

HUDSON, NH, BOARD OF SELECTMEN  
Minutes of the October 5, 2010 Workshop Meeting

1. CALL TO ORDER by Chairman Massey at 7:00 p.m. in the Selectmen's Meeting Room at Town Hall.
2. PLEDGE OF ALLEGIANCE led by Selectman Maddox.
3. ATTENDANCE - Ken Massey, Roger Coutu, Ben Nadeau, Shawn Jasper, Rick Maddox  
  
Staff/Others: Steve Malizia, Town Administrator; Town Engineer Gary Webster; Norm Martin; Lucille Boucher; Andy Renzullo; Doug Robinson
4. CONSENT ITEMS  
  
*Motion by Selectman Coutu, seconded by Selectman Maddox, to approve consent items A and B as noted or appropriate, carried 5-0.*
  - A. Assessing Items
    - 1) 2008 Tax Appeal – Dugout/Tiger Road, Map 143, Lot 18, w/recommendation to approve
  - B. Licenses & Permits
    - 1) Request to Solicit Funds by Kenneth Stanton Osteosarcoma Fund
5. MINUTES – None.
6. OLD BUSINESS
  - A. Votes taken after Nonpublic Session on September 28, 2010
    - 1) *Motion to adjourn at 8:55 p.m. by Selectman Jasper, seconded by Selectman Coutu, carried 4-0.*
7. DISCUSSION ITEMS
  - A. Senior Building Site Selection

Chairman Massey recognized Town Engineer Gary Webster. For the record, the Building Committee consists of Mr. Webster, Selectman Maddox, 2 seniors from the senior organization – Pat Nichols and Lucille Boucher; and Selectman Massey. Good evening Gary.

Good evening. Mr. Webster wasn't sure how good the plans were. Hopefully you can read them all. The main thing with previous meetings with the Selectmen and so forth was to try and do some test pits out there. Due to the type of machine they have, they hired a person to come in with a small excavator which they did a few weeks ago. They did test pits at both sites around the building and for the location. He did have them numbered. Site number 1 was test pits 1 through 7. They did hit some ledge so it's in the building area. They did move over and did a couple more test pits – number 6 and 7 away from the proposed building just to see what they hit. They did hit some better material. When they were out there one thing they did notice on site 1, there was a drainage pipe that comes out from across the street from Shepherd's Hill. You can see it kind of swaling. There's another swale more easterly of there. He walked around on Friday after the heavy rain and noticed it. There are some drainage things that they have to take care of there. He's put some notes relative to special exceptions for the culverts. One thing Mr. Webster noticed when they did talk the Fire Department had a concern of only one way in. He drew a fire access

road. Obviously he can't show the whole thing because he has his notes there but just to show the possibility of trying to get a fire outlet to get onto the gate at Benson's. It was something they could look at and was one of the things they were concerned about.

Mr. Webster said they did some test pits. There were some 84, 36, and 48 inches of ledge. They hit no ledge on number 6 and 7. They were both 84 inches deep. That was the big thing and they wanted to make sure it was there. They do have some drainage issues they have to look at down the road with that site.

On site number 2 what Mr. Webster did is they went into the building itself and did test pits. The first one, number 8, was 72 inches. They did hit some ledge in the middle of the building on 42 inches to ledge and then 84 inches at the other end of the building. Then they started doing test pits just to get a rough idea of how they get the utilities in there. The red dots you see are proposed sewer manholes. It kind of follows that they can sewer it back down towards the bottom of the plan which goes down to the existing sewer. He quickly tried to plot some water on there and get some footage.

Mr. Webster's one concern was the driveway. The existing driveway is probably 10 percent in that area. If they try to build it as a town road at the 7 percent grade at the parking entrance, they'd have to raise it by 10 feet. Like he said, their driveway regulation does say 20 percent. So it's 10 feet for site #1. For site #2, they'd have to raise the road for the 7 percent would be 3 feet where that driveway comes out right now to make the 7 percent if they made it a town road. He was just making that comment about the driveway as it is 10 percent. It's something to think about down the road as far as whatever site they pick as far as the fire department and their concerns of in and out. That's why Mr. Webster put that driveway in there. There's serious grading to do because it's pretty steep in there. It's something that they want to see.

Selectman Maddox said that the Committee did meet earlier this evening. Chairman Massey asked Lucille Boucher to come forward since she's a member of the Committee. For the record, this is Lucille Boucher who's a member of the Building Committee. Welcome Lucille. As you know Mr. Chairman, Selectman Maddox said they looked at both plans. They went into much more detail with the Town Engineer and the Building Committee unanimously picked Plan 2. Chairman Massey asked if any member of the Board had any questions at this point.

Selectman Nadeau said the other day they had a pretty good rain storm. Did you go out to Site 2 during the rain storm? Mr. Webster said not 2. It's pretty dry out there. There are no outlets or drainage out there. Its just slopes towards the back so there's no standing water that he saw. Selectman Nadeau said he had talked to Mr. Webster and said he was going out there but he didn't talk to Mr. Webster after that.

*Motion by Selectman Maddox, seconded by Selectman Nadeau, to recommend that Plan 2 be proposed as the site for the Senior Center to move forward with architectural drawings that the Building Committee can then submit to the State DOT.*

Selectman Maddox said that they looked at both sites. They asked to have test pits done and they did. As they heard from the Town Engineer earlier, site 1 while being closer into the park has some drainage issues that are going to have to be dealt with. The Fire Department access road is basically going to require a parallel road at this point to Kimball Hill Road to be able to get the 2 means of egress and entrance onto the property. The slopes are more challenging. From what we can see if we were to put a basement into this for town use, we'd only be able to go back half way because of the ledge. So with all that put together plus from what they can see, a lesser cost at site 2. That's the way they went. He knows they do need to do some changes to the building as it's rendered at this point to make it look more like the red barn of old. The site itself is what they're talking about at this point.

Selectman Nadeau's only concern is working with the State with this project. We're having trouble with the train station on what we're going to do with it, where we're going to go with it. This is a huge project. He hoped that whoever the Governor is that says he can help us helps us out with this. He thought this was going to be a long process with building a building on this site. Chairman Massey said they won't know until they get there. There is at the moment one difference between – regardless of the site that is picked and the railroad station and that is that the railroad station is being renovated with federal funds. With

federal funds come an incredibly bureaucratic costly project. The time that they've spent on it has nothing to do with doing the building. It has to do with trying to meet federal statutory requirements for the AARA funding. If this building were to be built exclusively with town monies, Chairman Massey didn't think at this point they would have the same oversight. We're still going to have to get approval from the State for the site and the building but he thought from the construction side, we won't have that issue.

It's no secret that Selectman Jasper likes site 1 better. He thought there were a couple of red herrings there if you will. One is the drainage. We have a Highway Department that's very good at taking care of drainage issues. They did some wonderful work down on Greeley Street. We had a neighborhood that was flooding out there. This is a pipe that comes across. We know how to deal with drainage. He didn't think that was a big deal considering how much further we have to put in sewer to get over to site 2 be that as it may. The other issue is the fire access. There's already a second way in through the electric gate, down the road, and right to the other side of the building. He was wondering about those discussions. Be that as it may, Selectman Jasper's real concern and frankly the concern that he's had from the first time he saw the drawings is that the drawings do not meet the criteria that the State set out. At any location the building that was proposed had to look like the old red barn. This is a red barn, but it doesn't look anything like the old red barn. We could have put the building in the site of the red barn. Obviously that doesn't work. The other was to make a barn that looked like the red barn. The third was to buy a site. He thought they're going to end up in a situation where nobody is going to look at that and say, "Oh yeah, that looks like the old red barn." It's not just that it's going the other way; it's the step down issue.

When Selectman Jasper looked at the plans to begin with, he said this architect already had a set of plans and he didn't want to do much. He essentially took the building that he had for Lyons Hall and put a roof on it and what a roof that is. It's a mammoth roof. The building could have been lengthened out and brought in. In either location in no way does that building resemble the old red barn. That was the criteria to save us the money of buying a site. Certainly before we go much further and perhaps Selectman Maddox's motion gets them there is to submit something to the State and see if they'll approve it.

Chairman Massey said right now the project schedule would say if the Board picks a site tonight, that the Site Committee would work with the architect to bring back to this Board on our meeting on the 26<sup>th</sup> a set of renderings that show all 4 sides with the elevations. Upon approval by the Board on that set of drawings, they would then go to the DOT. Selectman Jasper understood that. He's seen two sides of the barn that's located for site 2. Chairman Massey said that drawing was drawn as if it were flat. It had no reference to either site. That's why if we go back, we have to reflect the actual topography of the site, which those 2 renderings did not reflect topography.

At any rate, Selectman Jasper thought that was the most important thing. If you end up with a building – that one looked nothing like it. He thought that was going to be the key thing. We're wasting money if we don't recognize that that is the key requirement. Obviously he felt that site 1 was able to serve a multipurpose. This site 2 was really as if the whole thing was detached from Benson Park. Chairman Massey said it could be designed with multipurpose. Selectman Jasper said it can but it's essentially for all practical purposes not part of the park because it's such a distance there. It does not do what they had originally talked about doing when they went down that road. Chairman Massey said what they had to do tonight was decide on the site. The Committee working with the Board then has to come up with a set of renderings that are acceptable. So he thought they'll have to have that discussion second. He thought they first had to decide on the site. The site is going to determine ultimately what the building looks like from a 3 dimensional perspective.

Selectman Maddox agreed with Selectman Jasper. We being frugal just said take what you had from the Senior Center. They did not get into he may be making it look more like the red barn. Just to simply get a footprint if you would. He thought now is the time once they've picked the site then work with the land. They may have to change some of the internals and do some things to get it to look more like that barn. They just try to keep the cost down and get it to turn around quickly, we just said give us a barn using the same footprint for the various rooms and whatever. Now is the time to probably move some of that around and change some of the look to make it look more like what was the red barn. We just didn't want to do that until you know where you were going to site it and again to keep down the price.

Selectman Jasper said he would be voting against the motion. Again he thought that although plan 1 has some difficulties. He thought in the long term for the Town even if site 2 was approved, it's a better location because it has a fit into the park which allows the building to have a natural multifunction. He'd like to see them explore those supposed issues of the drainage and the fire access. That one really puzzles him because there's clearly a good road. From Kimball Hill Road, there's clearly a second entrance in there that gets to the bottom side gets you around. If for some reason there was a blockage some place else and the drainage issue, he didn't really understand. From his understanding in the ledge, the building gets moved over a little bit further into the wooded area. A little closer to the site of the old barn and the ledge becomes less of an issue. There may be financial reasons why that site becomes more expensive. Selectman Jasper didn't think they really had enough information to determine that. Is it cheaper over there? He didn't know. It's a long way to run the sewer line. He didn't know what those costs were.

Selectman Jasper asked if another curb cut onto Kimball Hill Road would be allowed. He tended to doubt it. He thought they're setting themselves up for a situation where that was going to be a case where they needed to buy the parcel of land. That remained to be seen. He didn't have enough information to determine that site 1 was not a viable site and that site 2 was a better site. He'll be voting against the motion.

Mr. Webster based upon your experience and your observations on both sites, from your experience Selectman Coutu said he hated to put him on the spot. This was a healthy discussion. He really didn't know how he was going to vote. He really didn't. He didn't think they had enough information to reach an opinion. The only thing he liked about the motion was getting the plans drafted and to replicate the old barn. He didn't think that the choice of a site shouldn't affect the plan. Maybe it does, but he didn't see how. They probably ought to opt not to have a basement and just do it on the cheap and put it on a slab. To help you on that particular decision Selectman Coutu, Chairman Massey said if you opt not to have a basement, then you can do a flat slab on site 2. The elevation on site 1 regardless of whether you have a basement or not, the back end of the building would be 8 feet higher than the front end. So you would have a foundation on site 1 regardless of whether you wanted to use it or not. You don't necessarily have to have one on site 2. It would lend itself to having one.

Mr. Webster on the basis of your experience looking at site 2, Selectman Coutu sees its proximity to Kimball Hill Road, do you know what the difference with regards to the length from Kimball Hill Road to the buildings. What is the difference between site 1 and site 2 in terms of what they would need to run for water pipe and drainage? Mr. Webster said he was working on another project close by. On site 1 what they would have approximately 570 feet of 6 inch sewer and technically about 500 feet of 6 inch water. That will be at the junction of both paths. It's the main path that comes in there. We're going to try to do something else and they'd run it from there. It's approximately 500 feet. They'd have one height. Mr. Webster said he didn't put the costs together. He just got some information today and he didn't have a chance to put everything together for them. That's number one – 570 feet of 6 inch of sewer and 500 feet of 6 inch water, 1 hydrant, and 2 sewer manholes. They probably could even get away with one when they really get into looking at it.

Mr. Webster said that site 2 would have 875 of 6 inch sewer and 1,000 feet of 6 inch water main. It would have 4 sewer manholes compared to the 2 sewer manholes on site 1. That's coming from the same spot where those 2 roads down near the bottom near the gorilla cage. The other thing he did put down is if the water is on Kimball Hill Road and you go 220 to Kimball Hill Road, you don't know what's going to be in the ground out there. It's probably ledge. Mr. Webster threw that in there as a number. You also have to have 1 hydrant.

So in effect, Selectman Coutu said site 2 would require just on the basis of the numbers alone and the sewer and manholes twice the cost as it would to prepare site number 1 as far as sewer and water. Based on observations that he and Selectman Jasper made quite some time ago when they first were looking at site 1. They found that there was close proximity to electricity. Do we have that same proximity in site 2? Mr. Webster said yes you would. You can see the telephone poles on Kimball Hill Road. Selectman Coutu

said it was on the same side of the road as the proposed site. It's on both site plans. Mr. Webster said you could go underground from that pole.

Selectman Coutu asked what was the elevation on site plan 2 from the proposed building site to Kimball Hill Road what are they looking at approximately in footage, the height elevation. When you look at the topography, we're at 356 but he couldn't see the number. He guessed that it was 200 at the (inaudible). Mr. Webster said it would be almost from the high side of Kimball Hill Road, 20 feet. Selectman Coutu saw a total of about 56 feet. Am I wrong? As far as elevation, Mr. Webster said those contours are 2 feet. He was using the high side. Each line is 2 feet. If you go on the high side, its 220, 230 and inside the building 200 contours. It meanders back and forth.

Selectman Coutu said that either site was pretty equal. Mr. Webster said it was flat in there. When he did the test pits, its overgrowing and a few big trees in there but everything is pretty much slashed and it wouldn't take much to clear it out. It was pretty thick in there that's why they had to use the small excavator.

Selectman Coutu didn't know if it would be Chairman Massey or Selectman Maddox or for that matter the Senior Building Committee, what was the main reason for selecting site 2 over site 1? Ms. Boucher said as Mr. Webster was telling the Board in the height and if there was a lot of elevation in number 1 and they had to have a ramp. She didn't like ramps. The elevation is high. Site 2 seemed to be a flatter surface and number 1 was going to be much costlier. They're trying to keep the costs down whether for them or for the taxpayers of the Town. They're trying to go with the one that would be the most economical. It looks like a pretty good site with the parking for the seniors. They have a lot of handicapped. Selectman Coutu said they've already pretty much determined that just the preparation costs in sewer and water lines is going to be twice as expensive on site 2 than it is on site 1. Ms. Boucher said overall site 1 was going to be more expensive.

[Selectman Maddox] As Mr. Webster said on site 2, it is a much simpler clearing of that lot whereas lot 1 would be much more expensive to clear and to grind down the stumps and/or de-stump some of those areas. That's probably a wash. Someone mentioned a significant number to clear that lot on lot 1 when they were doing the test pits. He didn't give them a written estimate but he said it was going to be considerable money to clear that lot of all the large pine trees. He knows they could sell that wood, but you'd have to take down a good number of trees to clear out that area.

The other consideration that Chairman Massey put into it Selectman Coutu was that the primary purpose of that building is for senior activities. The secondary purpose is for other town activities. Site 1 would require extensive ramping in order to meet the Americans with Disability Act. For every foot in elevation that you have to achieve in order to have a ramp, you have to go 12 feet. His reasonable estimates just looking at some of the slopes, etc, they would be looking at upwards of 24 and up in terms of ramping. The other requirement of the ADA is that you have to have a landing every 10 feet. You would have a minimum of 2 landings over those 24 feet on either side. On the back, it means you could not have an exit out the back because at 8 feet, that's 94 feet of ramping that you would have to have in order to achieve getting down to grade level. It means that the outside exit for the back would be probably either through a side exit which would lead you to a ramp, or down through a set of stairs because ADA requirements say you cannot use an elevator in case of emergency.

The final thing for Chairman Massey was in the settings perspective. If that building were sided on site 1, you would have an 8 foot foundation sticking up out of the ground which in his mind it would plug ugly because it would be facing the trail and the other parts of the thing. Those were his reasons for why he thought site 2 was a better site to do it. He thought the cost of site construction appeared on the surface given all the considerations.

The last and final item that is of concern to Chairman Massey is that there was mention of the drainage. We do not control the drainage on that property. The State owns the rights to tell them what to do on that property. The drainage is coming off of a State owned highway. Given all the paperwork that Mr. Webster

has had to go through just to get started not on building the train station on its proposed foundation but the requirement to do the design work. We already spent well over 3 months on that. Those were his reasons.

Selectman Coutu said one of the points that Selectman Jasper raised and has been paramount relative to both of their concerns to its site location, and none of that is to be interpreted that he and Selectman Jasper were against building a Senior Center, that's not the case. They both wholeheartedly endorse it. Its just he may have a different of opinion with regard to its location. The point Selectman Jasper has raised in the past, and he might have raised it on one or two occasions and he brought it forward again this evening, Selectman Coutu thought prior to coming before this Board with a choice of location, someone should have called Nancy Mayville and explain to her that those were the 2 sites under consideration. One its close proximity to the area in question where the red barn is and two, a site far removed from that. In conversations that Selectman Jasper and he has had with DOT in the past and correspondence that they've received indicates that it would appear to him that they want the proposed senior center to be located as close to if not on the old red barn property as possible. Otherwise, we may have to pay the value of the land that they select if it's outside of the perimeter that's acceptable to them.

From Selectman Coutu's perspective, and he could be wrong because he like the Board doesn't know the answer unless somebody surprises him and says yes they spoke with Ms. Mayville and she said either site was appropriate, he didn't want them to get into a situation where they're going to select a site and 2 months from now they're going to say, "Its okay you can build it but we estimate the value of that land at \$290,000. You give us \$290,000 and you can build it." He liked the idea of going ahead and doing the plans because he thought they could put the building on either site. He still hasn't gotten that answer yet. He thought there would be some engineering redrafts for site 1 as compared to site 2. Now that he looks at it, there's no doubt about it. Has anyone called Ms. Mayville to ascertain or show her what the site choices were and whether either of them would be acceptable to the State?

Chairman Massey said the answer to Selectman Coutu's question was twofold. The first question is the Board in July made a determination that rather than making what ifs to the State, that we should put a plan in front of them so that they weren't in a position of being able to second guess them. That's why we're where we are today is because the Board voted to put together a plan that included the renderings of the building to go to the State with. The second item is when he met with Ms. Mayville and her 2 engineering people back in May; it was pretty clear from her conversations to him that they weren't going to do anything until this Board sent a recommendation to them. That was part of the conversation when the decision was made by the Board to put a plan together before going back to them.

First to your comments about an 8 foot foundation sticking up at the end of the building towards the path, Selectman Jasper said that was the whole point was to have a building that looked like the old barn which meant you would simply have a frost wall and you'd have that back wall come down to the frost wall. A two story end of the barn. The old red barn was about 3 stories at the end. At least you can say it looks like it. If you put a building with one story with simply a walk-out basement on one end, what he's hearing for site 2, then you're not going to be able to get that aesthetics. That's the beauty of site 1 and that's why he originally looked an area and said that was something that made sense. As to the ramps, it's another red herring. You need an exit; you can't be more than 50 feet from an exit. So you go from the end of the barn, come forward 50 feet, you put in a retaining wall which is again they make blocks but we've got plenty of rock in there and all over the place there are retaining walls that are simply made of rock. It looks like a barn because that's what they did on the barns. The used rock retaining walls. Now you come out level and you don't have a ramp. You don't have anything because you're at the level. That's the whole idea of this barn. It gets you that set down because that's what the red barn did. It came out and it stepped down. That gives you your step down in the right place and then you bring your siding right down to the grade level. That's the beauty of that. That's the two issues. Those were the reasons that originally looking was okay this makes sense because we can do this.

Selectman Jasper really thought of you think you're going to get away with a barn and it doesn't step down on the two sides, he didn't think its going to happen. He thought they were whistling Dixie because he's spoken to the Governor's attorney. The Governor is backing this, but it has to be something that replicates the barn. They have a site where they can do that. He's never seen in the location of that barn. He's never

seen any water running down through there. From where he's familiar with the water running down is quite a ways from that site. He maybe wrong about that, but he's walked the site. He's seen no erosion. He's seen no issue that's going to cause a problem in that area even if they step the building over further from where he thought they could put it.

As far as clearing the trees, Selectman Jasper said those pines in there are pines that they can get people to pay them. There's enough of them in there that you can get loggers in there to pay to take those away to clean up the site. As far as site work, our Highway Department is very, very good at site work. They did all the site work for the highway garage. They know how to do site work.

Again, Selectman Jasper didn't think they have enough information. He's going to be the first to say a lot of what he's saying here is supposition. We haven't had anybody really look at either of the sites and evaluate them. He thought the important thing was to say what would the building look like on either site. If you can put the same building on either site, then a lot of what he's saying is irrelevant. If you don't have that step down, if you look at the barn and you walk around it and you have that feel where it steps down and you have two stories on one end and probably half way down the middle and not just a retaining wall and the back end is whatever you were doing. He couldn't visualize that from what he's seen on that site. That site is relatively flat. It goes up and down. It's not clearly an area where you walk out one end onto level ground. He thought they have a real problem not in terms of what the seniors are trying to accomplish, not in terms of what's the best for a senior center, but can they do that without buying the land. Selectman Jasper didn't think they could. If they put all of their eggs in one basket and spend all their money on doing this and the State says no because we've done all of this, where's the next batch of money coming from. He thought the building needed to be designed so that it looks like the old red barn or discussions have to take place with the State that says what if we do a one story barn? What if we do a barn that doesn't have a walk-out basement and doesn't step down? He's afraid they're going to be throwing a lot of money away here. That's his concern.

Again, Selectman Maddox has only seen pictures of the old red barn. It was a ramshackled building with all kinds of attachments onto it. Number two; it's the seniors' money. That's the money they're spending for the architectural rendering. They should have some input whether they want to spend their money to design this for site 2 and continue moving on. He didn't see why anybody would want to pay to site both of them. People in Concord would have to understand that the building as it was as a barn with multiple uses. They did a number of things out of that barn. Wasn't there a food concession off of one end or one side? Selectman Coutu said primarily storage. Selectman Jasper said they had a Christmas display. Chairman Massey said there were 3 out buildings – two as you were looking down to the barn – two on the left and one on the right. Selectman Maddox said it didn't lend itself very well to be any kind of useful building. A barn is a barn. You needed to add a piece on to store whatever. You just added it on. He thought if it was a red barn of some apportion to what was there, maybe that's significant. That's sufficient with the help of our legislative delegation and all those people to get this pushed through. He thought they could keep going around and around, but it sounded like they're driving this thing off the property i.e. the senior center.

Selectman Jasper didn't think anybody was looking at the outcroppings that came off if you were facing the building. It was off the left side of the building. There were a series of sheds that came off. They're talking about looking like the main structure. Selectman Maddox said if this rendition looked more like the main structure...Selectman Jasper said you can't make it look like the main structure without having it stepped down and have the multi stories. Then it's just a red barn. The topography is important. You have to have a site, in his opinion, that allows it to be – he didn't care if it goes on site 1 so much as can you do what is required on site 2, which is halfway back or wherever it is. It steps down 8 feet and now you have 2 stories in the back. If you can't do that there, he thought we're just whistling Dixie. That's what he was saying consistently in there. A red barn is not the red barn. That's what the State has been pretty much dug in on. He's giving the Board his best advice. Do what you want. He's on the record. He's made it very clear of what he thinks it has to have to be approved by the State. He didn't think you could do that on site 2 and that's why he will be voting against site 2.

Chairman Massey recognized Lucille Boucher from the Committee. Ms. Boucher said they keep saying, “What if? What if the State doesn’t?” What if the State does? Why can’t they take something to the State and say this is what we’d like to do. What do you think? If they say no, then we start over. Chairman Massey didn’t want to get into a debate. She’s basically asked the rhetorical question. Selectman Jasper you’ve already answered that question by saying the State expects us to come with a barn that looks like the existing one. All Selectman Jasper was going to say was that’s fine as long as they’re prepared to then spend more money. If they’re prepared to take that as their first position and say all right we understand that this may not be suitable because of the criteria that was set out, and they’re going to try that anyhow, then nobody should be disappointed. Nobody should be upset about what a waste of money. They go into it with their eyes wide open and if that’s what they decide to do, then that’s fine. Chairman Massey said there’s always risks in everything.

Selectman Coutu said it was a very difficult decision to make without having all of the information. He’s going to support the motion. He’s going to support the motion for one reason and one reason only. He is confident that should the building plan for site 2 be rejected on the basis of a lack of replication and the site being outside of a perimeter that’s acceptable and DOT was going to assess them an amount for the site, he remembered in conversations he had with both the Governor and with the Governor’s Council – and he thought Selectman Jasper would remember this as well – that they will fight and bring Selectman Coutu into the Governor’s Council and see if they can’t get the Governor’s Council to forgive the amount of money that would be charged. He felt very confident that we could approach it from that aspect so that they might give us a bill. He believed that was the process. The Governor’s Council can override that and let us move in that direction. In order to move this along and to get a plan approved at this time, Selectman Coutu will be supporting the motion.

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

Chairman Massey said the next step if they want to keep on schedule in order to have this on the Warrant for this year would be to have the Building Committee work with the architect to bring back barn renderings with all 4 elevations shown for the October 26<sup>th</sup> meeting. Subsequent to that there are two steps. One to go to the Department of Transportation with the proposal and to have the architect develop for the Board the estimated costs to do the design, engineering, and construction so that at the last meeting in November they would have the ability to look at a Warrant Article to either up or down it sent to the voters. The first clear message is this Board will have to come together on the 26<sup>th</sup> and have agreement on the look of the building.

Selectman Nadeau didn’t know if they had any good photographs of the old red barn. Chairman Massey said they have the set of photographs that the State gave them. They have not only the photos of the barn but they also have the rough schematic of the building. Basically the main barn was 40 x 39. The shed was 16 x 38 and the two other out buildings were 10 and 8 feet by either 8 or 10 feet. Selectman Nadeau said you can check with the Historical Society to see if they have any better photos. Ms. Boucher saw that and they took the buildings on the side and took the square feet to make the one building. Chairman Massey said the pictures that the State took were pretty comprehensive. They show it from all 4 sides.

For the record and so that it is very clear to the people in television land who are watching them, Selectman Coutu asked Chairman Massey to explain that that building will be available if they build the building and a Warrant Article should pass that this building is for all seniors in the Town of Hudson. For the record, Chairman Massey said if this goes forward to the Warrant Article, the Board of Selectmen will be posing to the Town to construct a building for the purpose of senior activities. Those senior activities would be open to any and all seniors in town. It is not going to be under the control of a private organization. It will be under the management and operations of the Board of Selectmen. For those times when there are no senior activity scheduled on the first or second floor, etc., then other organizations in town would be able to – and they’ve had those discussions before and are basically the same parameters that were there when they had this before the voters in 2008 – that other organizations would be able to use it on a scheduled basis when its not being used by senior activities. As far as Chairman Massey understood it, if does have a basement, it would be roughed in with all of the utilities and at some future date, it would be outfitted for other town activities. It’s his understanding that the basement would not be a senior activity area. It would be the



other floors. That's what he understood and the conversations he has had with the Hudson Council on Aging have all gone down that line. That does not preclude the current organization from continuing to have their own activities. It would be much like the Hudson United Soccer Club model that they'd be talking about in that respect. Does that answer the question? Selectman Coutu said that answered the question. He just wanted people to know that if they're voting for it, they're voting for something that's available to all of us. Chairman Massey said it was available to everybody.

Mr. Webster had one comment and he mentioned it in the notes about DOT but also the natural resources. It would probably be a good idea if they have any comments, and they're meeting with them with the train station and he wasn't sure what input they have, but he was going to send them an e-mail and find out what input they needed or if they needed to meet with them. He thought that was very important before they started to spend money on something they might change. It's just his personal experience since he's been dealing with them for the last month.

For the record when Chairman Massey met with the Hudson Council on Aging last month, they currently have on their donation the monies to do this first phase which was to get a rendering and a site plan in front of the Board of Selectmen and the Department of Transportation. The second phase of that project is to do the cost estimates. The Council on Aging has agreed to fund it but it would be subject to the restrictions they placed originally on what they were willing to upfront the money for. Everybody out in the audience has to understand the Hudson senior organization over the last zillion years it seemed like have been raising money for a building. They currently have monies in two funds. A fund for a building and a fund for furnishing. He talked to the Council in June or July and indicated to them if they were going to try to get something on a Warrant Article for March, the Board had no money in its budget and that because their money has to be spent for a building, unless they go back to the Court and get it to be used for some other purpose, if they wanted to do something this year would they be willing to put the up front money. The up front money being at the time not to exceed \$15,000. The first project was \$4,850. The seniors agreed to that on the basis that we were going to push it forward to try and get it onto the Warrant this year. It is donated money and it is being used solely for the purposes of what they've been doing so far.

Selectman Jasper thought it was totally unrealistic to think that they could get anything on the Warrant for March this year with the process they're going to have to go through with DOT. He didn't think it was realistic at all. Chairman Massey said if they don't put a schedule down and try to make it happen, it won't happen Selectman Jasper but he agreed with him. If they put this down and they work with their legislative bodies if they run into a roadblock with DOT, then they can do it if they work to make it happen. Is it tight? Absolutely. Does it have risks involved? Absolutely. If they don't take those steps now, they won't be there in November to put the Warrant Article in front of the voters. Your concerns are noted, but we can't go on the basis that what they might do. They have to go and be proactive about it. If they do run into the roadblocks, that's why they have their legislative delegation to help them. They also have Mr. Webster who until November 2<sup>nd</sup> for certain has a pipeline into the Governor's office. So your concerns are duly noted.

Mr. Chairman if I may as they sit there on October 5<sup>th</sup> and they don't have a set of drawings to bring forward to DOT, Selectman Jasper thought realistically they're not going to jump on this. They get something there they're going to be probably 30 days if they're lucky. Chairman Massey said that in the deed it says that they have 30 days to respond to us. In his mind, that's why they're building the dog park. We sent them a letter in November saying they were going to build a dog park and we didn't hear back from them. We sent them a letter in June that said unless they heard from them in 30 days they were going to go forward. They sent them a letter in July that said the 30 days were up and they were starting to construct the dog park. They've yet to hear a single word from DOT. Again Selectman Jasper, your concerns are noted but if they want to make it happen and it's truly a dream of this Town, they're not going to do it if they say that the State is going to be their obstacle. They have to work to make that not be an obstacle.

Again, Selectman Jasper thought they were dealing with a lot more than a dog park. You're talking a curb cut onto Kimball Hill Road. Chairman Massey said the curb cut was already there. Selectman Jasper said there was no second curb cut. Chairman Massey said for site 2 it already existed. Mr. Webster said it was

the old entrance. Chairman Massey said they still had to work with the State on that. Selectman Jasper thought by the time they look at getting something together to go out to get prices and everything, they're just looking at way too short a window of time. They're looking at essentially less than 3 months at this point. God bless you if you can get it done but he wouldn't try to get everybody's hopes up that this was something that can happen this year. He has serious, serious doubts. Even if that was a regular building that they were looking to build and didn't need anybody's approval by their own, he wasn't sure that now we're in October with nothing put together that they could do that very successfully. Chairman Massey said it was duly noted.

Chairman Massey declared a 5 minute recess with no objections. The Board was back in session at 8:05 p.m.

B. Town Meeting Room Policy

Chairman Massey recognized Town Administrator Steve Malizia.

Mr. Malizia said that Selectman Jasper had asked for this item to be on the agenda so he deferred to Selectman Jasper.

Selectman Jasper said the Board had a very interesting discussion about this last week because he had a special request and that didn't go any place. Mr. Chairman you're probably the only person whose opinion may count this evening on this. Years ago the meetings rooms in Town Hall were much more accessible to various groups. For instance, he used the room with a group of his fellow classmates to plan class reunions here. It was just a matter of whether the room was available and you made arrangements to get a key to the door. Now the rooms have not been available since 2004. He wasn't aware that there were any problems before. These rooms belong to the citizens of the Town of Hudson and he thought that they ought to be able to use them. They do need some oversight. You can't just give a key to Town Hall to anybody. Right now on Thursday nights the building is open and anybody can go in and wonder around if they choose to. All the important stuff is locked up and essentially the meeting room and the hallways are not locked.

Selectman Jasper didn't have a specific policy written up. He wanted to have more of a discussion to see what the Board's feelings were. He was primarily looking at this if the town political committees wanted to have a meeting of the town democrats, the town republicans and meet the candidates. There's the opportunity. A question came up on who would pay for that if there was a meet the candidates. He thought that's what cable TV was about. They have a budget for that. It comes out of the cable subscribers. So if there was a political show, certainly it would be the same thing if they wanted to make the effort to do it down at Old Derry Road but there can be two parts to something like that. There could be meet the candidate and there could be a meeting afterwards. So it's not necessarily a good idea to send them down to the Old Derry Road facility where everything is here. It may just be the candidates speaking to the committees for part of the meeting. He wanted to see what the Board's feeling was on whether they wanted to stay with the policy the way it is or if the Board was agreeable to opening the rooms up to more uses.

Chairman Massey asked if any member of the Board wanted to add anything. Selectman Coutu said they already voted on it. Selectman Jasper said it was 2 to 2. Mr. Chairman, Selectman Maddox said we in New Hampshire have a unique luxury and that is to get to meet the candidates. For U.S. Senate, he met a number of them personally. It's a lot different than watching what's being pushed at you on television as a commercial to actually meet the person. He didn't see why we wouldn't want to foster that in the Town of Hudson to be able to have our citizens come and meet the candidates, kick the tires for a lack of a better term, to be able to televise it if they so wanted to pay to have that function done. Again, Selectman Jasper is right. The rooms should be used for the citizens to be able to see how their government works. This is an important function of that. He knows that there were some concerns when this was done in 2004 about what if. There's always going to be what it. Until there's a problem, he thought they ought to have Mr. Malizia craft something and go to other towns. We're not the only ones that are in this bus. Find something that he feels will work for the Town of Hudson and let's get it done. He just didn't see why they

needed to secure the rooms from the very people they're trying to see how they're going to lead us in this country. Thank you.

First of all, Chairman Massey said this policy was updated in 2004 primarily for 2 reasons. The first one was the use of one of our facilities for a church service. He asked Mr. Malizia if it was that they were going to hold church services or they were going to hold Evangelization services. Mr. Malizia believed they wanted to do the second – to be evangelization. Chairman Massey said the Board basically said no. There were a lot of problems. They were basically threatening to take us court, etc. That ultimately was resolved. The second issue was the use of public facilities for campaign slogans. Point of fact when he ran for re-election in 2005, he had a picture of himself with the Town seal behind him. When it was pointed out to him that that was the policy and why was he doing that, the next morning he went down to the HLN and he had his ads changed because he did recognize that having the seal there was some implied endorsement.

Chairman Massey has absolutely no problems with an organization whether it be a political organization, or a fraternal organization, or what have you. If they want to have candidates come and meet their organization, he has no problems with that. Where he would draw the line is if they're going to use it as a means of evangelization. When you have open candidates night where anybody can come, its now evangelization time. There's the possibility that they're going to be asking for donations, etc., etc. There are so many ways that that can go wrong that he didn't think that it made sense to have it open to the public. Again in Chairman Massey's mind, it was always interpreted in those days that if a political organization wanted to hold their meetings there, great. If they wanted to bring in a speaker great. Once they open it up to the public, it is no longer an internal meeting. That's where he would draw the line. He's comfortable with the policy as it is with the understanding that it does include the ability of political organizations to schedule their meetings in these rooms.

Selectman Jasper indicated that it said, "Town meeting rooms shall not be available for public use and will be available only for governmental purposes." Chairman Massey said that's with the exception of the Town. That may be where they want to change it because of the ability to record. This room and the Community Development room were the ones that were being included in this only for governmental purposes. This may be something that needs to be updated because they did not have cable TV the way we have it today in 2004. Chairman Massey certainly saw no problems with an organization that wanted to have their meet the candidates' night, film it, and put it on Channel 20. That's a perfectly legitimate use of the cable broadcasting channel. Again, he wouldn't see them being able to bring non-members of the local party in for that to meet the candidates.

Selectman Jasper was all set but now Chairman Massey has totally confused him. To him you can go down to Old Derry Road and you can make any kind of a political show you want right now. You can evangelize. It's a town facility and you can do that. We're saying you can't come here to Town Hall and do the same thing. He didn't see what the difference was. You can't have the public in there really – he supposed you could have a studio audience to the degree that that would fit. He didn't see that there was any difference having it televised here and televised there and having people there and here. That's his whole thing. What does it matter? Sure if you want to make sure the Town seal is covered up, that's easy enough to do. We can make something that hangs down from the window sill and covers up the Town seal. Chairman Massey said they've actually done that. They've had meet local candidates and this use has been used because it was the only one that lent itself to cable broadcasting at the time. He would make this distinction Selectman Jasper. Channel 20 is a public access channel and it's for anybody, anywhere, any time, for any subject as long as they meet certain standards of decency. He didn't see any difference between broadcasting from here or from the Access Center. The only thing about that is under the current policy you couldn't have a private organization using this room. They could use the Ann Seabury Room, the fire conference room, the library, etc., etc.

That's where Selectman Jasper is confused. Say that the town republicans wanted to have their monthly meeting and they were going to invite the candidates in to give their spiel. They could do that at Old Derry Road or they could do that here but then you couldn't do it in conjunction with the meeting. Chairman Massey said to let him be clear so that everybody understood what he was saying. If the Hudson

Republican Party wanted to have a meeting at which they invited republican candidates to come and tell them what their programs are and why they should be considered, to him that's perfectly acceptable. It's when that meeting is open to non Hudson republican members that he would find it now in the evangelization stage.

Selectman Maddox said that their policy that Chairman Massey was in favor of says, "Town property including meeting rooms will not be available for political purposes, i.e. caucuses, rallies, meet the candidates, etc."

Chairman Massey understood and he thought meet the candidates was ambiguous if he read it that way. Personally if you wanted to make this change that you can have meet the candidates but only for the party members, he didn't see a problem with that. Again as he said, the distinction he would draw is if you're opening it to the public. Selectman Jasper said non Hudson residents. Chairman Massey said non Hudson party members. If it's a democrat it would be interesting to have a couple of democrats and vice versa. Selectman Maddox said they do. They record the other candidate. They saw that happen. He said he was from the democratic organization and came in and taped the entire presentation.

If Chairman Massey is the deciding vote, what is he the deciding vote on? Selectman Jasper said this wasn't just about politics. It was the line that Selectman Maddox mentioned. It says, "Town meeting rooms may be utilized by Town of Hudson boards, committees, departments, Hudson civic groups, and non public organizations and non profit with the exception of Town Hall meeting rooms which shall not be available for public use." He wanted these rooms to be available the same as other town meeting rooms.

Chairman Massey tried to remember at the time why they restricted those 2 rooms. He thought the only thing he could think of at the time was because – he couldn't think of it. On that basis, there may not be any distinctions. Selectman Maddox was there and it was the what ifs. What if somebody wanted to have a new cooking show – cooking in the building and/or nudity? He thought it was the what ifs. They haven't seen any of that. Even the cable facility isn't getting that much wear and tear. He thought it was a policy that was restrictive to the ability of their citizens to learn about the candidates, to learn about the various organizations. He understood the fear at the time. This new wonderful thing of cable is available and everybody was going to have their own show about this, that, and the other thing. It's just not happening. So to be able to use this room that's already set up for the cameras and if they have to have them make a shade that comes down over the seal and some organization wanted to use the room, he didn't see why they wouldn't let them do that. There needs to be a policy in place about responsibility and whatever. We can certainly research from somebody else.

Chairman Massey asked if he should take it that there were members of the Board that did not want to open it up. Selectman Maddox was it was 2 to 2. Selectman Coutu said he did not want to. He thought they were opening up a Pandora's Box. They're going to open it up to every organization that wants to use these facilities. We're going to be inundated and then we're going to have conflicting meetings and say no to this one and yes to that one. How come you said – well we have a meeting – well can't you reschedule your meeting. This is going to create a nightmare. Use Old Derry Road. That's the reason why they rent the building. If you want to have candidates' night, there's a room they can set aside for a meeting. He thought they could have a meeting there. We're opening up a Pandora's Box. We're going to have every Tom, Dick, and Harry wanting to use this room and unless this is air tight, its going to be ambiguous at best who can use it. You're going to have the socialist republic party coming in here.

If all you did was strike out the words, "with the exception of Town Hall meeting rooms", Chairman Massey said that would still preclude any non Hudson organization or any profit making organization or any organization that was here for commercial purposes from using these facilities. The socialist party unless they had a chapter in Hudson would not be able to use this room. If they have a chapter in this town and they wanted to use one of the facilities, you'd have to give it to them. You could not say no to an organization based on their political, religious or ethnic backgrounds. Once you open it up to one, you have to open it to everybody. He didn't understand that piece. If it's restricted to only Hudson residents whether they be individuals or organizations, how does that change if they're using this? Chairman Massey said there is an operational issue that he'll talk to later.

Selectman Nadeau said his was a security issue – lending out the key. That was his only issue. You give somebody a key to the side door so that they can come in on Friday night at 6 p.m. to have their meeting; you just gave them the key to the side door. The person that you lent the key to you has no problem with. It's the riff raff that they bring in behind them that are sitting out in the audience that you can't control. They go down the hall, wander into the bathroom and they break something. We don't know. That's his only concern. They go upstairs and turn the water on in the sink, there's paper towels stuck in it and the damage that could happen. That's the only concern that he has. He didn't have a problem using the buildings if you want to say it was during Town operating times and somebody was here. He has a problem with the security part of it with all those people in the building and we don't know that they don't have 95 people in here watching their two candidates and the meeting room can only hold 55. There's nobody here to say you're over your limit because everybody that's here is interested in what's here. That's his concern.

Selectman Nadeau said they're having the same problem at the Hills House. They have a nice facility up there and their thing is security also. If somebody wants to have a meeting there and they have a key holder that lets you in and takes responsibility, again, we're having the same security type issues. He sees the same problems that are there here.

Chairman Massey asked how either one of them felt about the political aspects. Selectman Nadeau said that didn't bother him. The security is what bothers him. Selectman Coutu continued to say what he's been saying was that to allow it would be creating a nightmare for ourselves. He thought somehow or another they're going to do something; they're going to offend somebody and next thing you know we're going to get sued. We're going to be tied into litigation. You're going to have every Tom, Dick and Harry organization wanting to come in here. He didn't think you could restrict it. Once you open this building up for public access, and that's primarily what we're giving them, we're giving them public access.

Chairman Massey wanted to separate two things. Whether you use this building or not, the question is where are you on the issue of the Ann Seabury Conference Room, the conference room up at the fire department if those were used for political purposes. Selectman Coutu said they were using them now. They have been. Chairman Massey asked if they had a problem with that. Selectman Nadeau said no but there's a dispatch at hand. Selectman Coutu said there's somebody in the building at all times at the police department.

Chairman Massey said the issue is this building. Selectman Coutu said that wasn't the only issue with him. That's Selectman Nadeau's issue. Chairman Massey asked what the other issue was. Selectman Coutu said that they have a policy. He didn't see what was wrong with it. We prohibit it and just leave it that way. Chairman Massey said he was getting mixed messages. If they're already allowing political organizations to meet here but then their meeting in either the Fire Department or Ann Seabury room and he knows that they've been meeting there. They meet in the library too. He's not following something.

Selectman Coutu said he wasn't there when the policies were established. When he hears that the republican committee is meeting at the library or the republican committee is meeting at the Ann Seabury room, he assumed they're abiding by the policy. This is the first time he sees the policy when it was put in his packet. Based on the policy, we're in violation of the policy already.

There's a couple of things. Selectman Jasper said the first is Selectman Coutu when you say they're going to be coming out of the woodwork. The Rec. Center and the Ann Seabury room – he didn't know how much anybody uses the meeting room at the Fire Department. Mr. Malizia said the Cable Utility maybe on occasion. Selectman Jasper said that was pretty much Town Boards. He knows that Boy Scouts, Cub Scouts have met at Robinson Road years ago. Certainly since 2004. We're talking about we have a policy that covers meeting rooms saying everybody can use living room except these 2. That's his issue. Why except those 2? Selectman Nadeau has a valid point about security. Selectman Jasper always felt the people were nuts at the Historical Society to let anybody in there. It's a museum. You have little nick knacks that anybody can pick up and put in their pocket. What are they going to pick up and run off with in here? There's always the possibility that somebody can overflow a sink. Somebody can do that on a

Thursday night when the Town Clerk's office is open because access to the building is the same then as it would be – he didn't think they were talking about a lot of people. He's not aware that there was ever a problem before. Again, it's the same type of thing that you have with the building up on Oakwood Street. You have to make arrangements to get a key to go there. The Ann Seabury Room people aren't too apt to cause any problems up there. He didn't see that they should be limiting these 2 rooms. There should be standards in place. People have to be responsible. You have to have one person that signs for the key, signs to take responsibility. You need to check the 4 bathrooms. He didn't know if there was a way to lock the door between the buildings so that if you have this one used. Chairman Massey said they'd have to put new locks on the outside building because the same key operates both of them. Selectman Jasper didn't think that was a problem. If you let them use the building, you have to check the 5 bathrooms before you leave the building. If they don't and something happens, then you're responsible. He didn't think they had an awful lot of meeting rooms available to civic organizations. He didn't want to belabor this any more. He didn't see the reason for it because there never was a problem.

One question for the Town Administrator. Chairman Massey asked if somebody uses the Community Center, do they have to pay for the custodian or do they have to waive it. Selectman Jasper was actually talking about Oakwood.

Chairman Massey's thinking right now is he's of the same mind that Selectman Nadeau is. The security in this building. Thursday night does open it up once but for the most part, he thought Friday night and Saturday night would not be nights he'd want to open up the building. The second problem he had alluded to earlier was who's going to be responsible for the scheduling? Right now the scheduling is fairly easy because most of the boards and commissions have fixed dates. As a result, the rooms except their friends on the Budget Committee. Even then it's fairly simple. Who's going to be responsible for keeping the book? Mr. Malizia said Donna Graham keeps the book right now. He wanted to point that out. It's been a struggle lately. Mostly because the Budget Committee gets layered on and it is a struggle. He thought they've been bumped a couple of times if not moved around.

Chairman Massey was okay with the policy on this building. He thought they might want to relook at this issue with political candidates for the other sites. Selectman Coutu wanted to point out that Selectman Jasper was apparently changing his mind. In the minutes of the November 14<sup>th</sup> meeting, a motion made by Selectman Jasper, seconded by Selectman Stewart, to amend their current policy and to restrict usage of meeting rooms in all town owned facilities regarding political activity to only the town republican or democratic committees to hold a meeting if a room is available but does not include gatherings such as caucuses, rallies, meet the candidates, etc. That carried unanimously. Apparently there is a policy in place where the democrat and the republican committees can hold meetings here. He wouldn't object to that. He just didn't want to have meet the candidates. If they want to have a meet the candidates, go do it at the Public Access Center where he feels it should be done and not here.

Unfortunately, Chairman Massey said that meeting was in 2000. The policy we now have reflects an update as of 2004. 2004 is what they're currently operating under. If you want to amend the policy to include that language, he'd certainly entertain that motion. The motion he'd entertain is for town-owned facility excluding Town Hall rooms. Is that a motion that would be on the floor by anybody? Selectman Coutu asked if they were talking about excluding the Board of Selectmen's room and Community Development. Selectman Coutu said that Selectman Jasper wanted those rooms included. Chairman Massey said he knows he does. Somebody make a motion if they think they want to go somewhere with it. You could either have the motion as its worded, some variation on that motion, or a totally different motion. Otherwise, we'll stay with the policy as it is.

*Motion by Selectman Maddox, seconded by Selectman Jasper, to have the Town Administrator research other town's policies and get back to them with what other towns do in regards to use of meeting rooms and political parties.*

Selectman Coutu said he wasn't going to support the motion. He thought the Town Administrator had enough to do without having to call other town halls. Some allow them. Selectman Jasper pointed that out. Selectman Coutu thought he read in The Telegraph where communities have allowed candidates to come

into their buildings and hold candidate nights or a question and answer. Some do and some don't. He thought it was a decision they have to make. He's not going to rely on what other towns do. We're unique. We make our own rules.

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

Motion by Selectman Coutu to allow the republican and democratic committees to hold meeting in Town Hall.

Chairman Massey said if Selectman Coutu was going to make the motion, you have to say any political party. Selectman Jasper said there were only 2 political parties in the State of New Hampshire. Chairman Massey said the libertarians are a party. Selectman Coutu said that's why they're opening up Pandora's Box. He withdrew his offer of a motion. We're going to open a Pandora's Box. Forget it. He was sorry.

### C. Budget Parameters

Selectman Coutu said at the last Budget Committee meeting, the Committee suggested that both the School Committee Representative and himself come before their respective Boards and the Chairman of the Budget Committee was there to attest to that. He believed he supported the idea. The Board of Selectmen not just do what they have done in the past which was level fund the budget, that they take a more careful look at their budget and to see if there is anywhere they can cut to either try to stabilize the tax rate or lower the tax rate this year. It had been suggested initially that they look at a 5 percent cut. Selectman Coutu articulated that a 5 percent cut would represent in excess of \$1.5 million on their budget. We don't have \$1.5 million worth of paper and pencil to erase. Obviously it's going to affect several positions in their budget. When he means several, he means upwards to a dozen people in order to affect that kind of a cut. The compromise he believed, and you're here Mr. Martin as Chairman of the Budget Committee. He didn't know what capacity he was at that meeting. He assumed he was there as a private citizen and simply making an observation. He believed that the wishes of the Budget Committee was for the Board of Selectmen to take an exhaustive look at their budget and to try to facilitate some cuts in order to try and stabilize the tax rate for this year. They asked the School Committee to do the same thing on their side. They will do what they will do. That's what they requested.

Selectman Jasper prefaced this remark by saying that the Budget Committee is probably the Committee that he has held nearest and dearest to his heart having first been elected to the Budget Committee coming up on 31 years ago, and the fact that 3 generations of his family have served on that Committee. He found that request to be outrageous. It is not the job of the Budget Committee to go back to the governing board and request that they make cuts to their proposed budget. That is their very job is to look at their budget and see what they think is not a prudent expenditure. Selectman Jasper is very saddened to see that the Budget Committee now feels that this is their job to tell the governing body what they should come in at with budget. That's their job. Whatever the Board of Selectmen comes in, they're to look to see what is responsible. He rejected the request out of hand. This Board will pass on to the Budget Committee what they feel is the most responsible budget that they can, and then they will do what is their statutory obligation.

Selectman Coutu believed that in that portion of the discussion Selectman Jasper, and again Mr. Martin is here to attest to it, that it made it pretty clear that we vet the budget. We go through it with a fine tuned comb, and we present what we think is in the best interests of our needs in order to operate the Town and at least maintain the level of services that people have come to expect for what they pay. He believed that one or two members of the Budget Committee said, "If you don't do it, we will." That's their job he guessed if that's what they want to do. He's still going to maintain Mr. Martin because he is there and he hoped the Board didn't mind if he spoke to him. He's in the audience but he is...Chairman Massey recommended that this was a Board issue and not a Budget Committee issue.

Selectman Coutu said he was going to maintain his position. His position was that they as a Board are going to vet the budget request as they come in. They're going to look at them very carefully as they always have, and they're going to put together a budget which they feel is necessary in order to operate this

Town, make sure that they don't take away from the public safety that is required for this Town, and that the services that the citizens have come to expect and need in order to survive are provided. What that cost is going to be is contingent upon what the needs are of each department. They have the utmost of faith that all of their department heads are going to adhere to their wishes to try to level fund as best they can. Anything over and above, which would be warrant articles, the voters will decide and in the end, the voters decide what the tax rate is going to be based on what they approved for expenditures. He knows they'll do their job to the best of their ability.

Chairman Massey said he echoed Selectman Jasper's comments. He would preface it by something that a former member of this Board used to make sure that the members of the Board of Selectmen understood. The Board of Selectmen are responsible for governing this Town. They have a statutory requirement to provide the revenues and expenses to make that happen. The Budget Committee has a statutory responsibility to take the Board of Selectmen's budget and determine whether it is an appropriate budget for the Town. If they think its not, to make the appropriate changes, and they can do it up or down but to have a rational reason for why they're going to make the change. His final comment was, "Regardless of what the Budget Committee does, the day after the budget is passed at Town Meeting, we have to govern." We have to govern with whatever is there. So the Budget Committee can make all the comments they want. They can cut as much as they want but we this Board and whoever the Board is in any subsequent year is responsible for managing the Town and not the Budget Committee but the Board of Selectmen. So it's our responsibility and in fact they have done that. They have given the direction to the departments of what they expect them to go to them with their budgets this year. That's the direction they've said. If any indication from past practices the budget that's submitted to them will not be the budget that goes to the Budget Committee because they will make changes whether they're up or down. That's inevitable in the give and take. Chairman Massey thought it was inappropriate for them to have an external board who has no statutory responsibility to manage and govern this town to provide them with the parameters for which they decide they should do it. He thought what they did back in August that set the parameters was the right thing to do and that's what they're going to do. Statutorily when they give the budget to the Budget Committee and they pass the budget that they finally come up with, it's their budget at Town Hall. It is not the Board of Selectmen's. Statutorily they are responsible for defending that budget to the Town. That's where the flip side of it is. No matter what they do on the warrant article, the next day the Board of Selectmen has to manage.

Selectman Jasper thought this Board and this Town has been very responsible in the budgets that they've passed. They all know they have one of the lowest tax rates for a community this size. It's not the lowest in the State. That hasn't happened by accident. A lot of people put in a lot of effort into it. When your first consideration is the tax rate not what the actual needs to operate the Town are, then he didn't know that they really have a community any more. He thought they all have to look at the needs and the wants and determine what can be afforded but sometimes we have to make the difficult decision to say the tax rate has to go up.

Selectman Jasper said he didn't know if any of them heard what went on and he didn't know if it was yesterday, and he knows this happens primarily down south in very rural areas, the Towns do not have fire departments. They have fire companies that are private and you pay a fee. If you don't pay the fee, well there was a house – there was a \$75 fee – and the house burned to the ground. There's nothing else that that fire department could do because if they're going to come and put your house out if its on fire if you haven't paid the fee, then nobody is going to pay the fee. Selectman Jasper's point was he was glad they have a fire department that people don't have to pay fees to. We all pay property taxes. He would hate to think that they would get to that point where they would be looking at doing things only for financial reasons and not worry about the consequences. The consequences of those places not having a municipally supported fire department is people's houses burn to the ground while fire fighters stand around and watch. That's where you end up where your mind set is that the most important thing is the tax rate. Thank you.

Chairman Massey was reminded he thought was in the 1700s and it may have been into the 1800s, if you didn't have the little medallion on your house which indicated that you had paid the fire fee here in New England, you didn't get fire on your house. So that medallion became a very valuable little entity.



Selectman Maddox agreed with Chairman Massey and Selectman Jasper. He thought that in the 6 years that he's been there, they're cheap. They try to look at...Chairman Massey interrupted. We're frugal. There's a difference. Selectman Maddox said that there are people that are economically challenged. So they are trying to do their very best to balance the wants versus the money that they can extract from their citizens. Again, he thought that this Board has at times been overly cautious on spending and to the Board's credit at this point, they're in dam good shape. He lives in a condo association that their answer is just keep raising the fees. His condo fees are now more than his taxes and there's no fire department or school. We have a dam good job of trying to balance what they need to run for government, what people want, and what people can pay. He certainly hoped that the Budget Committee said that with some guidance. The Board of Selectmen listened, had a wonderful discussion but again, we have to do what we have to do with our department heads and then they're going to review it. It's up to the Budget Committee representatives and this Board to explain why we expended whatever monies were put in the budget and hopefully the citizens agree with that budget. That's the process. Thank you Sir.

D. Department Head Reviews

Chairman Massey recognized Selectman Maddox.

Selectman Maddox said it's always we're going to do that. He thought it maybe time to say we're really going to do that is to take a look at them. He didn't think they've looked at them in a couple or three years. He knows there are no raises because they haven't been able to get that through. He still thought it was important that they at least take a look at those and see if they agreed with the Town Administrator's assessment, where they want to direct their department heads to go. They're running a \$26 million operation. They should at least do that fundamental business project.

Selectman Coutu thought they had department head reviews last year. Selectman Nadeau said they did. Chairman Massey said they did but as Selectman Maddox would tell them, they had them but there was no follow up on them. They simply were provided to them and that was the end of it. He thought what Selectman Maddox was suggesting that they have a nonpublic meeting at which they provide input to the Town Administrator based on their interactions with the department heads whether there needs to be any changes, etc., etc. As Selectman Maddox would tell you for the Town Administrator to put these reviews together, make 5 copies, and send them to the 5 of them and then they go into the circular file. So the question is do you want to have a conversation with the Town Administrator based on the Board looking at the reviews and then making any comments, or suggestion, or what have you to the Town Administrator. If you're not prepared to do that then getting the reviews is an exercise in so what. Does that kind of summarize your position? Selectman Maddox said Chairman Massey did a better job than he was going to do.

Selectman Jasper thought that was appropriate. He certainly didn't feel that he was in any position to sit down here and write a review of any of the department heads. He thought if they were to review what Steve has done and have a discussion about the reviews, he thought that would be appropriate and he thought at that time its probably appropriate for them to do a review of the Town Administrator and have the Chairman write it up at that point based on their comments. He didn't like the way they've done it before because they were just sending comments out there, doing their own individual reviews, and he's never been very happy with that process. He thought if they sat down as a group and talked about it and came up with a consensus – frankly what's happened before with a former Chairman when he'd write comments and he'd say we're not going to be able to tell who wrote them, he specifically put them in so the Administrator could tell that he wrote the comments. It wasn't this present Board or the present Town Administrator either. That was not a very good process. He had such a sour taste left in his mouth after that, he didn't want to participate in something like that again. He thought at either a workshop or at the end of a workshop would be appropriate to do that.

Chairman Massey said they'd do it for the workshop in November. Selectmen Coutu and Nadeau said that was fine. Chairman Massey asked Mr. Malizia to make available copies of the reviews. The reviews have already been done and are available otherwise he wouldn't have picked November. Again, they will do it in nonpublic because they'll be discussing performance. He will expect it to be more than just I read the

review good job. Selectman Maddox said if that's what's called for that's fine. He thought that they have an obligation to say if that's not the case or goals for the next year. They may be looking for certain things that they want certain departments or the entire group of them to be goaling towards. Again something they can discuss.

8. OTHER BUSINESS/REMARKS BY THE SELECTMEN

Selectman Coutu – Had nothing this evening. Thank you.

Selectman Maddox – Thank you Mr. Chairman. They had quite the article about Engine 4. He has received responses back and so hasn't Selectman Coutu. There was a report that Engine 4 had once again gone out of service yesterday. He got a chance to ride in the truck with the Chief, a Deputy, and a driver. Low and behold it made the noise. So they are making progress. The apparatus was sent out for something else but at least there's an indication of where that noise is coming from and maybe there's going to be some forward progress on resolving it. He knows they want to talk about next week some issues with that truck. He has some questions and he'll try to get them to Donna for their package. Basically in service time and what KME is doing presently. Those types of questions.

Selectman Jasper – Had nothing.

Selectman Nadeau – Just a couple of upcoming things to make people aware of. The Pumpkin Fest is October 15<sup>th</sup>, 16<sup>th</sup>, and 17<sup>th</sup> at the Hills House. It's put on by the Kiwanis and you can go to their web site and take a look at Hudson Kiwanis which will give you a list of the events. On the 15<sup>th</sup>, there's a spaghetti supper at the VFW for the Zach Tompkins stadium fund. That's all this evening.

Chairman Massey – Has a couple of things. He doesn't often respond to things that are in the local newspaper but sometimes he thought it was important that their citizens know the other side of the story. There was a Letter to the Editor in last Friday's issue of the Hudson-Litchfield News which an individual was blasting the Board of Selectmen for doing nothing about a piece of property on Central Street. It was in terrible shape and somebody was going to get hurt. We took over the Ferry Street buildings why couldn't we take over this particular building. He's happy to report to the citizens of the Town that your Community Development Department has not been sitting idle for the last 6 months. At the direction of this Board, they identified 10 properties that needed to have corrective action to them. One of them being the building that was referenced in the Letter to the Editor. In one case, we're not able to get the owner of the property to take the remedial action that was required, so the Town under court approval demolished the house and put a lien on the property. Everyone of the properties including this one that was mention in the paper currently have actions required of them to do something with the property or we will take it to court.

[Chairman Massey] Someone will say why didn't you take them to court immediately. There are two reasons today why they don't do that. The first one and most importantly is the first question that's going to come out of the court's mouth is, "Did you make any effort to work with the land owner to correct the issue?" They would send us back across the river so fast it would make your head spin.

The second thing is currently because of budget constraints at the State level, the courts don't have sessions on Friday and because they are short handed, they are scheduling criminal cases before they schedule civil cases. This kind of a civil action would be so far down on the priority list that by the time it ever got to the Court for us to be able to do something, we could have worked with the homeowner to make it happen. So we are vigilant. The Board did see that as an issue and the Community Development has enthusiastically embraced it. It's unfortunate that people sound off without ever seeking the facts. They assume things that they don't understand. Chairman Massey guessed people know what the word "assume" translates to.

In that same HLN, there's been an ongoing – Chairman Massey is actually fascinated because he didn't know if any of them recalled the blue tarp issue of several years ago that every week in the Hudson-Litchfield News there was a harp about some property, and it turned out it was in Litchfield. The people had stuff on their lawn covered in a blue tarp. They got caught up in their whatevers. First of all the one

thing that he thought was great about this part of the country is also true in other parts is at this time of the year fresh produce is a delight. If you've never eaten a fresh tomato, a store bought tomato tastes great. Once you've eaten a home grown tomato, it's like heaven. Somebody had the courage of their convictions to anonymously blast one of the local farm stands. They were arrogant, rude, they were this, they were that, etc., etc. Chairman Massey had to tell them two things about that farm stand. First of all, the two gentlemen that were in it are the nicest gentlemen you're every going to run into. He can't tell them the number of times when they've slipped an extra plum in his bag. He can't tell them how they go out of the way to help you. He was flabbergasted when he saw that comment in the paper. He wanted them to know to please support your local farm stands. Local produce is great. This particular farm stand is absolutely great.

Selectman Maddox had another Thumbs deal. A couple of weeks ago it said that Musquash Road was getting water and sewer. He checked with the Town Engineer. There's no such thing. If people are watching and think that water and sewer are coming Musquash, its not happening. It was in one of the Thumbs. Somebody said great job Hudson. Just so the people aren't expecting that there's water and sewer coming down any time soon, he checked with the Town Engineer and its not happening.

Chairman Massey said he did check with the two gentlemen and they told him that over the last couple of weeks they used a large number, but he thought they used the large number just to indicate that all the people that have come up to their farm stand saying they don't know where this Thumbs Down came from but it clearly was not the people they're dealing with.

9. NONPUBLIC SESSION

10. ADJOURNMENT

*Motion to adjourn at 9:05 p.m. by Selectman Maddox, seconded by Selectman Coutu, carried 5-0.*

Recorded by HCTV and transcribed by Donna Graham, Recorder

**HUDSON BOARD OF SELECTMEN**

\_\_\_\_\_  
Kenneth Massey, Chairman

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Richard J. Maddox, Vice-Chairman

\_\_\_\_\_  
Benjamin Nadeau, Selectman

\_\_\_\_\_  
Shawn N. Jasper, Selectman

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Roger E. Coutu, Selectman