

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

1. CALL TO ORDER - by Chairman Maddox the meeting of September 28, 2010 at 7:00 p.m. in the Selectmen's Meeting Room at Town Hall.
2. PLEDGE OF ALLEGIANCE - led by Doug Robinson.
3. ATTENDANCE

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

Staff/Others: Steve Malizia, Town Administrator; Donna Graham, Executive Assistant

4. PUBLIC INPUT

Chairman Maddox wanted to start off by saying a couple of things. If you have cell phones, please turn them off so that they don't get to hear their unique ringtone. If you'd like to speak, come up to the table and state your name and address for the record. Does anyone wish to speak? Seeing none.

5. NOMINATIONS & APPOINTMENTS

- A. Resignation of Suellen E. Seabury Quinlan as a member of the Planning Board, Conservation Commission, and liaison to the Nashua Regional Planning Commission

Chairman Maddox said the first item under Nominations & Appointments is a very sad one. He believed they all read the resignation from Suellen Seabury. She is resigning as a member of the Planning Board, Conservation Commission, and as the liaison to the NRPC. He was sure he spoke on behalf of the Board and the Town wishing her and her family the best.

Motion by Selectman Coutu, seconded by Selectman Nadeau, to accept Suellen Seabury Quinlan's resignation with gratitude for the service that she's provided and with an interest that she come back to serve the Town, carried 4-0.

- B. Cable Utility Committee - (vacancies for 2 members - 1 term to expire 12/31/10; 1 term to expire 12/31/12)
Michael Blau
- C. Conservation Commission - (vacancy for 1 member - term to expire 12/31/11; 1 alternate - term to expire 12/31/11)
B. Jennifer Lemieux

Chairman Maddox asked Ms. Lemieux to step up to the table.

B. Jennifer Lemieux, 1 Pinehurst Street, Hudson. Chairman Maddox asked Ms. Lemieux to give the Board an overview of why she wanted to be on the Conservation Commission.

Ms. Lemieux said she recently finished her LLM in Environmental Law at Vermont Law School. She has a JD from Rodger Williams with an interest in practicing environmental law. Right now she's job searching, which the market is pretty bad. She doesn't know when she's going to find a job, but she's interested in keeping her foot in the environmental community and letting people know that she's interested in pursuing that kind of work, giving back to the Town, and staying involved.

Selectman Coutu asked if Ms. Lemieux ever attended or watched a Conservation Commission meeting. Ms. Lemieux said she had not. She just finished her LLM in August. So she's been away pretty much for 4 years for school. Selectman Coutu asked if she was familiar with environmental impact studies that they recently conducted in the Town of Hudson. Ms. Lemieux said she was not. She recently went to a wetland meeting for the environmental section of the New Hampshire Bar with NH DES talking about the Wetland Mitigation Program that the State has, which she found very interesting. She's very interested in water law, so she took water law, wetland law and policy, watershed management at Vermont. While Ms. Lemieux was in college, she went to UNH in Durham. While she was in college, she worked for the Southern NH Planning Commission. She does have that experience of working on town master plans, hazard mitigation plans, and attending all the Regional Planning Commission meetings for the year that she worked there.

Selectman Jasper said the Conservation Committee has to balance the property rights of the owners versus the need to protect the environment and look at those laws very carefully. Do you have a particular philosophy and how you would deal

with issues going before the Conservation Commission and you're asked to make rulings for these projects that you'll be seeing. Ms. Lemieux didn't know that she would say that she had a particular philosophy. She definitely thought that with a legal background that she has a respect for the law and would follow the law. She understood the balance issue. She also took classes in law school on takings, attended a takings conference with one of the legal authorities in the country, and was able to study takings law under the attorney that argued the Pallet Solo Case in Rhode Island. Ms. Lemieux has a respect for that angle.

Follow up. If Selectman Jasper is hearing Ms. Lemieux right, then she's not coming at this with a particular advocacy. She's coming at it looking at it legally. What does the law say, so what is allowed based on the law. Ms. Lemieux would bring that type of legal frame and also a knowledge base as to what the current environmental benefits and drawback were in terms of wetlands mitigation and development impacts.

Selectman Coutu would like to have an opportunity to take advantage of what they've done historically, which is to think about this. At the same time, Chairman Maddox asked when the next Conservation Committee was. Ms. Graham indicated it was September 29, 2010 at 7 p.m. in the Community Development Meeting Room. Selectman Jasper said the calendar will need to be adjusted. Chairman Maddox said he was always reticent to appoint someone that hasn't been to a meeting. So maybe if Ms. Lemieux goes to the meeting on the 29th. Again, Ms. Lemieux needs to take a look and see if that's what she wants to do. That's always her fear. Whenever somebody hasn't been to a meeting, hasn't seen the actual workings and the flavor of it, the time it takes, the stack of papers. It's nice for her to at least see that before she gets appointed.

Ms. Lemieux said she hasn't been to a Conservation Commission meeting but she's been to Zoning Board meetings in other towns when she was in law school, Planning Board meetings, and those types of meetings. She thought she did have a good idea of the time commitment.

Chairman Maddox said they'll be appointing at the next regular meeting on October 12th.

Selectman Jasper told Chairman Maddox that he really didn't leave the applicant with much guidance. Do you want her to see a meeting? Do you want Ms. Lemieux to get back to the Board only if she's not interested after attending a meeting? How is the Board to know if they don't..Chairman Maddox said if she's at the meeting, then the liaison is Selectman Massey. After going to the meeting, Chairman Maddox asked Ms. Lemieux if she could let them know if it is something that she is interested in doing, and it will be on the next regular agenda and they'll look for that input.

- D. Planning Board - (vacancies for 1 member -1 term to expire 12/31/10; and 2 alternate members - 1 term to expire 12/31/11, and 1 term to expire 12/31/2012)

Michael Blau
Glenn Della-Monica

- E. Zoning Board of Adjustment - (vacancies for 3 alternates - 1 term to expire 12/31/10, and 2 terms to expire 12/31/11)

Michael Blau

6. CONSENT ITEMS

Chairman Maddox asked if any Board member wished to remove any item for separate consideration.

Selectman Jasper moved the calendar to reflect the September 29th meeting of the Conservation Commission at 7 p.m. in the Community Development Meeting Room.

Motion by Selectman Coutu, seconded by Selectman Nadeau, to approve consent items A, B, C, and D, as noted or appropriate, carried 4-0.

A. Assessing Items

- 1) Current Use Lien Releases - Map 217, Lots 33-1, 33-6, 33-7, 33-8, w/recommendation to approve

B. Water/Sewer Items - None

C. Licenses & Permits

- 1) Request to Solicit Funds by St. Jude Children's Research Hospital
- 2) Request to Solicit Funds by Tyngsborough Cub Scout Pack 46
- 3) Request to Solicit Funds by Cub Scout Pack 7

- 4) Night Trucking Permit - Brox
- 5) Outdoor Gathering Permit by Kiwanis of Hudson for Hudson Pumpkinfest on October 15, 16, and 17

D. Acceptance of Minutes

- 1) Minutes of meeting on September 7, 2010
- 2) Minutes of meeting on September 13, 2010

E. Calendar

09/29 7:00 Conservation Commission - CD Meeting Room
10/04 6:00 Hudson School Board - BOS Meeting Room
10/05 6:00 Senior Building Committee - Community Development Meeting Room
10/05 7:00 Board of Selectmen - BOS Meeting Room
10/06 7:00 Planning Board - Community Development Meeting Room
10/07 4:30 Senior Building Committee - Community Development Meeting Room
10/07 6:30 Recreation Committee - BOS Meeting Room
10/07 7:00 Benson Park Committee - Community Development Meeting Room
10/11 COLUMBUS DAY - Town Hall Closed
10/12 5:00 Hudson School Board - BOS Meeting Room
10/12 7:00 Board of Selectmen - BOS Meeting Room
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 Budget Committee - 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 Budget Committee - BOS Meeting Room
10/25 7:00 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 Budget Committee - BOS Meeting Room
10/28 7:30 Zoning Board of Adjustment - Community Development Meeting Room

Motion by Selectman Jasper, seconded by Selectman Coutu, to amend Consent Item 6. E., Calendar, to reflect the meeting of the Hudson Conservation Commission on September 29, 2010 at 7:00 p.m. in the Community Development Meeting Room, carried 4-0.

7. OLD BUSINESS

A. Vote taken after Nonpublic Session on September 19, 2010

- 1) *Motion by Selectman Jasper, seconded by Selectman Coutu, to hire Yolande Rowell as a School Crossing Guard substitute for the 2010-2011 school year at a starting salary of \$13.50 per hour effective September 14, 2010 per Chief Lavoie's Memo dated September 7, 2010, carried 5-0.*
- 2) *Motion by Selectman Coutu, seconded by Selectman Maddox, to approve Patricia Barry's request for the payout of her remaining 29.667 hours of earned time at her current hourly rate of \$25.19, carried 5-0.*
- 3) *Motion to adjourn at 9:53 p.m. by Selectman Jasper, seconded by Selectman Coutu, carried 5-0.*

B. 2009 Abatement Application Map 177, Lot 5 - Shepherd's Hill Condo Development

Chairman Maddox recognized Vincent Iacozzi and Ernest Thibeault, the Representatives of the Development.

Ernie Thibeault the owner of the development and Vinnie Iacozzi. He's in the real estate department. Mr. Iacozzi handed out additional documents rather than reading them into the minutes. A letter from Crafts Appraisal outlining the methodology that they use for 2 different types of methodology used for evaluating pad sites, which included Pad Sites assessment history

of the Shepherd's Hill development. He also had a plan showing the actual as built status of the Shepherd's Hill development in case there were any questions. The areas that are completely colored in - that is shown by the building that are constructed and all the utilities that are associated with them - water, sewer, gas or what have you. The remaining pad sites are the two lightly colored areas where just the blocked in area is. There's a small complex and are at the top of the hill. Then they have another complex that is primarily all pad sites. Just to give everybody a frame of reference.

Basically Mr. Thibeault said what they're asking for, and they've been dealing with the Assessor for quite some time. They filed 2 separate abatements. One was for 20 units at Shepherd's Hill which were rental condos that were owned by his company, and that was denied. The other abatement they filed for was 126 pad sites. That's what Mr. Iacozzi just showed the Board. The Town has been assessing those back in 2004 at \$40,000 a site. They raised it to \$60,000. They've had some discussions over the years and there's been some letters in the files about they thought the assessment was excessive. They had filed an abatement before and had been denied in 2005 or 2006. They did not appeal it. They have filed another abatement for 2009 because at \$60,000 what Mr. Iacozzi was saying was there's 3 separate pods of the 126 sites. Of 2 of the sites, the ledge is existing, so there's a mound of ledge. Mr. Thibeault said there's no water, sewer, the pad sites are not even flat, and there's not any discrepancy in the evaluations from a buildable pad site to obviously one that still needs ledge blasting and still needs things done. In all of those pads, they do not have pavement, no services of water and sewer to them, and only 1 of the 3 pads actually has the ledge removed.

Mr. Thibeault said they've been dealing back and forth and at this point never received any negotiation back and forth as to the Town reducing it by \$10,000; they wouldn't reduce it. They've had a meeting and he wasn't at it. Mr. Iacozzi was with one of the women in his office. He thought at that meeting Mr. Iacozzi brought some of his information and stuff that they own in other towns that are similar. They had a large project of 117 condominiums in Hooksett. They supplied that information and were brought down from about \$48,000 a unit down to \$21,000. That was for the 2009 period also, which they supplied to Mr. Michaud. At this point Mr. Michaud had said to come in and talk to the Selectmen. He felt it a little odd that they wouldn't have at least received some response back or his opinion of value. There's quite a bit of information there to go through.

Chairman Maddox said the last time Mr. Thibeault and Mr. Iacozzi were there, there was some confusion as to when they were going to show up. Mr. Thibeault said they showed up and Mr. Michaud didn't. As Chairman Maddox understood it, Mr. Thibeault was going to be getting into contact with Mr. Michaud during that time between now and that last meeting. Mr. Iacozzi said they did that. When he talked to Mr. Malizia today, the abatement was submitted to the Board without a recommendation one way or the other. He thought in Mr. Michaud's defense and he wasn't trying to put words into his mouth, he thought it was something that was very large. It's very complex. He didn't think it could be just decided without some give and take and questions and answers going back and forth because it's a request for a fairly large abatement. Its one that they've proven their position in the Town of Hooksett. Mr. Iacozzi provided some additional information showing the methodology in the application for abatement on 5 or 6 other projects that backed up their valuation of doing an unimproved pad site valuation any where from \$10,000 to \$25,000 depending on the locality. The methodology that is normally used by appraisers, which is the letter Mr. Iacozzi provided the Board by Crafts Appraisal, gives them the definition of the 2 methods. The method that Mr. Iacozzi used, and the one they used in Hooksett, was basically from the ground up to what the actual pad site was worth sitting there with the permits in tact and nothing else done.

Mr. Thibeault thought the question Chairman Maddox asked was that they had contacted Mr. Michaud. At this point, they provided information but they haven't received a response back as to no he will not change the assessment. I think they're \$40,000 or whatever they are. He didn't know how values could be the same in the zenith of the real estate market to what they are now on some of the pad sites. It's been something they've been discussing for a long time and they're looking to bring it to a head. He believed that an abatement was a reasonable thing in this case. He wasn't sure why they haven't gotten the response of either a) a denial or a negotiated amount. He knew it was a lot. They're asking \$40,000 over 126 sites. So if you do the math, it's a lot of money.

Chairman Maddox said he had 114 sites. Selectman Coutu specifically wanted to nail down how many sites they're talking about. Mr. Thibeault said 126. Selectman Jasper said the information they had was 114. When Chairman Maddox talked with Mr. Michaud, he told him that he had not received anything from Mr. Thibeault or Mr. Iacozzi since the last meeting. The only communication he had was a carbon copy on something that went to the Town Administrator. Again, he thought there seemed to be a little lack of that communication.

Selectman Coutu said the last time that they filed for an abatement with the Assessor they were denied is he not correct. Mr. Thibeault said that was correct. Selectman Coutu said they opted not to appeal the denial. Could you tell him why they didn't take advantage of the appeal process if he felt that the evidence that he was presenting them in terms of what formula he might use to assess the value of a pad in another town, which is not something that he's going to weigh very heavily in his decision? If Mr. Thibeault that their argument was strong enough to be able to convince other communities, why didn't you think you could win at the appellate level. Mr. Thibeault asked if Selectman Coutu was referring to the appellate level for the 2009 abatement. Selectman Coutu said for the last one he said that they didn't appeal. To be very frank with you, Mr. Thibeault said it was a screw up in his office because he would have appeal it. He thought they were grossly over assessed for a long time. If you look at the mountain that was Shepherd's Hill and you look at the amount that it took to build that infrastructure, he did it all. He thought they've been grossly over assessed for a long time. They didn't do a good job of following through in his office. He thought with the downturn of the real estate market, and obviously notes the sales of how they are over there, they can't continue to pay those types of real estate taxes. He thought the information they provided

backs it up. Mr. Thibeault didn't know why they hadn't been able to make any hay with the Assessor at this point. He's put them on for 2 meetings in front of the Selectmen. He hasn't denied them. He hasn't given them an offer back and that's why they're there.

Selectman Jasper said it was unfortunate that they have not gotten together with Mr. Michaud and the Board really didn't have anything in front of them. He didn't like to normally say things like that, but he thought it was pretty obvious to him that those pads were not worth \$60,000 as they are. He didn't know what the price was, but there's no way that he would believe that the market value of those was \$60,000. He thought the Board did need to meet with the Assistant Assessor and talk about it and how he came up with that price. Certainly looking at 2004 he assumed was a reassessment year. He didn't remember. Things went up quite a bit but certainly there has been a substantial downturn in the economy particularly in pricing in condos, etc. He thought they did need to have the discussion. Selectman Jasper didn't think they were in a situation where they could defend \$60,000 particularly as Mr. Thibeault says the ones that don't have any utilities and are just an outcropping of ledge. There's a lot of money that needs to go into those. He'd like to the Board meet with the Assistant Assessor to talk about it. He didn't think there was anything they could do tonight beyond that because they don't have the information from him.

Selectman Coutu concurred. He was surprised Mr. Michaud was not there. Perhaps he was unaware that there was a meeting. Chairman Maddox said he was very aware. He was in Concord all day today and he is scrambling to put together information for a case that is before the BTLA. He is not home relaxing. He's doing the Town's work as we speak. Selectman Coutu thought like Selectman Jasper, he's not going to agree with everything he said but he would feel more comfortable if their Assistant Assessor was there with them and presented his logic for the assessment and then they can weigh whatever other evidentiary matter that the appellate wants to present and they have a more intelligent discussion with the expert in the field, which is not them its Mr. Michaud.

Chairman Maddox wanted to help out with Assessing 101. It is the applicant's responsibility to show them why \$60,000 - they do not have to per say defend \$60,000. It is the applicant's responsibility to present why it should be less. Again without hard and fast facts of whether those units that were reduced in price have the clubhouse already built, how many units? There's a whole bunch of factors that would affect what that pads value would be. Not to interrupt you but Mr. Thibeault said they understood that. A lot of that information has been provided. They sent Mr. Michaud some current sales. They've sent him like same kind of projects in other towns. They've done that. They've let him know that all you have to do is take a drive through Shepherd's Hill. They gave Mr. Michaud the information. He has to go back to them and say, "I agree. I disagree. This is why I don't agree with your methodology." He understood how it works. Mr. Michaud has not done that so far and he didn't know why.

Chairman Maddox said they could ask for all the information that Mr. Thibeault has provided to him to be provided to the Board. Mr. Thibeault said he was willing to meet with him again and on the site. The problem is that they've asked twice to do something and twice he's scheduled them for meetings to go in front of the Selectmen. The last time he had a conflict he didn't make it. Tonight he didn't make it and he understood he's probably got other business. It's a large amount of money for them. He's always been very fair in anything he's done with the Town of Hudson he thought. They've paid pretty good taxes there. This is a period of time where the values would drop so far that he just thought it was very egregious that the \$60,000 and he was looking to have Mr. Michaud come back to them with some type of a response. That's what it is. He has the information.

Chairman Maddox was told that raw land costs are mostly 30 percent of the final sale of the units. As he looks in the newspaper regularly on Sundays, their prices have stayed pretty stable. Mr. Thibeault didn't know what he was reading because he hasn't sold any lately. Chairman Maddox didn't say sold, he said advertising. Mr. Thibeault said exactly. They just reduced them \$40,000 so if you see the new paper, you'll see them. Unfortunately the resales in there are what's killing them too. Some of the resales in the condos are down to \$160,000 and \$170,000. It's tough. Chairman Maddox said that was probably some of the basis that he's using. Again there are formulas that he's looking at. The Board would be looking for what has been provided to the Assistant Assessor to all of them so they can make a decision.

One of the things, and Selectman Jasper didn't know if he had done it. He's not seeing it. He's seeing comparable land sales, but he knows that one of the things that's very often required, and we don't deal with this on this level quite in this method very often, but in other things he's been involved in would be for the appellant to have an appraisal done by someone showing what the value is. You've come in and asked for \$20,000. We don't really know what it's based on. The problem with doing comparable sales, he didn't think there was anything quite comparable to Shepherd's Hill. So you may need to spend that money to have an actual appraisal done of what the lots are. He thought there's going to be some differential in the lot prices. Selectman Jasper's opinion is some of them are much closer to being buildable than others.

In some cases, Mr. Thibeault said they have appraised properties and sent those into towns that they've dealt with. Obviously the Selectman is granting an abatement and its going to cost you on your tax base. He looked at it as it screams out that if you look at the comparable sales, you look at what these condo pads are - and he wasn't talking about finished unit, he was talking about what the pad are worth. By the time you pay your infrastructure, build out and you take the cost/sale price that they're dealing with now a days and you back yourself into it, you can't get anywhere close to that. He's willing to meet with the Assessor himself. Vincent met before with one of the paralegals in his office and had a lengthy meeting. He thought there was a lot of good banter back and forth but they never got anything back that said I agree, disagree, or I need additional information, or I want to meet at the site. That's really what they're looking for is some

direction. He was willing to meet with them. Mr. Michaud needs to give him a decision or if a decision is going to be I'll just gather the information, and the Selectmen will make the decision, then tell Mr. Thibeault that.

Again, Chairman Maddox didn't disagree and he didn't agree. He would want to see something that showed something that he could say okay here is a spreadsheet for lack of a better setup that says here's what my property has, here's what this property has. They have all those things but they don't tell them much. Trying to discern what this means, again they are the assessors but only in title. They're looking to Mr. Michaud for his expertise. Again, he thought they just needed to pull all that together, meet with him and/or have his liaison bring to the Board how they are going to resolve it. Selectman Coutu concurred.

Selectman Jasper thought to some degree they got some from Mr. Michaud in that apparently he's sending it without recommendation. He's looking at the comparables and they don't jump out at him as a comparable because they're not pad prices. It's not really showing him anything that he can take. Intuitively, Selectman Jasper thought because he said the \$60,000 is too high, he would have no idea where to go to. He really thought that they are going to have to have an appraisal done for them to really get any place. Selectman Jasper thought that may be part of Mr. Michaud's problem because there is nothing comparable in the Town of Hudson really to that. They certainly have other condo projects but the pad situation is totally different. You have those over by the river. Chairman Maddox said the Board could ask Mr. Michaud what that pad situation is so that they can see. Again, he thought of the 114 or 126 that would be the first thing he'd like to see resolved was how many. There may be variations. Some of them could be closer to 60 and some of them could be closer to 40 depending upon where they are as far as infrastructure, location, phasing, whatever. So there's a number of questions that he has that they can't answer tonight. Selectman Jasper said they were talking millions of dollars of assessment. Its 114 right now - \$6.8 million worth of assessment. To lob that down. Selectman Coutu said it would affect the Town's income by \$328,000 or a little more than that. Mr. Thibeault said its 60 now times 114 and 126, whichever they are. So you've got over \$6 million total assessment. Selectman Coutu thought they were talking about the abatement. Selectman Jasper said the abatement is over \$4 million. Selectman Coutu thought he was asking them to deduct it by \$20,000. Mr. Thibeault said the abatement filed is they were assessed at \$60,000. Selectman Jasper didn't see it moving very far very fast without a...

Mr. Thibeault said he understood it and it's a large amount of money but what's right is right. The value is the value. He didn't want to say this to minimize it because he realizes money is money, but that here has no bearing on whether or not the value is there or not. Selectman Jasper said they need to determine what that value is and the burden is on you. It's not on us to go out and have it appraised. That burden is on you. Mr. Thibeault didn't want to belabor and spent a lot of time with the Board because he realizes where they're going. They're either going to meet with Mr. Michaud again and try to get somewhere with it, or have it appraised, or visit the site so hopefully they can give the Board - if Mr. Michaud decides not to make a recommendation, at least the Board will have all of the information. How many pad sites have ledge? How many don't and that kind of thing if he decides to do that. Mr. Thibeault has no problem with meeting Mr. Michaud again. It seems like he's been reluctant. He didn't want to speak for him, but he seems to be reluctant to give them a decision or even an offer back. Some of the abatements they have in other towns have been very large also.

Again Chairman Maddox said Mr. Michaud said he had not received anything from Mr. Thibeault since the last meeting. So he was just going over what he was told on Friday. Mr. Iacozzi said the one thing was their whole package, and when you talk about an appraisal, when the appraisal comes in with the comps, they're going to use exactly what they have for comps from an appraiser. The last sheet, which his called their Land Sale Comparable #1. You asked about the one along the river.

Vinnie let me save you some time. Mr. Thibeault didn't mean to be short. Why don't they make a diligent effort to get back with Mr. Michaud again, supply him with any other additional information he may need, and he can tell them how he'd like to proceed from there even if its getting the Board the information and coming back one more time in front of them. He would be personally involved to sit down with him and try to do it in the next 2 week period so that they could at least have a direction to go in. He's fine with that. He would like to get it resolved one way or another and he was sure you people would too. Why don't we leave it at that if that's okay with the Board?

Chairman Maddox turned to the Town Administrator. Again, he didn't know what the Assistant Assessor's schedule is. Mr. Malizia said Mr. Michaud was in court this week. He's working on the Town's behalf. After this week, as far as he knew, Mr. Michaud's schedule is more flexible. Chairman Maddox asked to get a copy of what he has received and pull together a meeting with him, his liaison, and the applicant before they come back to the Board or you just want to see them. There's a lot of details in this that really need to be worked out before they come here. Selectman Jasper said they need to sit down and see where it goes. We need some correspondence directly from Mr. Michaud at the very least. The Board's sitting there without anything from him, and that's not the norm.

Chairman Maddox said he was going to leave it in the hands of the Town Administrator to contact Mr. Thibeault at the end of the week and set up something for next week. If Mr. Thibeault can pull together whatever it is that he his going to present. He agreed with Selectman Jasper. Without some sort of comparable appraisal based on something other than giving them lots of sheets of paper that they can draw their own conclusions, he's going to go in Hudson's favor. Until Mr. Thibeault shows the Board that this one has all of the same amenities as approximately the same percentage of its completion of all of those issues, this could be just raw land. The Board didn't know. Again, some of that needs to be pulled together. Mr.

Thibeault said okay. That's fair. Chairman Maddox asked if the Board members were fine with that and they replied they were.

For clarification, Selectman Jasper said Mr. Malizia is going to contact Mr. Thibeault with a time..Chairman Maddox said next week that they can get together. They're going to pull together information. Again before Mr. Thibeault and Mr. Iacozzi comes back to the Board if they have not provided anything to the Assistant Assessor, to the Town Administrator, and hopefully Selectman Liaison Massey to discuss, you're not going to get back on the Board of Selectmen's agenda. There's no sense in them coming back here until there's clearly something for them to look at rather than just what you've already provided. Mr. Thibeault said that was fine. He thought a visit to the site would be very helpful too, and he thought hopefully he could work that out with Mr. Michaud. Again, he's going to put the information in a better format so that the Board can understand what they're actually asking for a little bit easier. They'll work on that and get to them.

8. NEW BUSINESS

A. Public Hearing - Benson Park - Hours of Operation

Open the public hearing at 7:44 p.m.

Chairman Maddox asked if there was anyone in the audience who wished to speak regarding this public hearing. Seeing none, the Chairman closed the public hearing at 7:45 p.m. Mr. Malizia said it needed to go to a second hearing, which will be October 12th. It's already scheduled and advertised.

Chairman Maddox said the next public hearing will be on October 12, 2010. Is this posted on our website? Mr. Malizia said it's been posted on the web, on TV, and in the newspaper.

B. Temporary Roof Repair Benson Park Train Station

Chairman Maddox recognized Town Administrator Steve Malizia.

Mr. Malizia said our Town Engineer Gary Webster and Mr. Bernie Manor obviously have been working on the Train Depot project. He attached a black and white photo. It shows some deterioration of some of the current roofing material, which is basically a rolled type of roofing to protect the integrity of the building. That material is basically deteriorated. Mr. Webster and Mr. Manor recommended that we replace it. They solicited a quote from a local contractor to basically remove the damaged section, haul it to the landfill, repair and patch the roof using the same type of material with a drip edge to prevent further deterioration. As you are all well aware, we need to maintain at least the buildings as we got them. It will probably have to go through the current in its current conditions. A recommendation to spend \$525 to repair that roof.

Motion by Selectman Coutu, seconded by Selectman Jasper, to approve the repair of the Benson Park Train Station roof in the amount of \$525.00 with the funds to come from the Benson's agency account 2050-163.

To his motion, Selectman Coutu said it was quite evident. They've all been done there. It is quite evident despite the fact that there's a disclaimer here by the Town Administrator that this wasn't a great photo. He thought it clearly indicated that the amount of damage that exists on the roof and that they must be mindful of the fact that they have an obligation by virtue of the deed that they are going to keep the buildings in the condition or better condition than what they found them. The deed says that in the condition that they find them. If we don't fix this, it's going to deteriorate even further than what it already is. He thought that the bid that was submitted is not excessive and he thought that if it was going to alleviate the problem through the winter months, its money well spent for a structure they're trying to preserve for its historical value.

Selectman Nadeau asked what account that they're taking the money of. Mr. Malizia said it was the Shepherd's Hill Agency Account. Selectman Nadeau asked roughly how much money was left in it. Mr. Malizia believed over \$40,000.

Vote: Motion carried 4-0.

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

Chairman Maddox pulled this item off of the agenda. There was more information to be gathered and unfortunately he did not have time to pull it together. Rather than riding that horse to no where, he figured he'd wait and get them to the Board in their next packet.

D. Real Estate Proposals 47 Ferry Street

Chairman Maddox turned to Town Administrator Steve Malizia.

As you are well aware, Mr. Malizia said the property at 47 Ferry Street - that's the property that they were to sell and turn the proceeds over to the Library. If you recall last year, they had gone out for real estate services and picked a local realtor. They had advertised the property. They had an offer that they did accept. Unfortunately it fell through due to a financing

issue. Fast forward a little bit. This past month or so, the Board asked that he put together a package similar to what he did last time to solicit bids from local realtors basically to either take a different direction or try to get this property sold. To that affect, we advertised for bids, mailed them out to all the known realtors in Hudson, and also had an open house he conducted for realtors to view the property. He had 3 that attended. There were some others that had already seen it obviously. What you have is a compilation of their submissions. Mr. Malizia put together a table for them just to give them an idea of what their recommended price is, what their proposed commission is, their license in New Hampshire, how many years of experience selling real estate, and did they have a marketing plan. How are they going to get the word out? He's given it to the Board for their consideration. It's very similar to what they did the last time. He left it in their capable hands.

Selectman Coutu said it was very difficult to make a decision on the basis of what's presented there. Obviously they're looking to maximize what their return could be on the property. We haven't had much success for what they've been asking. They know it's going to need a little bit of cosmetic work for whoever buys it. Then the next you look at is aside from the years of experience, you look at what a real estate agency is going to charge you in terms of fees, but you can't make your decisions solely on the basis of that. His first inclination was to recommend the first agency on the basis...it doesn't matter Steve, we can tell them what they want to ask for.

Mr. Malizia said the Board is always free to direct what they'd like to list it for. Those are recommendations based on those individual's experience with the current real estate market. What Selectman Coutu finds difficult is that the agency that they had is the one that's recommending that we ask the highest amount of money for. He didn't know what they were basing that on. Mr. Malizia said there were packages upstairs that were available. Just for public consumption as you are well aware, the property had asbestos issues, i.e. there was fill in the back yard. Those have been corrected. We basically have a letter from NH DES that that situation is resolved acceptably. Unless you're going to put in an in ground swimming pool, you probably won't have any issue with that. It's been capped and fill material was placed over it. There were some cosmetic things that some of the Selectmen may have noted in the past. For example, there was a hole in the ceiling. The leak had been repaired, flashing around the chimney. The actual hole was repaired. It's almost spotless. You can't tell where it was unless you know where to look. There's been some other minor fixes like a front door correction, a new threshold. They could put a new storm door on it. There was a piece of broken glass downstairs. That type of thing that Mr. Manor, as he mentioned before, Bernie Manor has been very gracious in helping out with a lot of this for pretty much gratis. In some cases, we paid for some of the costs.

[Steve Malizia] From a property perspective, does it need updates? Sure. If somebody wants to put in a new kitchen or update the bathrooms, that's with any house. The house is clean. It seems like all the mechanical things are in decent working order. The asbestos has been mitigated so that someone should be able to get a loan or FHA type of loan, which maybe buyers in this market. He thought it has more positives than the last time they had it on the market when they had the asbestos issue. If you look at the bids, the market is not \$179,900 for this property. He thought that's probably evidenced by the fact that nobody bought it. It's only worth what's somebody is willing to pay for it. We did have an offer of \$170,000 if you recalled, but that fell through because they couldn't get financing. Realistically, this is a year later. The Board never dropped the price from \$179,000 to anything else. It probably got stale on that market. It depends on how motivated and how quickly you want to try to sell it. That's what this pricing he thought represented from the realtor's perspective. You could certainly ask whatever you'd like.

Selectman Coutu personally just from what he saw upstairs and what he has in front of him, he would still be inclined to - and he's open to listen to anybody, he's not saying that this is cut in stone - but to recommend on the basis of years of experience and the rate he find is reasonable, the first person and would set the rate at \$164,900. Obviously we'll listen to any offer. The point is they want to get this back on the tax rolls as quickly as possible and he'd hate to have that linger another year. That would be his recommendation on the basis of what he saw.

Selectman Jasper asked what they paid for the property, over \$200,000. Mr. Malizia believed \$199,000 and change. But he could be wrong. Chairman Maddox thought it was \$214,000. Selectman Jasper said they were losing a lot of money. The real estate market always recovers property taxes based on the selling price will essentially never recoup that loss. He thought at this point where the price has gone down so low he was not in favor of selling at all at this time. He would be more interested in finding the right tenant and rent it out to the market recovers. Mr. Malizia interjected and said he didn't think anybody there was qualified to be a property manager and he couldn't even begin to foresee the problems you would have. Selectman Jasper said they could hire somebody. The State does that with the house that they took by eminent domain on Old Derry Road. That's what they do. Mr. Malizia said as long as they can net it against the revenue you're okay because they don't have any other budget to do that. Selectman Jasper understood. He's not making a motion. Obviously it would have to be looked into. He's not crazy about losing that much money on it. The value will recover. They just went through that where they're looking at pad at \$60,000. So they're looking at an acceptable house that has a value of less than 3 of the pads out there at that sales price. He's not going to vote for anything tonight.

Being out there and looking and buying, Selectman Nadeau said the house was definitely move in ready. He couldn't see going with some of the prices that they had there. He thought the price that they had on it was a very reasonable price. He didn't think that anything was selling right now. Everything that he's looked at hasn't moved. There's 3 houses right around the corner from Town Hall that have been on the market, foreclosed, bankrupt and they're all in the same price range of \$229,000 to \$269,000 and they're the same houses similar to 47 Ferry Road. The longer they let it sit there, the worst condition its going to get. He'd like to see it back on the market. It doesn't hurt them to have it on the market. He would be

willing to put it on the market with the first real estate company listed. He would be willing to go with \$175,900 just to get it back out there.

Chairman Maddox interjected only for the fact that the dollar number is unrealistic. It's been at that number for a year. Even though it's going to go to a new realtor...Selectman Nadeau said they had \$179,000 and he's going to go to \$175,900. It makes a big difference in the real estate world. Chairman Maddox asked if there was a motion on the left side of the room as Selectman Jasper was probably not going to vote for it. He didn't disagree with Selectman Jasper in doing some research to find out what that would do. He thought the real question was where does the Library Trustees sit? It's really not their money that they're going to get. If they're expecting that money at some point to say they're going to rent it out for X 2 or 3 years until the market comes back to where it's worth \$200,000 again, they may not be as enthusiastic about that.

Selectman Jasper said that's part of the reason why he wasn't proposing a motion. He wasn't looking to do anything tonight. He was certainly willing to take this to them. They're meeting on October 20th. Selectman Coutu thought we're all up in the air. He hadn't given it any thought to renting it until Selectman Jasper proposed it. He was not necessarily convinced it's the right way to go. He's in accord with what Chairman Jasper suggested. He would like him to bring it back to the Library Board of Trustees. The money is going to go to them. He would also like him to explore the possibility with them that they could rent it through a management firm but at the same time, he'd like to hear what the costs would be for the management firm. If the heating system goes or something like that, who's responsible? Where's the money going to come from to fix it if the rents don't cover those kinds of repairs? There's a lot to look into. He would move to defer this to a date specific the first meeting after the next Library Board of Trustees meeting. Will that give you sufficient time Selectman Jasper? Selectman Jasper said yes.

Motion by Selectman Coutu, seconded by Selectman Jasper, to defer until October 26, 2010 at the first Board of Selectmen's meeting after the Library Board of Trustees meeting of October 20, 2010.

Chairman Maddox was going to do a little prognostication. They want their money. He didn't think they were going to sit and say they want to wait 3 years until this turns around to get the money. He thought this was an effort in futility. Get it on the market, get it sold and get the money. He just didn't see it going anywhere. They have a motion. Let's see where it goes.

Vote: Motion failed 2-2. Selectman Maddox and Selectman Nadeau opposed.

Selectman Jasper said unless they want to put this on the next agenda, and then there'll be 5 of them. Chairman Maddox said that's what he was going to do. He'll put it on for the next agenda. He would ask that the Assistant Assessor give the Board a number. Mr. Malizia asked what kind of number. Chairman Maddox said what he feels is comparable properties on that street have sold for. Selectman Coutu said they already had that. Selectman Nadeau indicated it was in the packet upstairs. Chairman Maddox said it was no where near the \$175,000, at least the one he saw.

9. OTHER BUSINESS/REMARKS BY THE SELECTMEN

Selectman Jasper - He did have one thing. It was a workshop item. It has become a little bit more pressing. That's the use of meeting rooms. Up until 2004, any group could use the meeting rooms. The Board changed that in 2004. He's had a request - the Republic Town Committee, and he would feel the same way if it were the Democratic Town Committee. If the meeting rooms are available and someone has access to a key or makes arrangements to get a key, he didn't see why they shouldn't be allowing town organizations to use the meeting rooms. This need will arise prior to our next workshop meeting.

Motion by Selectman Jasper, seconded by Selectman Nadeau, to move until such time as the Board revises the Policy on the Use of Town Meeting Room, the policy be waived for town political organizations to allow them to use town meeting rooms based on availability.

Selectman Jasper never understood why they stopped allowing it to happen. It wasn't a problem as far as he knew. Certainly in all the years he was on the Board it wasn't a problem. He didn't see the reason for it. He thought politics is a vital part of every community. It's difficult to get meeting rooms. This would also allow the committee who has political candidates coming in to allow it to be televised easily. That might be something that could be organized by going to the Old Derry Road facility but there's meeting and then there's a few candidates. It allows for forums to get the information out. He thought it was a better policy than no allowing it.

Just from a management side, Mr. Malizia said if somebody wants to have a meet the candidate night they could do that here. If they want to have a political rally they can do that here within the confines of the appropriate size or whatever but they could do that? Selectman Jasper said yes. Mr. Malizia said that's not what it allows now. He wanted to make sure. He wasn't sure it ever allowed that before 2004. As he read the iteration or the evolution of this, back in the late 90s, there were motions made that they could have organization meetings - the republican or democratic committees could come in, do their organizational thing, but they were trying to stay away from caucuses, rallies, meet the candidate.

Selectman Jasper wanted to say that very often the county republican committee meets at the Bedford Town Hall. So it's not an unusual policy. The county meeting met in the fire station. Very often the facilities at Bedford are used, including the council chambers there. He didn't think that was very unusual. This is more than norm to allow the use of town facilities when they're available. Selectman Coutu asked if the Republican Committee was using the Ann Seabury Room at the

Police Station. Selectman Jasper didn't know. He'd never been at a meeting there. Chairman Maddox believed they were using the library. Selectman Coutu said they had one at the library. They had a candidate's night at the library. He was invited to a couple of meetings at the Ann Seabury Room last year. He didn't go, but he was invited.

Again, Selectman Jasper said that allowed another options. Sometimes it's a matter of setup for training. That was the problem with the library. They don't allow that to be booked very far in advance. If something else comes up, you get kicked out. It's just another option.

Selectman Nadeau's only concern was security of the building being locked up when they leave. If they are taping, they do have the seal right behind where the Chairman sits. It's something that is simple just to be covered up or it can be taken out. That was one of the things that was a concern before was the town emblem being used in video taping. If you have some candidate here and that's behind them, it kind of says the Town of Hudson is endorsing them. If they did it this way or something different, he was sure the Cable Committee could work that out. The only thing that concerned him was the security of our stuff that we have in the Board of Selectmen's meeting room. He didn't know if there was a liability uniform that they have to sign when they get the key. Frankly, Mr. Malizia said there are meetings and then there are televised meetings. Who's paying for it? Selectman Nadeau said that was up to them. That's there problem and not ours. That was one of the concerns if it was on TV. The only other concern he had was stuff that was lying around here.

As Selectman Jasper said, he thought it's got to be a matter of making sure, and this is in the final policy, it's got to be somebody who normally has access to a key or has a key would be the person who would have to be in charge of reserving the room. He didn't think you could just give out a key to any Tom, Dick, or Harry. Chairman Maddox believed that was the concern many years ago. He thought he was just on the Board when they did that. It was the fear of the unknown as always. There was a worry for a while that there was going to be a nude cooking show down here or something. None of that silliness has gone on. As far as security, there's no more security than letting in any number of board groups that come in. The doors are unlocked. He's not worried about security. If they had a candidate here maybe they'd have to be worried about capacity. Even when a number of the candidates came, there was not a big crowd. Again, he thought they needed to revisit that. He agreed with this motion at this point to be able to get people the understanding of our elected officials. He thought maybe this is a good space to have some debates that they've had in the past. Taking the rooms out of the mix has been problematic for all sides, especially the voters.

Selectman Coutu will not support the motion. We're opening a Pandora's Box. He's not going to support the motion. You know how he feels about this. Chairman Maddox said he does. It is something they will address in a very short time frame. Is it on for this workshop or the following workshop? Mr. Malizia said whatever workshop you'd like. He thought it was going to be October because of some comments that he had made to Donna. Chairman Maddox said to get in on the October workshop. Again, he didn't want to hold back the citizens from being to get some information. He didn't think any of the major parties were going to be a problem. Let's get the information out there.

Vote: Motion failed 2-2. Selectman Coutu and Selectman Nadeau opposed.

Selectman Jasper wanted to talk about his favorite place in town a little bit - Benson Park. It was a very nice celebration on Saturday. He would have liked it if it were 10 degrees cooler, but it was a beautiful day. The crowds were great. It was a really nice way to have the Governor, members of the Board of Selectmen, and the Chairman of the Benson Committee march down in front of the Alvirne Marching Band. It was a neat feeling. The band did a fantastic job as did the Alvirne B-Naturals. They're really fantastic. The park just really in the last couple of weeks the amount of volunteer effort that went in there was just amazing. He couldn't believe it when he saw that the 3 sides of the elephant barn had been painted. He was a little concerned at first because it was in such a state of disrepair. When he saw it, those people really put a lot of time and effort into scraping, nailing and repairing. It really looked great. Of course the gorilla cage has come along. The area down where the pump is in a short period of time went from a jungle to a park. It's just absolutely incredible. He can't say enough about the volunteers. Of course as always, the Highway Department is so cooperative in helping out moving materials that needed to be moved. Selectman Jasper was sure they all noticed that the Jersey Barriers were gone on either side of the gate. That was a surprise. The Highway guys got tired of looking at that and took it out on their own. That was a big improvement to have those Jersey Barriers out of there. It looked so institutional the way it was and not welcoming at all. With the sign and the split rail fence, it's a big improvement. They have a long way to go with a vision for that park. Mr. Maddox's \$7.5 million - he thinks they'll get there but they'll never spend the \$7.5 million. He thought that vision will come true because of the dedication that the volunteers have to the park.

To all who participated again, Selectman Jasper couldn't say enough good things. He's heard so many good comments. They got off to a very rough start and now where they all seem to be on the same page, the volunteers are coming through with materials. For a while there was so much controversy, he didn't think people wanted to really get involved in it. Obviously that's changing and the volunteers are literally coming out of the woodwork. They've come a long way and he looked forward to seeing where they'll be at this time next year. Thank you.

Selectman Coutu - Selectman Jasper, Selectman Coutu watched him closely Saturday. He wanted to tell him that as a citizen first, he saw the pride in his face. This has been something that Selectman Jasper has been trying to nurture for many, many years and having conversations with his wife Laurie and the amount of effort and time that she's also put into it, he knows that he's nurtured this. As a community, they should be very proud of the original Benson's Committee, the

present Benson's Committee and especially the core volunteers who just brought it to reality. The reality is that there's so much more that can be developed there and that they're going to work on.

Selectman Coutu spent some time this week going around to various departments. He happened to go to the Police Department. He had a matter that he had to discuss with the Chief of importance. He also went to the Town Barn then came down to Town Hall to see Mr. Webster. He thought that in light of the report from the Department of Transportation, which is more complex than the deed that they've read, he's of a mind to leave it right where it is, skirt it, put a stairwell in it, and design it and develop it right there, and just do the interior and fix the exterior as best they can. He can see this becoming a financial nightmare for them to move this train station. He didn't know if the rest of the Board had an opportunity to read the document in its entirety, he has. The restrictions that the DOT is placing - either he or Selectman Jasper or both of them have to sit down with the Governor and say this is what we deal with. The autocracy that they're dealing with. This is utter nonsense. For them to require that an engineer be there from the time they open until the time they close construction and pay them at the engineering fees, we'll eat up all the money that they have to do the building just in engineering salaries. This is utter nonsense. Selectman Coutu would like to see that dream realized in terms of putting that historical structure in a better location so that they can have some sort of a combination welcome center and a little bit of the memorabilia they can gather in there. He'd like to see that come through. If that is what they have to deal with, they need to make some choices. Selectman Jasper agreed. Selectman Coutu said they may have to abandon that project and give up the money if that's the case. This is border line ridiculous.

Selectman Coutu had the opportunity to read the deed with special attention to whether or not solicitation but a group such as the Friends of Benson Park can hand out information - in essence if somebody walked up to them and said here's \$10 and let me fill out a form. Selectman Coutu's interpretation is that it can be done. It's all of the effort and energy that they're putting into it is going back into the park. He didn't see that the deed does restrict that. He is correct in that. He wanted to make sure it was clear in his mind and wanted to review the deed one more time.

Another thing he wanted to bring to the Board's attention was that he had a discussion if they remembered and he said they would put a packet together and bring it back before the Board of having a student government day where they would have kids come in and work side by side with the School Committee. Now involved is Keith Bowen the Assistant Principal, he and Lee Lavoie representing each of their bodies, and they are going to involve a civics class teacher from the middle school. They're probably going to use civic class students to come in and do it. They haven't abandoned that idea.

The other thing that Selectman Coutu is working on that he hasn't given up on is the Community Development plan that he wanted to put together in order to market our industrial parks.

Fire Engine

Lastly but certainly not least, Selectman Coutu knows they've had this discussion Selectman Jasper and he kind of put his mind to ease, but when he read it and he read it 4 or 5 times and they're referring to the front page article in the Hudson Litchfield News on the fire engine. Most importantly he didn't know if the Board got an e-mail today. So you did read it. He's convinced at this point that they have to interject themselves and either bring this to rest once and for all. He wants the citizens of Hudson to know that the equipment that they use in the Fire Department is indeed safe number one. Number two he wants to put people's minds at ease. The story talks about the moral in the department. We're talking about a public safety agency. It concerns him as a private citizen as he knows it concerns several other people who have approached him. He happened to Mr. Malizia about it on Monday. He has been out and about in different sporting events and he said no one has approached him and maybe none of you but he's had people approach him and say that they were indeed concerned about the moral within the Fire Department and where that can lead in terms of their work performance and their overall attitude. How long is this going to go on? Selectman Jasper is the liaison to the Fire Department. He trusted no one more than him to be the Board's liaison because he's worked with the Fire Department. He knows those people. Selectman Jasper has had problems with them himself when he worked on the Fire Department.

The point is you know what this can lead to. Selectman Coutu thought as a private citizen that they had a very smooth running department. Apparently something is amiss somewhere and they need to correct it. He's going to ask Selectman Jasper if he can try and convince the Board and try to come up with some sort of a plan or formula and get either all of these people together, have these people come out of the woodwork who don't want to identify themselves and either have a sit down or Selectman Jasper have a sit down with them, and then come back to the Board or if the Board needs to get involved personally to bring this to a head. He knows Selectman Jasper said to Selectman Coutu that they may be acceding to their wishes in making this public but if this is what needs to be done, if they want to do it anonymously then he's going to stop taking faith in any of this. If they want to contact him, Selectman Nadeau, Selectman Maddox, Selectman Jasper, or Selectman Massey individually and talk to them, then fine. Come out of the woodwork, tell them what the problem is so that they can work it out and get it behind them. With that, he concluded his remarks for the evening.

Selectman Jasper - He didn't want to go into a great deal of detail but he thought since the article is out there, he is confident that that truck is safe. It had some issues. He didn't think that any of the issues compromised anyone's safety. Those issues have been dealt with. What's been going on now where they're talking about a noise in the e-mail that the Chief sent today, when Selectman Jasper rode in that truck with Steve, Ken and with the Chief he felt something in the back but it wasn't anything like they were describing so he didn't even give it a thought. When the truck accelerated, there was a little bit of movement that he could feel under his feet. Selectman Coutu said a load shift. Selectman Jasper didn't even say a

word at that time because it was a normal thing. It appears that that's what they're complaining about. That's something you're going to find in any piece of equipment with that amount of weight and that big. You're going to find noises. You're going to find things. When you're looking for something because if you don't have confidence in the vehicle, it had a problematic history. After a while just like when you get a car and you have problems with it, then you're constantly looking for problems. Selectman Jasper thought that was what was going on here.

The manufacturer and Bulldog Equipment have gone above and beyond. The truck has 51,000 miles on it. Selectman Jasper has seen trucks in this town that have been 20 years old that haven't had 20,000 on it. That truck has a lot of miles. For a lot of years, it really ticked him off because it was a taxi cab going back and forth between Burns Hill and Central Fire Station. He disagreed with the policy that was in place of manning Burns Hill but not having an ambulance there. What happened was then every time the ambulance went out of here and had no people instead of just having an ambulance there, they'd bring the truck up here. So the truck went back and forth. That's now ended but 51,000 on a truck in this Town that's only 5 years old is really just unheard of.

As far as moral, he thought they all know moral is related to a large degree to the contract. They haven't been able to successfully negotiate a contract. The longer that drags on, the more moral is affected. That's unfortunate. That's the reality. He didn't know what he or anyone can do that's going to alleviate any of that as long as they don't have a contract. The Board is all well aware and he thought the Board was all in agreement on their positions in the contract negotiations. He didn't really know what can happen here. The question that the Chief has not been concerned with the safety of that truck Selectman Jasper thought that for anyone to suggest that was just irresponsible is the best word he could come up. He knows for a fact he has put hours and hours in there. That truck has been back and forth and they've gone over it with a fine tooth comb. They've found things and took care of things that frankly he didn't think were issues.

The cosmetic stress cracks - you have a weld and it's attached to a plate and you see the crack there. It's not structural because it's just between one piece of sheet metal and something else. The weld is still intact where it's attached to the member. You can see that there's a crack there. You see that all the time. So that's been one of the concerns.

Selectman Jasper didn't know where it came from but it sounded like a main rail in the truck had given way. It wasn't. It was piece that went between the frame that the cab locked down on and that was a problem. That has been re-engineered and corrected. He didn't know what more he could say. He didn't know what more they can do. Obviously they have issues there. It's obvious that they do. He wished he had a solution and he didn't.

Selectman Coutu is aware that Selectman Jasper has spent some time on the truck. He's corresponded back and forth relative to that. He wanted to make it very clear and he opened the door tonight for anybody to get a hold of any one of them individually or collectively and if there's a problem, they're willing to work with them to put it to bed. If it's more serious than what it appears on the surface and he's satisfied that the equipment that they're using is indeed safe for their employees to use, he wanted to deal with the moral issue. They're claiming that it has nothing to do with the contract. It has nothing to do with the 24 hour shift change. He's saying that the door is now wide open. Selectman Nadeau, Selectman Maddox, Selectman Massey, Selectman Jasper and himself are readily available to sit down with any employee in this town who wants to talk to them. The door is wide open to the Fire Department. If they want to do that, they can get a hold of one of them, or all of them, Mr. Malizia, get it on the agenda, call for a conference they're willing to sit down with them. It has nothing to do with contracts. He's more concerned about the moral and to put this thing to bed about their equipment. He'd like to think that their equipment is safe and he's convinced that it is. This is just repetitive. It's over and over again. When Selectman Coutu thought it was put to bed, they get another e-mail today with somebody complaining about it. He's getting sick and tired of hearing about it and he wants their citizens to feel comfortable that they have a great work force, which he knows they do. They just need to put the petty little problems to bed once and for all. Thank you again Mr. Chairman.

Chairman Maddox said he was going to take this position that he asked for a report because he had heard rumblings from various sources that the equipment was out of service. So you saw it reference the Memo and he thought the Board received a copy of the report the Chief had done. He didn't understand why a front line fire truck has been out of service as much as this one has. He's never really got an explanation as to why. He knows that they decided to do some modifications and he understood all of that but why the amount of time, the percentage. If the article is correct, it's almost 18 percent. It's an expensive fire truck. This wasn't a commercial that they bought off the shelf and said, "we'll take that one." We ordered this particular truck has been out. He thought that's what he was looking for. Yes there's some bangs and some thuds and whatever but a real assessment of why this vehicle has been out of service the amount of time it has. He thought at this point they needed to address that article because it's not going to go away in his estimation.

Selectman Jasper hasn't done an analysis of when the time periods were. The truck was certainly out of service a lot for a while. He didn't think that it has been as recently except for chasing this thud. That's been a lot of it. Obviously it was out of service because nobody was greasing the fittings which caused a pin to break. That's a problem. Somebody should have said to the administration, "hey we can't get grease in there." We have a service company that was working on this that didn't put any grease in it. You have to put the truck up on a jack to get grease in these fittings. Obviously that wasn't happening. That wasn't the manufacturer's fault. That wasn't the Fire Administration's fault either. That was a maintenance fault. It wasn't the manufacturer because that's not where it was going for grease. So that took it out for a while. Then it's been lately about the noise. That's spent a lot of time chasing this noise. He thought if they do the analysis, and they ought to, has it been out of service for anything other than those 2 things recently or was that all in the past that they've gotten it. It

had some problems early on. Selectman Jasper didn't think they were seeing a continuation of those types of problems that can be attributed to the truck.

Selectman Nadeau - Had a few things. The first one he started with was you've been watching on cable there's a few more programs. One that will be coming up is not last weekend but the weekend before there was a race up in Loudon. One of the people in town here who borrow our camera frequently went up there and taped the NASCAR races. The Canadian/American Tour was won by a Hudson resident, Joey Poole. He came up from 27th place all the way to first place in the last 4 or 5 laps. Very interesting race to watch. You'll see that on the cable TV. When they've raced in Lee and a couple of other ones. That's just one of the interesting programs that you might see on cable TV in the next week or two.

The other one was the Zach Tompkins comedy night last Saturday night. A very big success.

If you haven't noticed, their wrapping up the project on 102 finally. They're getting close to finishing up. They hydro seeded and finishing up the curb cuts and paving. So that works very well.

Selectman Nadeau's final thing was last Saturday with Benson's. A lot of positive comments. Like Selectman Jasper said about the elephant barn, he went on Wednesday last week and they were nailing up the siding and painting it. That was very nice to see. They did the trim, fixed the door, over the door they put some shingles and really finished it off and made it look nice for everybody to see. It's just been really great to see all the volunteers there and what they've accomplished from what they started with to where they are today is a huge accomplishment. He wanted to thank all the volunteers and everybody that was there on Saturday. The new and the old Benson Committee all did a lot of work to get us to where we are today. Again, he wanted to thank those people.

Selectman Jasper said one thing that Selectman Nadeau said that triggered something that's bugging him. They have that stimulus sign out there on the sidewalk project which would indicate that the federal stimulus paid for 100 percent of that project out there. That's not the case. He thought the Town ought to have a sign saying, "Town of Hudson paid for X percentage." It just gives people the wrong idea. The federal government came along and did this sidewalk project. That's not what happened at all. He didn't remember what their percentage of that was but they put a...Mr. Malizia said either an 80/20 or 75/25. Chairman Maddox said they had to hire the engineer for the full project. At the very least, Selectman Jasper said people ought to know that that was not paid for entirely by stimulus money. We had to put up money. There were a lot of hoops that they had to jump through to get that stimulus money. It's the same thing that Selectman Coutu was talking about on the railroad station. They now want an inspector there. Inspections are usually you come in once or twice a day, once a week to take a look as you make progress on a project and not to have somebody standing there and just watching. That's what the federal government in the State of New Hampshire now wants to have somebody paid just to stand around and watch while anything is going on. That is just ludicrous.

Selectman Nadeau said that really aggravated him when he drove by up and down Route 102. He happened to know who the person was that was watching the project from the front seat of the car, from the hood of the car. That was very bothersome the engineer that was there from the company that we paid for. Just so you know there's another sign in case you're looking for those nice signs on Kimball Hill Road in front of the trailer park. More stimulus money is being used down there. It's not ours but more stimulus down there.

Chairman Maddox - Government is glacial. Gentlemen it is what it is. We all know but sometimes people don't realize what it takes to get something done. He asked Mr. Malizia to put it on the web [letter from DOT relative to the Train Station]. To see what they as their elected officials, the watchers of your purse strings are required to jump through is just fascinating and frustrating. He thought that was another document that will make a few people crazy other than the 4 of them. It just takes forever to get something done and they all know that so they'll just leave it at that. People ask why don't things get done. He's going to transition over to Benson's also. He wasn't planning on speaking. He thought he had handed it off to the most passionate and knowledgeable Selectman, Selectman Jasper but all of them wanted to say something so he got to be first. It was a great indication of the citizens and their love of Hudson that saw people crawling through debris, brambles, thorns, trash, dung - whatever they had to do to get that park to where it is today - bringing in their own equipment, bringing in some rental equipment. All the things that they did to get that place to where it is today. Yes the Highway Department certainly provided the big equipment but the stuff that was done out there was absolutely amazing. It really got somewhere because you didn't have this kind of insane micromanagement. - You want to nail the clapboards back on the building. Well we have to have a hammer inspector. That is the kind of stuff that they just waste taxpayer dollars on. He disagreed with him saying they should just forget about it. He thought they just have to go through the process, grit their teeth, and just get it done. It's a couple hundred thousand dollars worth of monies to repair that train station. They just have to find somebody with tough jaws because it is a painful ordeal. It needs to get done and to simply say walk away from the money he thought was short sighted. Selectman Jasper said to wait for November 2nd. Chairman Maddox said that was always an option.

[Chairman Maddox] Again the amount of people that were there to watch them and to enjoy with the Board the opening of Benson's officially. It's just amazing. He just happened to stop by on Sunday and there was a good amount of people in there. It's getting used. It's passive recreation at its best. He was sure that there are many more things that will happen out there to bring more and more people in there. The gentleman that put that garden together in a week, fascinating. He saw it on the Saturday before when it was just a fountain and a couple of stones and a week later it was all benched and groomed out. The big pile that was there was gone was just amazing. Again, the things that got done were amazing. We just have to find a way to get more volunteers to get that thing done.

To the Fire Department, Chairman Maddox agreed. They cannot continue down the path they're going. Something needs to be done. How they get to a resolution he wasn't sure. Again, they're looking for the administration, our employees, someone to look at the vehicle and where they are because that cannot continue. If you read that article, it is not a good indication of where they are with the equipment they've bought and where they're headed with that department.

10. NONPUBLIC SESSION

Motion by Selectman Jasper, seconded by Selectman Coutu, to enter nonpublic session under 91-A:3 II (e) consideration or negotiation of pending claims or litigation which has been threatened in writing or filed against the public body following a 10 minute break, carried 4-0 by roll call.

Chairman Maddox entered Nonpublic Session at 8:42 p.m., thus ending the televised portion of the meeting. Any votes taken upon entering open session will be listed on the Board's next agenda. The public is asked to leave the room. Open session is being entered at 8:55 p.m.

11. ADJOURNMENT

Motion to adjourn at 8:55 p.m. by Selectman Jasper, seconded by Selectman Coutu, carried 4-0.

HUDSON BOARD OF SELECTMEN

Richard J. Maddox, Chairman

Shawn Jasper, Selectman

Benjamin Nadeau, Selectman

Roger E. Coutu, Selectman