Father, Selectman Coutu is concerned when he is told that despite all the problems that it seemed to him from his perspective in the past month had been poo pooped by the administration as a result of complaints made about what was going on with the truck that yesterday it was discovered that the metal latch device is flaking, which means that there's an erosion of metal caused by something. That's a latching device. You make a latch. It's to hold something. If the latch is going to start flaking, it's eventually going to brake again and then god knows what's going to happen. The engine again is out of service. What concerns him is when people who work on the truck, when people who ride on the truck are afraid to get on the truck, we have a serious problem. That's what we need to address. We either need to take it out of service permanently, or we need to get it fixed once and for all. If it goes out like it has been and it comes back and two weeks we have another problem, this has been ongoing since we bought it in 2006. When is it going to end when somebody gets hurt? That's what he's concerned about. There's a serious liability problem here, and he has a serious concern for the safety of the men who have to ride in that truck who would rather not ride in that truck under the condition that it's in. To do anything less than take that out of service permanent is a disservice to our community.

Chairman Massey asked if that's what Selectman Coutu was proposing to take it out of service. Selectman Coutu said until this thing is resolved once and for all and there's an absolute guarantee that all of the problems have been resolved. We put in too much money. We've taken it out of service for so long we might as well just keep it out of service. Unless the Chief can convince him that that truck is absolutely safe for the men to ride in and two, that there's no other way they can protect their citizens without this truck, he didn't see what the alternative was. Chairman Massey said the conundrum is how does the Chief demonstrate to you that the vehicle is safe. Selectman Coutu said apparently it isn't. It's out of service now. He wouldn't have taken it out of...Chairman Massey asked how does he demonstrate. If you want to take this out of service until its proven that it's safe, what's the demonstration to you that the vehicle is now safe? Selectman Coutu said he wanted a letter from KME absolutely guaranteeing 100 percent that the truck is safe and that they've tested it and resolved all of the problems. All the banging noises, fixing this latching device once and for all, prevented from flaking. If we send it out and they send it back to us and somebody gets in the truck and it starts banging and clanging all over again, we're going to be back at the table a month from now talking about the exact same thing and worried about the safety. If it were him, he would refuse to get in the truck. That's him just on what he's read. This was not something that he and Selectman Maddox have taken lightly. He has tons of paperwork and research that they've done. At least a dozen to 15 personal interviews. Maybe an additional 3 or 4 lengthy e-mails, and another 2 dozen phone calls related to this matter. This has been a full time job for him for the past 2 weeks. We've talked about it. He didn't relish doing this but he was concerned about the safety of the men in the Fire Department, and he thought that they needed to address it.

The question Selectman Coutu was going to ask was what do we do if the men say, "We're not getting on that truck?" We're going to fire them all? Chairman Massey said they'd have to cross that bridge when they get there. As far as Selectman Jasper knew, he was the only person who was ever a member of the Hudson Fire Department who did refuse to get on a truck. When that happened, the Deputy Chief was very unhappy with him, called in a State Inspector; the State Inspector looked at the truck and took it off the road. This truck just passed inspection. This flaking is a new issue. He thought he heard some metal shavings and now he's hearing flaking. Is it flaking or what is it Chief? Chief Murray said there are metal shavings which have shown up for a couple of times. He just alluded to it a couple minutes ago that one of the things they

need to look at is to see within that latching mechanism what's happening with the pin that it's hitting. Selectman Jasper said it was shavings. When he thinks of flaking, it's like pie crust. It comes of in layers. This is more like a metal shaving from where. Is that a concern? Yes and the Chief has said that. You said that's the issue left. Selectman Coutu, Selectman Jasper thought he's gone a little over the top here and he's going to call it "grand standing" in this case to say that it's a safety issue right now. He thought what they have...Selectman Coutu objected. He is not grand standing. He's concerned about the safety of our men. If he can't accept that, then that's too bad. Selectman Jasper didn't think that solved anything. It puts us in a situation where you have information. You say reams of it apparently that they rest of them don't have. He didn't find that to be a very...Selectman Coutu said they were public documents. Selectman Jasper said that Selectman Coutu was the one who has them.

Chairman Massey said they were straying. There's potentially a proposal that Selectman Coutu has put on the table and somewhat endorsed he believed by Selectman Maddox. He guessed the question to put to the Board was do they ask the Chief to take Engine 4 out of service until KME certifies that this truck is 100 percent safe to put back on the road. Selectman Jasper thought he had the floor. Chairman Massey said he did, but we're trying to get to a conclusion. Selectman Jasper agreed. However, he thought there were some things that have to be addressed. First of all, to say that the Chief and the Administration has poo poed this, this document just flies in the face of that. How many times has it been out of service because of the clunking and the clanging? The cab lights - 8/23 17 days; 7/14 22 days. Every time that a concern has been brought to the Chief, the Chief has responded to it appropriately. The problem has been there's been a non-specific. The 4 of them rode around in it. He felt it, but didn't know that that was what was being referred to because it was being referred to as a clunking noise and there was no audible noise. It was a vibration that he felt with his foot. He didn't say anything because that was not what was being reported. It's now been identified. There's been an offer that the Chief is evaluating. It's simply a shifting within the troth. Now there's a new issue of the shavings. As long as that is evaluated on a regular basis, you can shave a lot of metal off of something before you get to the point where it's an issue. He hoped they solve that long before they get to that. To say that at this particular time either of those things is going to put the men in danger.

First of all Selectman Jasper thought if you were riding around with that cab without it even latched down with the weight of that, its not going to go any place. It's like a bed on a dump truck. They're not latched down. They don't go any place. The Chief is addressing those. He didn't disagree with the fact that this had to be solved. That's why they're there. That's why the 4 of them took the trip that they did. That's why the truck has been going back and forth. Its irresponsible to say that the Chief has not taken them seriously and poo poed it. He has worked diligently. Selectman Jasper has been on the phone with him multiple times about this trying to get to the bottom of it. They've now isolated it down to the last couple of things and he thought that ought to be done. Perhaps the best thing to do is take it to a third party at this point and have it evaluated. Spend the money and take it somebody else. Have KME say here's our final fix, this is it because certainly you don't want metal shavings off of a latch. That shouldn't be happening. A little movement in the troth he didn't know with a truck that size it probably shouldn't be clunking. Let them give the Chief the final fix and say this is it. Take it to a third party vendor and have it evaluated for the safety. At this point having KME evaluate it for the safety, he was sure was not going to carry a lot of weight with a lot of people. It ought to be somebody totally outside of this whole situation. He's very disturbed with things that have been said here this evening.

Chief Murray said that's where he's been trying to get. He wants to move forward, get it fixed, and if you want to have it evaluated, we'll have it evaluated. To Selectman Coutu's suggestion that they take it out of service, let's take it out of service until he gets it fixed.

Selectman Maddox agreed with most of what was said. He and the Chief were in the back of the fire truck and they heard a clunking noise. Chief Murray said that was the first day they could physically identify where that noise was coming from. Selectman Maddox said it took the two of them hefty guys in the back to make it happen. They heard it. You can see underneath that it looks like the receptors - the nylon parts that go into the receivers, are held by 3/8 inch bolts that have moved. They saw that somebody had painted with a paint pen and they have moved. That moving side to side on those latches has got to be causing what's causing the shavings to happen. His concern was if they're the only ones that have this problem, he couldn't believe that. He thought that the end result was to take it out of service, have KME look at the latch problem for the last time, have it evaluated by somebody outside, and certify that with their structural engineer or whatever certification they want to have, that this truck is sound and safe to be put on the road. Finally, he thought they needed to be cognizant and diligent in keeping this document up to date if they do need to do something further down the road. If this keeps up at this same level of 18 percent, this truck is not a frontline vehicle. How can you put a frontline vehicle in place that is out of service 18 percent? Something needs to be resolved there. We can go around and around.

Chairman Massey wanted to move this forward. First of all, he absolutely agreed that every time the Chief has been made aware of a problem, he has taken efforts to fix it. In those areas where the problem couldn't be identified, they continued to attempt to do it. We're not here because this machine has not been sent out for corrective action; we're here because the length of time that it's been out and the number of times it's been out appears to be excessive. Chief do you know of an independent certification agency? Chief Murray said he was currently researching that. Chairman Massey said he had enough time to do that while he was waiting for KME to fix those other two problems, correct? Chief Murray said correct. With the Board's consensus, Chairman Massey said that Engine 4 should be taken out of service until the problems are fixed that are currently being addressed and then have it evaluated by an independent testing facility to certify its worthiness. IS that the Board's consensus? Selectman Maddox said yes. Selectman Nadeau said that was fine. Selectman Coutu said that was what he suggested. Selectman Jasper said certainly. Chief Murray, that's the direction on it then. Thank you.

H. Comstar Ambulance Billing Services - Hardship Requests

Chairman Massey recognized Fire Chief Shawn Murray.

Thank you Mr. Chairman and members of the Board. During a meeting in December of 2009, myself, Kathy Carpentier, Torrey Demanche, and Lisa Labrie had met with Rick Martin who is our Comstar Ambulance billing provider. We discussed ways to improve our collection rates. One of the issues they've talked about in past workshops with the Board was to improve their hardship policy and application process. He's before the Board to ask for their support of this hardship process. Comstar can provide them with a hardship message which in their packet if you look at Sample 1 on the bottom of every bill it would instruct customers how to obtain a hardship application. The other alternative, which Chief Murray recommends, was to have the message placed on the third and final bill and notice and not every bill to see if people will pay their bill. Once requested by the customer, Comstar would send them a hardship application.

[Chief Murray] If you move to Sample 2, Sample 2 is a basic form which only requires a customer to fill in information and sign the document if they're requesting a hardship application. Sample 3 is also a hardship application but it requires the customer to submit additional documentation as evidence of income. Those include things like income tax returns, unemployment forms, or approved free care documentation from a hospital. That would be his recommendation for them to use that particular sample because then the person provides more definitive financial information.

Chief Murray said that Comstar suggested that they use the Hill-Burton Act poverty scale, which is Sample 4, in determining customer eligibility for a hardship waiver. The scale uses the customer's income based up to 200 percent of federal poverty guidelines. Just as a side note, the Hill-Burton Act is a federal law that created the guidelines for free care through hospitals. They take the federal poverty guidelines annually and double them. The guidelines are also what healthcare providers use for income guidelines when they're determining hardships.

Chief just so we understand how to interpret this, Chairman Massey wanted to start at the far right hand column. At 200 percent on a family size of one, how do we interpret that? Selectman Maddox said they'd have to have an income of \$21,000. Chairman Massey would read that as 200 percent of the poverty guidelines. Does that mean somebody qualifies? Mr. Malizia said yes if the Board adopted that. Chairman Massey asked why would it be the 100 percent. He didn't understand. At what point does a person qualify? Again, Chief Murray said they were using the Hill-Burton guidelines which are typically what hospitals and healthcare providers are doing. Chairman Massey understood that but if he's a family size of one, when does he not qualify for a hardship? Selectman Maddox said \$21,661. Mr. Malizia said any number over that \$21,660 you do not qualify. Chairman Massey asked why it wouldn't be 100 percent. He was trying to understand. Mr. Malizia said because in the hospital and in the medical field, they've adopted 200 as their standard. So then when you get over \$21,660, you are poor according to their guidelines. Essentially Chief Murray said someone could show them a hospital free care letter and they would qualify too because they've been checked under the guidelines. Sample 5 provides you an outline of how Comstar process the hardships. Chief Murray said the Town of Hudson will bill and put a message on the third bill if they are uninsured and payment of the bill creates a hardship, they can check a box and return it in the envelope and they're sent an application for hardship.

Selectman Jasper didn't have any problem with that process. He didn't do the research. He didn't go back in the minutes. He didn't know when it was the last time they adjusted the ambulance billing rates. He knows they got more aggressive with their charges than they had been in the past. He has a vague recollection of talking about the fact that if people weren't covered, then there would be a process. It wasn't that they didn't have insurance, but he knows there are some people who have insurance other than Medicare or Medicaid and they may not be covering this. He was wondering if they made the situation worse for people. We do provide an ambulance service through the Town of Hudson, through property tax rates, and we were at one level. Now he thought they bumped that up and are they now seeing more people having an issue? Did they become too aggressive with their billing on the ambulance?

If Chairman Massey understood correctly what they did was they adopted the same guidelines that the hospitals are using. Is that correct Chief? Chief Murray said yes. Chairman Massey said they were based on the Medicare plus 30. Selectman Jasper said they used to be at the Medicare but not the plus 30. Have we become too aggressive by doing that plus 30? From what Mr. Malizia's seen from requests, he hasn't seen any more or less this year. They've been getting them all along. Sometimes they'll go to Litchfield to get a Litchfield client. A lot of times they'll go into a hold status but from a share number, he's not seeing any more now than he saw last year or the year before. We might get 10 or 15 a year. Selectman Jasper asked if they have more people who simply aren't responding and paying and not doing anything. That's a question for Comstar. Do we have more out there? Chief Murray didn't think so. If you remember, Medicare plus 30 if all you have is Medicare, the reason they targeted Medicare plus 30 was for those particular insurance companies that will pay that higher. [Selectman Jasper] What about those who just have Medicare? Chief Murray said they just pay the Medicare rate. Selectman Nadeau said we don't go after them for any more. Selectman Maddox said they have a fixed price.

Chairman Massey said the Chief was correct. What that policy said is for those people who are on private insurance policies, you can bill them for the Medicare rate plus 30 percent and the insurance companies pay that. Chief Murray agreed with the Town Administrator. He is the first one to receive the requests for hardships. Then they forward them on to him.

Over the past couple of years, they may have seen more people because of the economy but certainly not because of our billing practices.

Motion by Selectman Coutu, seconded by Selectman Nadeau, to authorize the Fire Chief to implement a hardship policy and procedure with Comstar, Inc. of Rowley, Massachusetts as detailed in Fire Chief Murray's Memo to the Board of Selectmen dated September 30, 2010, carried 5-0.

Motion by Selectman Coutu, seconded by Selectman Nadeau, to authorize the Town Administrator or his designee to review and authorize hardship requests received from Comstar, Inc. on behalf of the Town of Hudson. The use of the current federal poverty guidelines following the Hill-Burton Law which uses 200% of the federal poverty guidelines shall be used as a guideline in determining hardship eligibility.

Selectman Maddox would remove the word "or designee". He thought this was something that they want to track. He didn't disagree with Selectman Jasper. Designating it off - if Steve's the one that's seen all of them, he will be able to give the Board the answers and have a face to put to this. Chairman Massey asked if the maker of the motion and the seconder accepted that as a change in the motion. Selectmen Coutu and Nadeau were fine the change.

Motion by Selectman Coutu, seconded by Selectman Nadeau, to authorize the Town Administrator to review and authorize hardship requests received from Comstar, Inc. on behalf of the Town of Hudson. The use of the current federal poverty guidelines following the Hill-Burton Law which uses 200% of the federal poverty guidelines shall be used as a guideline in determining hardship eligibility carried 5-0.

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

Selectman Jasper - Thank you Mr. Chairman. Last week we had a discussion about meeting room policies and the other side of the room was probably justifiably concerned about security. Well this past Thursday there were 2 meetings going on in the building. The Benson Committee was meeting on the other side, so he went in up the ramp and unlocked the door and went in. The meeting was over, came out, locked the door, and left. As his usual practice, he comes over and checks to make sure the door is locked if there's no meeting going on. He came over, checked the door, it was unlocked, looked down, all the lights were all. He came down into the Board's meeting room and all the lights were on. There was nobody here and the place was wide open. Selectman Coutu, Selectman Jasper checked to see who was meeting. He tried to then and couldn't find any posting for a meeting up on the bulletin board, but it was a Rec. Committee. He was told that Selectman Coutu was there. He didn't know who unlocked the door but if we're worried about security, somebody needs to make sure that the building is locked up when the meetings are over. If he hadn't checked, this place would have been wide open and the lights on all night. That's certainly a security issue. This is to everybody. When you're a liaison to a committee and you're at a meeting, you need to know that the building needs to be locked. A good rule of thumb is if you unlock the door, it's your responsibility to lock it up when you leave. If you're a Selectman, you really ought to make sure that somebody has a key to lock the door and that the door is locked when you leave. That was not a good feeling to find the place wide open like that.

Selectman Nadeau - Had nothing this evening.

Selectman Coutu - Let me pull the knives out of his system. The first thing is he had a discussion with the Chairman and he asked that an item be put on the agenda and he suggested that it not be put on the agenda, and he agreed.

Motion by Selectman Coutu to have Fire Chief Murray appear in a nonpublic session to be held at the next regular meeting to discuss department moral and to invite any employee of the Fire Department to appear to give testimony about fire personnel moral.

Chairman Massey declared that an invalid motion. Selectman Coutu said Chairman Massey was going to silence him and the Fire Department. Chairman Massey said he was not going to silence him. They're going to be taking care of performance issues if that's what you're after. The Board is free to overturn his ruling. What is the Board's consensus? He would take a second.

Motion by Selectman Coutu, seconded by Selectman Maddox, to have Fire Chief Murray appear in a nonpublic session to be held at the next regular meeting to discuss department moral and to invite any employee of the Fire Department to appear to give testimony about fire personnel moral.

Selectman Coutu said the motion speaks for itself. Selectman Jasper agreed with the Chairman's ruling in part. He thought it was always appropriate for the Board to meet with a department head to talk about whatever issues the Board wants to. It's an entirely separate matter to at the same time suggest that they should invite all the employees in of a unionized department to talk about issues. There is a process that we have for dealing with issues. To do this without at least first meeting with the department head and addressing those issues and coming up with a strategy, he thought was totally inappropriate. He would hope that if the maker of the motion wanted to make a new motion if the ruling was essentially upheld to meet with the Fire Chief, he would hope that he would take that. He thought it was always appropriate for the Board to do that when there are concerns.

Selectman Coutu said his motion stands.

Selectman Maddox was going to let it stand, but he thought Selectman Jasper in this case was correct. Do it in steps Selectman Coutu. He didn't see the noses to be where he wants it to be but split the baby and get somewhere. Selectman Coutu said he didn't care if it was 4 to 1. He's going down fighting. As Chairman Massey has indicated before, it is absolutely counter productive when you have a process by which employees can bring things to someone's attention. To do it in this fashion is a recipe for disaster and as a result in the form the motion currently is, he cannot support it. He thought that it was absolutely a recipe for disaster. If that's the way you want to go, he thought Selectman Coutu really needed to reconsider it.

Vote: Motion failed 2-3. Selectmen Nadeau, Jasper and Massey in opposition.

Selectman Coutu said they were all on the record. He wanted to bring to everyone's attention that the Recreation Department will be holding their first comedy night on October 16<sup>th</sup> at the Community Center. Tickets are available at the Town Clerk's office or at the Recreation Department. The doors at the Community Center open at 7:30 and the show begins at 9 p.m. He wanted to let people know that he's been to comedy night. It's a great time. You bring your own food. If you don't see Selectman Nadeau as he has plenty. He's enjoyed some of his food and fixings.

[Selectman Coutu] C.H.I.P.S., which is the Police Department sponsored program for children, is holding their annual Fright Night at the Community Center on October 29<sup>th</sup> and as is customary, he believed the doors opened at 6 p.m.

Gentlemen, Selectman Coutu failed to tell them last week or when they discussed the parameters for the budget. We had a discussion if you remember - he believe Selectman Massey brought it up - about the pay raises for the employees that are not covered. The Budget Committee heard the conversation and made it very clear that they would not support hiding the raises within the budget, and they would like it to go to a Warrant Article because they'll find it and pull it out if the Board doesn't. He wanted to pass that onto the Board.

First of all, Chairman Massey said the Budget Committee is presumptuous in assuming that they were not going to make these increases visible. For that reason alone, he thought they simply ought to wait until they see things before they jump to conclusions. It was never his intention when he talked to the Board about this that they would not disclose increases. He would put it to the Board as to whether or not they wanted to change the direction they gave the Town Administrator to have the increases for the management team to be put in the operating budget as opposed to putting it on a Warrant Article. Mr. Malizia said nothing was in the budget for raises. That would be discussed separately by the Board just so everybody was clear. There is nothing and he has not put it in and will not put in anything unless the Board directs him to. Just so they all know, you may chose to do it a certain ways but it is not in the budget right now. Chairman Massey said that would part of the discussion. What's the Board's pleasure?

Selectman Maddox said when they get their budgets they will look at the issue. He was concerned about what they were concerned with several years ago which is compression. It's an adjustment if you will not so much as a raise as an adjustment to where the employees are making more than the department heads. He thought it was something that they need to put in the budget to correct this issue. They're only going to exasperate it if they continue to not address that. Thank you.

Selectman Jasper agreed with Selectman Maddox. This was part of the process. They'll put it in the budget. It's not a matter of them finding it. They'll show them where it is. They can pull it out. They'll have the debate on the floor of Town Meeting. It will go that way. The only thing they risk is that they don't have a vehicle at that point. He thought that they could make a compelling case that they're just singling out 9 or 10 employees. It's just too difficult for people to really make that distinction on a regular basis. It's just fouling up the salary schedule that a number of years ago they worked with the Budget Committee to correct. It's not the way to run a town of this size.

If the Board will recall what Selectman Jasper just said, Chairman Massey said two things. Number one we had this issue 3 years ago. When they decided that they had to do something about it, they in fact had their liaison go to the Budget Committee and tell them exactly what they were going to do, explain to them why they were doing it, and they did it without a Warrant Article. We're in the same position this year. There was never any effort to hide what they were doing. In fact, they made it plain to the Budget Committee that was in fact what they were going to do. If they think that this was going to be squirreled away somewhere in the budget, they are misguided. As Selectman Jasper and Selectman Coutu have indicated, it will be discussed during the budget parameters. If they decide to put something in, it will be put in such a way that the Budget Committee will know what it is. When they get the budget, they can do what they decide to do. If they decide to go against what the Board decides to do, then they can have the debate on the floor of the Deliberative Session. He thought based on what they're talking about, the Board is going to continue at the moment going down the path they set, which was to have a discussion and have it put into the operating budget.

Selectman Maddox - Now for something exciting. Prime wetlands. He'll be looking to the Board. The Planning Board saw the last incantation of the prime wetlands presentation. He will have Mr. Cashell get to all of their bins copies. He'll be looking for this Board's guidance for where they want his vote to go in regards to prime wetlands. He thought they have a public hearing on November 6<sup>th</sup>. He'd like to know how this Board would like him to vote. Just to follow up, Chairman Massey said they did several things to make it a little more understanding. They did remove two critical wetlands from

(inaudible) and they were both wetlands that are on the circumferential highway. Instead of 18 now, he believed there were 16 or 17 left in the final number. Selectman Maddox said he would check with IT to see if that document was up on the website in case they had any further follow up. It was pretty riveting stuff.

Selectman Jasper asked if anyone had answered his question. Selectman Maddox said no. Until somebody answers Selectman Jasper's question on how it impacts roads that go through prime wetlands in terms of salt, reconstruction, and all of that, his vote will continue to be no. We need to have a clear knowledge and understanding of how roads will be impacted by this. Chairman Massey thought they were going to be impacted the same way they are in existing wetlands. The only difference was instead of being 50 feet away from the wetlands, it will be 100 feet. Selectman Jasper said the question was if you have this, and this is the problem, we need to know what that means if we adopt this to roads, to salt use, to all that stuff. Selectman Maddox said he'd ask the Town Engineer who has the drawings to see if any roads are affected by this new change. He knows that there were a number of houses that this now goes. The 50 foot was here and now the 100 foot will be inside their house. Now they don't have to move the house but if they wanted to put a deck on or whatever, he will see if there are any roads that within those boundaries.

Chairman Massey thought it would be more fruitful to find out if there's any impact because the road today may not be within the 100 feet but next week it might be because the wetland is growing. He gave them an example of the meadow lands. The wetlands today are significantly bigger than they were even 5 years ago. He thought they'd be better off answering the question, "What's the impact of roads?" Personally he thought it's the same but Selectman Jasper is right. Thinking and knowing are often two different things. He thought they should follow up on the ability to do it as opposed to whether there are any currently impacted because it would answer down the road literally and figuratively.

Selectman Maddox would like to not let Selectman Coutu's motion die completely.

Motion by Selectman Coutu, seconded by Selectman Maddox, to have Fire Chief Murray appear in a nonpublic session to be held at the next regular meeting to discuss department moral and to invite any employee of the Fire Department to appear to give testimony about fire personnel moral.

Motion by Selectman Maddox, seconded by Selectman Coutu, that the Fire Chief come into the Board's next nonpublic session to discuss moral within the Fire Department.

Selectman Maddox said a half a loaf is better than none. Obviously there are some issues that they want to ask questions about. This is half a loaf Sir. It's better than none.

The only problem Selectman Jasper has with that motion is that it only addresses one side of the dynamics of what's going on. He would support the motion if it asked the Fire Chief to attend the next meeting in nonpublic to discuss Fire Department issues. To simply talk about...Selectman Maddox said he could make it issues. Selectman Jasper said he could support that motion.

Motion by Selectman Maddox that the Fire Chief come into the Board's next nonpublic session to discuss Fire Department issues.

Chairman Massey said he'd have to rule that as an inadmissible nonpublic. Selectman Jasper said they could say personnel issues. Chairman Massey said then it would be admissible.

Motion by Selectman Maddox that the Fire Chief come into the Board's next nonpublic session to discuss Fire Department personnel issues.

Selectman Jasper said the seconder had to agree to that change to the motion. If he doesn't he'll second it. Selectman Coutu said he'd agree to it. He's not going to support the motion.

Motion by Selectman Maddox, seconded by Selectman Coutu, that the Fire Chief come into the Board's next nonpublic session to discuss Fire Department personnel issues.

Chairman Massey said he would not be supporting the motion because as he said before, he thought the appropriate way to deal with it was when they do the performance reviews of all the department heads. At that point, if there are issues that they need to take care of, they can do it in the context of that. He thought doing it without any prior preparation, again, he didn't think was productive. So He will not support this motion.

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

Selectman Coutu wanted to clarify one point on the reason why he voted no. He doesn't even know that he will even participate in the discussion because he feels very strongly that fire personnel should be invited. He's going to hold his line. Thank you.

Selectman Maddox finished off with something they've missed for a couple of weeks. Bensons. Eloise hadn't been there in a while so they took a walk. The parking lot was full. The roadway going up had cars on it. It was a beautiful day. It was

just nice to see. People just enjoying a passive recreation park. As a side note, he was diligently watching - every dog had a leash. Any of the dogs of size, their owners had a bag. Maybe the message has gotten out. It was a beautiful day. The colors had just started changing this past weekend. It's getting used. That's a great thing. Thank you Mr. Chairman. That's all he had.

Selectman Jasper thanked Selectman Maddox for mentioning the parking lot because in all the excitement he forgot his one task relative to Bensons. The parking lot is full on a regular basis. When the Highway Department grubbed that out, they didn't have the whole area done going up towards Kimball Hill Road. The Benson Committee unanimously is requesting that the Board of Selectman authorize the Highway Department to continue the parking lot up to Kimball Hill Road. He's spoken with the Road Agent if that was something he could get done. They didn't use any materials last time because it was a parking lot before. They just removed all the materials. As a consensus is it okay to have the Highway Department continue with that parking area so that they'd have enough room for people. Selectman Maddox said yes. Chairman Massey said there are trees in that section going up to Kimball Hill Road are there not? Selectman Jasper said its 20 year growth. It's all scrub. There's one area where there's some ledge. There are some pretty good sized trees. Those won't be taken out because you can't park there but there's an area that goes up and around. Selectman Maddox asked how far from the road. Selectman Jasper said there was a bank. It was a parking lot. So it will just be opening up what was a parking lot. There are some big growth pines. Selectman Maddox said that there was still going to be 25 feet between the road and the parking lot. Selectman Jasper said yes. Chairman Massey thought it would be okay as long as there was some kind of barrier that people can't get onto that parking lot other than the driveway. Maybe short term they have to put Jersey barriers. Selectman Jasper said no. There are big pine trees and a slope. Chairman Massey said a consensus. The Board said yes.

One more thing. Selectman Jasper said that horses are not allowed in Benson Park. Somebody had a horse in there. The reason that it's not allowed in there is because dogs - little; horse you're on it and you don't know when it's gone. We don't want that all over the park. Chairman Massey said if they were going to be in there they had to have diaper bags. Selectman Jasper said they decided with everybody around, no horses. It's in the rules.

Selectman Nadeau forgot about all the excitement in Hudson this weekend. Friday night there's a spaghetti supper at the VFW for the Zach Tompkins stadium. He wasn't sure of the hours but he knows that it's Friday night and he was sure they'll do something in the HLN this week on the times. Friday, Saturday and Sunday is Pumpkin Fest at the Hills House. He's sure there'll be a lot of good food there from different vendors. There is a costume contest on Sunday for the little kids. A lot of fun stuff. There has in the past one of the itineraries in the HLN he thought last week.

Selectman Massey - Chairman Massey only had one item. It was brought to his attention by Norman Martin, Chairman of the Budget Committee, that there currently for the 21<sup>st</sup>, which is a Thursday, the Board of Selectmen's meeting room is being taken up..Mr. Martin said Thursday the 21<sup>st</sup> is the third Thursday which the Budget Committee normally meets in the Community Development Room. Due to the scheduling of the Selectmen's deliberation of the budget, the Benson Park Committee is next door. Chairman Massey asked if it were more appropriate to have the Budget Committee televised and have it in that room and move the Benson Committee to another location which would have to be either the Library or the Ann Seabury room. Selectman Maddox said why don't they go to the cable facility and they can tape them there. Selectman Jasper said it wasn't set up as a meeting room. Ms. Graham said that she spoke with Harry Schibanoff and checked with Susan at Rec. and the Benson Committee will be going over to the Community Center.

#### 10. NONPUBLIC SESSION

After the motion to enter nonpublic session, Chairman Massey declared a 5 minute recess.

Selectman Jasper thought they also needed to talk about labor negotiations. Mr. Malizia said there wasn't an item. Chairman Massey thought they way they'd have to do it is they'd have to come out of nonpublic and then go back into labor negotiations for formality.

*Motion by Selectman Jasper, seconded by Selectman Maddox, to enter nonpublic session under 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.*

After a 5 minute recess, Chairman Massey said they'd enter Nonpublic Session at 10:14 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 11:28 p.m.

*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.

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.

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.

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.

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.

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.

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.

11. ADJOURNMENT

Motion to adjourn at 11:46 p.m. by Selectman Maddox, seconded by Selectman Nadeau, carried 5-0.

Recorded by HCTV and transcribed by Donna Graham, Recorder.

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Kenneth J. Massey, Chairman

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Richard J. Maddox, Vice-Chairman

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Shawn N. Jasper, Selectman

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Benjamin J. Nadeau, Selectman

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Roger E. Coutu, Selectman