

HUDSON, NH BOARD OF SELECTMEN
July 27, 2010

1. CALL TO ORDER by Chairman Massey the meeting of July 27, 2010 at 7:00 p.m. in the Selectmen's Meeting Room at Town Hall.
2. PLEDGE OF ALLEGIANCE, led by Selectman Coutu.
3. ATTENDANCE

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

Staff/Others: Mark Pearson, Assistant Town Administrator; Donna Graham, Executive Assistant; Town Engineer Gary Webster; Fire Chief Shawn Murray; Town Clerk/Tax Collector Patti Barry; Finance Director Kathy Carpentier

4. PUBLIC INPUT

Chairman Massey said at this time, this was one of the nicest things he loved about this part of the job. He gets to recognize one of our employees.

- A. Certificate of Appreciation presented to Steve Dube of the Hudson Fire Department

Chairman Massey asked Steve Dube to come forward.

Steve has been a member of the Hudson Fire Department since 1980 starting as a Call Firefighter and was hired fulltime on August 5, 1985. Steve is currently the Fire Prevention Officer in the Support Services Division. For over 25 years Steve has worked in the Fire Prevention Office, and is the longest-serving member of that office. Steve currently manages the commercial side of fire prevention with his extensive knowledge of buildings, businesses, and developments as well as fire alarm systems. Steve conducts plan reviews and life safety inspections, as well as is the lead investigator for fire and arson incidents.

Steve is also a Certified Level III Firefighter, Hazmat Operations Certified, Fire Instructor and Emergency Medical Technician.

His impact on community fire safety and education is hard to put into words. Fire Prevention is not a measurable concept; for no one knows the innumerable fires prevented or lives saved. What we do know is that this employee has committed his career to enforcing codes and identifying hazards and educating the public on fire safety.

Steve is married to his wife Maria, and has two children John and Brandon. Steve enjoys outdoor activities such as mountain biking, reading, and model trains.

The Town of Hudson wishes to express its congratulations and sincere appreciation for over 25 years of dedicated service to the Hudson Fire Department and Town of Hudson. On behalf of the Board Steve, Chairman Massey said thank you and well done. As a small token of our appreciation, here's a little something that you can spend on.

Chairman Massey said as always a pleasure to recognize our employees on their significant anniversaries.

Chairman Massey asked if anyone in the audience who wished to address the Board on any issue at this time? Seeing none, we'll go to the next item.

5. NOMINATIONS & APPOINTMENTS

- A. Resignation of Tierney M. Chadwick as a member of the Planning Board

Chairman Massey said the Board was in receipt of Tierney's letter requesting to resign.

Motion by Selectman Nadeau, seconded by Selectman Maddox, to accept the resignation of Tierney Chadwick as a member of the Planning Board with the Board of Selectmen's thanks and appreciation for her service.

Chairman Massey would just like to indicate that he believed that Tierney was definitely a very valuable asset to the Planning Board. He thought that she will be missed. Unfortunately her job which comes first obviously prevented her from doing the job that she felt needed to be done. He really believed that she was an asset for the time she was on the Board.

Vote: Motion carried 5-0.

B. Cable Utility Committee - (3 members, 2 terms to expire 12/31/12; 1 term to expire 12/31/13)

Claire Keller
Leo C. Bernard

Chairman Massey asked if Claire Keller was in the audience. Is Leo Bernard here? Good evening Leo. Chairman Massey asked if Leo wanted to say anything about the membership. Mr. Bernard said no. Chairman Massey asked if any members had any questions.

Selectman Maddox said to Mr. Bernard that he's seen the Cable Utility from its inception through now through both sides of the lens if you would. What brings you back to apply for the Cable Utility Committee? Mr. Bernard said the agreement he had if his job didn't work out, he said he wanted to be back on the Cable Committee. He still felt as though he could do something even though he wasn't going to get paid or anything. He still wanted to be part of Cable.

Selectman Jasper said that this was sort of a hard question to ask Leo, but he thought it was important to ask. Things didn't work out in the position Mr. Bernard was at. Now he's asking to become part of the group that made the decision that they didn't want to him to continue in that role. How do you feel that's going to work out? Do you have any animosity? Do you think its going to cause problems?

Mr. Bernard said no. He had spoken with Mike O'Keefe and Mike has no problem with him coming back. He's happy that he's still going to be part of it.

Selectman Jasper asked if Mr. Bernard had any problems with the decision that was made. Mr. Bernard said no.

Chairman Massey asked if the Board wanted to suspend the police and have a motion tonight or did they want to wait until next meeting. Selectman Jasper asked when the Cable Committee next meet. Selectman Coutu said they have a meeting this Thursday evening. Selectman Jasper said they're down 3 members right now. He would move that they waive the policy and make the appointment tonight.

Motion by Selectman Jasper, seconded by Selectman Maddox, to appoint Leo C. Bernard to the Cable Utility Committee as a voting member with a term to expire on December 31, 2012.

Selectman Coutu said he would not be supporting the appointment on the basis that Mr. Bernard belongs to two committees already. He felt very uncomfortable considering the circumstances as mentioned by Selectman Jasper with regards to the position being abolished having him come on the Cable Committee. He certainly did not get a warm and fuzzy feeling about him becoming a member of the Utility Committee. He will not be supporting the motion.

Selectman Jasper said that Selectman Coutu brought up his concerns that he had originally. You're the representative he believed still to the Utility. He is concerned where that being Selectman Coutu's position. He put him in a bit of quandary here. Selectman Coutu said he could move the motion. Selectman Jasper said he'd like to...Chairman Massey said perhaps they wouldn't accept that motion for the moment. Selectman Jasper said at this point he will withdraw his motion so that he'll have the opportunity to have some conversations with some other individuals. Chairman Massey asked if the seconder agreed to withdraw. Selectman Maddox said absolutely.

Motion by Selectman Coutu to defer the appointment to the Cable Utility Committee to the Board's next meeting.

Chairman Massey said it would automatically happen anyway. Selectman Jasper said he was withdrawing his motion to bypass our policy so it goes back to the policy. Chairman Massey said it would be on the August 10th agenda.

Mr. Bernard said he wished he would have known this. He would have had Mike O'Keefe come down because he e-mailed him and told him if he got appointed he wanted to know if he could make the Thursday meeting. He told him no problem. If he would have known this, he would have asked Mike to show up and the Board could have talked to Mike about their concerns.

C. Conservation Commission - (1 alternate member - term to expire 12/31/11)

Claire Keller

Chairman Massey said seeing that Ms. Keller wasn't there that evening, the Board will defer this to the August 10th meeting as well.

6. CONSENT ITEMS

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

Selectman Maddox wanted to remove Consent Item B. 1. Chairman Massey asked if there were any others for separate consideration.

Motion by Selectman Coutu, seconded by Selectman Maddox, to approve consent items A, B, 2., C, D, and E, as noted or appropriate with the appropriate recommendations, carried 5-0.

A. Assessing Items

- 1) Multiple Elderly and Disabled Exemption Applications - Map 178, Lot 013, Sub 110; Map 167, Lot 032; Map 133, Lot 045; Map 253, Lot 078; Map 174, Lot 127; Map 165, Lot 131; Map 175, Lot 053; Map 175, Lot 041; Map 174, Lot 223; Map 175, Lot 034, Sub 028; Map 133, Lot 045; Map 166, Lot 008; Map 125, Lot 011; Map 197, Lot 125; Map 124, Lot 075; Map 216, Lot 014, Sub 077; Map 117, Lot 032, w/recommendation to approve
- 2) Disabled Exemption - Map 184, Lot 029, w/recommendation to deny
- 3) Elderly Exemption - Map 190, Lot 146, w/recommendation to deny
- 4) Elderly Exemption - Map 198, Lot 035, w/recommendation to deny
- 5) 2009 Abatement Applications - Map 170, Lot 40; Map 169, Lot 17; Map 170, Lot 39, w/recommendation to deny

B. Water/Sewer Items

- 1) FY2011 Sewer rate recommendation

Selectman Maddox pulled this out just because he didn't think this should have been buried if you would in their consent items. What it says is "At the June 10, 2010 Sewer Utility Committee meeting, a motion was made by Howard Dilworth, Jr. "that the Sewer Utility recommends to the Board of Selectmen that the current rate schedule be maintained." Seconded by Bernie Manor, the motion passed unanimously." People need to understand that that is something that they are working hard to maintain. Again, just so the people understand that that utility is well managed and the rates will stay the same. He thought burying it in the Consent Items didn't do it or the Committee justice. Thank you.

Motion by Selectman Maddox, seconded by Selectman Coutu, to leave the Sewer Utility rates at their current level.

Selectman Coutu wanted to thank Selectman Maddox for that. Perhaps he should have noted that as his representative on the Sewer Utility. As a matter of fact, they've maintained the rate for quite some time. They were hoping not to have to increase it. He appreciated his candor and he appreciated Selectman Maddox's coming forward to make note of the fact that here's something above and beyond a lot of other things that they do right. There's another example where they've been able to hold the line for several years without any increases. He can attest as their representative to the Sewer Utility Committee that they're financially stable, well managed with the cooperation of people like Jesse from the Highway Department, its well maintained. Thank you Selectman Maddox.

Chairman Massey would like to echo his thoughts. He believes that we have one of the lowest sewer rates in the State. We are well financed. We have over \$5 million he believed in our capital

reserve fund for future requirements. He thought it was a strong testament to the members of the Sewer Utility Committee, most of who have been on that Committee for quite some time. He thought they owe them a great deal of thanks for all they do to help us as the Sewer Utility Commissioners to keep things flowing as they say. Thanks to the Sewer Utility Committee.

Vote: Motion carried 5-0.

- 2) Sewer Abatement, S-UTL-10-10, 77 Derry Street, M/L 165-155, w/recommendation to approve

C. Licenses & Permits

- 1) Request to Solicit Funds by Hudson-Litchfield Youth Football & Cheer, Inc.
- 2) Raffle Permit by St. Kathryn Church
- 3) Raffle Permit by Hudson Democratic Committee

Selectman Coutu said he made note this week and he's noticed it several times. Specifically this week on the Raffle Permits and forms they are asking for solicitation to be passed by the Board. It asks for a signature and an address. In some cases, we can read the signatures. In a lot of cases, they can't read the signatures. They have no idea. Specifically if you look at, without mentioning any names, 6. C. 2. I know who lives at that address, but I cannot identify their signature. I know that the person that lives at that address there is not his signature. He can understand why because it's a nonprofit and it's the address of the agency or the church in this case. He would like to have an additional line put on there without any objection that would ask that their name be printed and then a signature. Chairman Massey asked the Board without objection - Selectman Maddox said absolutely; good idea. Selectman Jasper said very good idea.

D. Acceptance of Minutes

- 1) Minutes of the Board of Selectmen of July 13, 2010

E. Calendar

07/28 7:00 Benson Park - Landscape Subcommittee - BOS Meeting Room
07/28 7:00 Planning Board - Community Development Meeting Room
07/29 3:00 Trustees of the Trust Fund - Community Development Meeting Room
08/02 6:30 Hudson School Board - BOS Meeting Room
08/03 7:00 Board of Selectmen Workshop - BOS Meeting Room
08/04 7:00 Planning Board - Community Development Meeting Room
08/05 7:00 Benson Park Committee - BOS Meeting Room
08/09 7:00 Conservation Commission - Community Development Meeting Room
08/10 7:00 Board of Selectmen - BOS Meeting Room
08/11 7:00 Benson Park - Landscape Subcommittee - BOS Meeting Room
08/11 7:00 Planning Board - Community Development Meeting Room
08/12 5:30 Sewer Utility Committee - BOS Meeting Room
08/12 7:30 Zoning Board of Adjustment - Community Development Meeting Room
08/16 6:30 Hudson School Board - BOS Meeting Room
08/16 7:00 Energy Committee - Community Development Meeting Room
08/17 7:00 Cable Utility Committee - BOS Meeting Room
08/18 5:00 Water Utility Committee - Community Development Meeting Room
08/18 7:00 Council on Aging - Community Development Meeting Room
08/18 7:00 Library Trustees - BOS Meeting Room
08/19 7:00 Benson Park Committee - BOS Meeting Room
08/19 7:30 Budget Committee - Community Development Meeting Room
08/23 7:00 Recycling Committee - BOS Meeting Room
08/24 7:00 Board of Selectmen - BOS Meeting Room
08/25 7:00 Benson Park - Landscape Subcommittee - BOS Meeting Room
08/25 7:00 Planning Board - Community Development Meeting Room
08/26 3:00 Trustees of the Trust Fund - Community Development Meeting Room
08/26 7:30 Zoning Board of Adjustment - Community Development Meeting Room

7. OLD BUSINESS

- A. Vote taken after Nonpublic Session on July 13, 2010

- 1) Motion by Selectman Maddox, seconded by Selectman Jasper, to hire Matthew Kleiner as an intern in Community Development at a rate of \$12.00 per hour, 336 hours, for the purpose of document scanning commencing July 19, 2010 and ending no later than September 30, 2010, carried 5-0.
- 2) Motion by Selectman Coutu, seconded by Selectman Nadeau, to hire Lori Bowen as Soccer Director at a fee of \$1,275.00, and Sherri Lavoie as Assistant Soccer Director at a fee of \$775.00 effective July 14, 2010 and the positions were advertised in the Hudson Litchfield News and Hudson Community Television, carried 5-0.
- 3) Motion to adjourn at 10:30 p.m. by Selectman Jasper, seconded by Selectman Maddox, carried 5-0.

8. NEW BUSINESS

Without objection from the Board, Chairman Massey requested that they move Item B. and Item F. to the front since our Town Engineer has another commitment tonight and our Assistant Town Administrator has graciously agreed to let him go forward first.

B. Petition & License for 1 New Pole (29103/6 1/2), License Petition #230871, Sagamore Park Drive

Chairman Massey recognized Town Engineer Gary Webster.

Mr. Webster said it was a replacement pole. The pole was hit by a truck. It's a replacement pole and they had to get a new license number for it. So that's what this was for.

Just for clarification, Chairman Massey asked if this pole was the one that was in front of Wal-Mart. Mr. Webster said no its Sagamore. Chairman Massey said that there is one down at Wal-Mart. Mr. Webster said there was one prior to that. He hasn't received that one yet.

Selectman Jasper was curious as to why this is a separate item. These have always been in consent. He's wondering if there was something about this one that stands out that they need to discuss it separately or perhaps it was just a clerical error.

Motion by Selectman Coutu, seconded by Selectman Maddox, to approve Petition & License for 1 new pole (29103/6 1/2), License Petition #230871, Sagamore Park Drive.

Selectman Maddox said this is the kind of mundane stuff that belongs in consent. Chairman Massey said it was so noted.

Vote: Motion carried 5-0.

F. Route 102 Sidewalk Project #13894

Chairman Massey recognized Town Engineer Gary Webster.

Mr. Webster said the Route 102 Sidewalk Project is an ongoing project. To quickly update the Board, the gas line was moved to the other side. They got the notice to proceed. They started a little work out there and all of a sudden NHDOT are up in arms about something out there. It comes down to they want CLD to be able to pull time inspections service out there because of the ARRA and federal money. All is roughly 16 hours a week out there. In conversations on Wednesday with DOT, CLD and himself because of the percentage of the construction work, Continental is out there doing the work. It's supposed to be a 30/70 split. Continental is technically the major work but its still Pichette. Obviously some people have gone through DOT and not Pichette and the flag grows on this. They kind of got a little upset with everything. They want CLD to be in complete of the project inspections and everything else. Mr. Webster just received this worksheet today with the additional time that they figure. It's going to be a 12 week full time inspection, 40 hours a week, approximately 440. An estimate of \$25,000 for more fees for inspection. We have been reimbursed from the DOT for the engineering costs as of today. Just for the engineering alone, we have \$35,235.45. Roughly the corridor accounts, the 102 Corridor Account, has over \$350,000 in it. They're just putting more restraints on the towns for some reason. This will be the first of many that he'll be coming back for. Right now they've put a stop work on it last Thursday. There's no work being done and we jumped through the hoops to get this to tonight's meeting for approval. It will not start tomorrow. Obviously they have a couple more small things that they have to take care of.

(Gary Webster) Pichette Brothers as far as the actual monies on the 30/70, Mr. Webster brought this forward. It's very aggravating for him to go through all this. That's what the estimate was and he's trying to follow on the part of the Town to continue the project. Obviously they do have ARRA money and the rest of it is funded by the federal government as far as the TE projects.

Selectman Maddox said it sounded like they were unloading ships at the Baltimore docks here. Is there something in writing from somebody at DOT that says that they want whatever they want? How can they come in the middle of the project and put this in place? He doesn't get it. How they can simply say we're changing the rules you have to have and they're not even saying. Does it have to be a full-time licensed engineer? Mr. Webster said it can be an engineer in training. That's who's out there now. They want them full time out there. Selectman Maddox asked why we couldn't stick one of our interns at \$12.00 an hour. Mr. Webster said it's only going to be out there for 2 more weeks. He's sorry. One of his interns is going to be out there.

Selectman Maddox said he disbelieves Mr. Webster, but he just doesn't believe the State can arbitrarily say we've changed the rules. He looked to the State liaison to say how that can be done. Thank you.

Selectman Coutu said when this particular project was proposed to DOT, did DOT sign off? He knows that DOT now requires based on some of the literature he read this past week, a lot more detail in all of their contracts. They don't want these lump sums any more. This \$25,000 would not be acceptable to them. They want to know what that \$25,000 is for. If this were a contract with them, they want to know certain person, X amount of hours, so much per hour equals \$24,383.22. They want that finite detail. Originally when we proposed this and we're using our corridor monies for this to put our share, did they sign off on this project as an approved project to go ahead and do? Mr. Webster said they signed off on the contract to go out for bid and so forth. Understand now their money the Town is technically only putting 80/20 in the engineering end of this now because ARRA has picked up the Town's share. We had \$270,000 in there from the TE project. We were supposed to put the balance of \$137,000 and make it \$400,000. ARRA has picked up the \$130,000 to make it the \$400,000 that he believed was the total of the contract. When you get into the ARRA money what's happening is the full time inspection for example Library Street and Lowell Road, he didn't have to go through this whole proceed like they do now. You're right; every person has to have their time in.

Mr. Webster just went to a meeting with them. Everybody comes on site out there. They have to have a sign in sheet. Every employee has to sign in out there so everyone is accountable and who does what out there. It's more of a paper trail than anything else. Because of the ARRA money he thought what happened is DOT is following ARRA. This is happening on another project they have right now. They're following their procedure where before the Town manages it and they had a certain amount of restrictions that they had to do. This has completely turned around.

Chairman Massey said for the people out in the audience and the viewing public, Mr. Webster is referring to the American Recovery and Reconstruction Act. This is the program that the government passed last year to jump start the economy. As Mr. Webster is rightly saying, the federal government is imposing some very paperwork intensive requirements in order to spend money on these projects now.

Selectman Coutu's next question is of the \$25,000, who's going to pay the \$25,000? Mr. Webster said what happens, and he thought he mentioned it before on the other part, they will go over the 5 percent of the contract. They'll reimburse us. That will come out of the funds that we already spent. We got reimbursed at an 80 percent on the engineering. This will be technically ours. They put an estimate together of 12 weeks. He didn't think it was going to be that. They put it so it was a not to exceed \$25,000. They threw a number out quick. This happened so fast. With the conversations they had on Wednesday, what Mr. Maddox said - here's the contract. They don't give you anything in writing. Everything is verbal. Of course being NHDOT, they can do what they want. He's going through another one right now and the Board is going to see him again. It's very frustrating to get a project started out there and worked and we get delayed. Like he said, they can't do anything. They have a couple of things that they have to take care of the contractor to show the amount of the 30/70 and hopefully that gets going. Mr. Webster said he wanted to ask what would happen if they say to heck with the project. You know what would happen, we'd have to come back and pay all the engineering fees that we got reimbursed from the State. Anything they've done. National Grid would come after us and say that they moved the gas line at such a price. They would come after us and say you're paying for it because you didn't put the sidewalk in.

Selectman Coutu said he appreciated all of that Mr. Webster and he appreciated his attention to the detail. He didn't appreciate the fact that they threw this at us at the last minute. He's sincerely concerned about these inspections. If you remember quite well Mr. Webster, obviously no fault of yours - he's not coming down on him; he's coming down on the process here. The last time we had a mandated full-time inspection process, which was Ottarnic Pond, you remember quite well this person was supposedly going to work full time, coming in out of State, and they were there 1 or 2 days and we were being billed at 40 hours a week. It's fine to do all of these things to make sure that the project are being done and are being done in a manner by which it is specified to be done. The federal government to come around and say well we're going to do this and this to stimulate the economy but we're going to charge the taxpayers of Hudson another \$25,000 or Nashua or wherever they're going to do these projects and as you stated, this is not going to be the first or the last project that we're going to undertake. We've

undertaken for this year, so we're going to have all these amendments and all this additional money is going to come out of the corridor account diminishing the \$350,000 that we have available for our citizens to do these kinds of projects in town. What can we do as a Board of Selectmen, write to the President and tell him to stop his stimulus plan. It just isn't working. He's draining us with it. Thank you.

Motion by Selectman Maddox, seconded by Selectman Coutu, to approve amendment #2 to the CLD Engineering contract for Route 102 Sidewalk project #13894 in the not-to-exceed amount of \$25,000 with the funds to come from the Route 102 corridor account #2070-091 and to authorize the Chairman to sign amendment #2.

Selectman Maddox said we have no choice. He would hope that the Chairman sends him a letter along with a check saying change the rules in the middle of the game, it is tough for the Town to be able to budget. Number two, he didn't see it saying not to exceed. It says, "...will perform these services as agreed for an additional fee of \$25,000." He didn't see the not to exceed. It looks like we're just paying them \$25,000. Chairman Massey said he will simply because we can do it and he will be insert above the \$25,000 and say "not to exceed" and initial it. That will be an official contract if they sign it.

Selectman Maddox asked if these were the same people who oversaw the end of Library Street. Selectman Nadeau said yes. Absolutely. Selectman Coutu wanted to make it clear and he didn't want to seem to be inconsistent. He didn't approve of the process. However, we're not going to abandon the project that's well under way. As Mr. Webster said to abandon the project at this point would be a financial hardship on the community and we need to go forward with the contract. His vote in support or seconding this motion is not inconsistent with the statements he made. He concurred with the summation that Selectman Maddox made on this point. Thank you.

Selectman Jasper said that this process was certainly very troubling. He thought perhaps they ought to do a little research into how it came about, what the original contract was, and find out all the facts and perhaps send a letter of protest to the State protesting the fact that they have changed the rules after the contract was changed. We certainly need to be aware of it a little bit earlier so that we can protest. At this point if we said all right we're going to put this on hold, we wouldn't get this project done this year. We don't want to do that either. So we are between a rock and a hard place. We need to understand a little better the details of what the first contract was and what the State is requiring and how they came about this, and protest it.

Chairman Massey said they can definitely look into it but he thought what you're going to find is that the original project was going to be funded out of the DOT's budget and when the ARRA Act came together last year, they said ah huh. We now have another source of funding that we won't have to come up with our own money. So we can change the funding from the DOT to the federal government and once that happened...Selectman Jasper said if the State was saving all this money by doing that, they should have paid the \$25,000.

Selectman Nadeau said he's been a big proponent of getting this sidewalk project done on Route 102. This is very troubling to him reading this and now that it's going to cost us another \$25,000. He is going to vote against it. He does support finishing the 102 project, but for us to have to come up with \$25,000, he's looking forward to us to send the letter in protest to the State of New Hampshire and hopefully since they saved all the money, they can give us back our \$25,000 to the corridor account.

Mr. Webster said down the line, obviously, they are going to apply for that reimbursement down the line because they've added the extra to it and not us. So we will apply for that extra money. His comment the last time he was here about this corridor account, you want money, free money you pay for it. It's the same thing we came months ago for the exact same thing.

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

C. 9 Industrial Drive

Chairman Massey recognized Assistant Town Administrator Mark Pearson.

Mr. Pearson said on April 27th the Board discussed the use of 9 Industrial Drive for the utilization of that piece as a recreational field in concept for the Hudson Bears or for the Zachary Tompkins Memorial Field. There was a presentation to the Board on the Brownfield grants with the assistance of Minda Shaheen from the National Regional Planning Commission and Rip Patten from Credere Associates, a consultant for NRPC. The Board formed a consensus in principle to move forward with an agreement similar to the Freedom Field agreement and talked about forming an ad hoc committee to work on this project and eventually bring an agreement to the voters next March. It was clear the Board agreed to move forward with this project, which will include mitigating the site which is a known Brownfield site, including seeking grants for the assessment phase and the cleanup.

[Mark Pearson] At this time, NRPC has funded Credere Associates to conduct a Phase I site assessment which is necessary in order to apply for the Phase II cleanup grant. We're hoping that if we continue to move

forward after the Phase I that we will apply for the grant this September and be in the process to expect to receive some funds to clean it up by next April.

Mr. Pearson also attended the EPA meeting on brownfields on May 20th. They made a suggestion on this particular site. There were a lot of people in the room and everybody round tabled it, and gave some feedback on what Hudson was trying to do. They suggested that within the scope of applying for Brownfield grant money that you consider subdividing a parcel that has a lot of asbestos on it into multiple parcels because you become eligible for more funding. He's before the Board tonight to ask them to consider spending an estimate of \$8,000 from Maynard and Paquette in their attached proposal for you to authorize the lot to be subdivided into 2 or 3 parcels and appear before the Hudson Planning Board as soon as possible. He wanted to comment on the 2 or 3 parcels. There's a section of the parcel that has this asbestos on it. Mr. Maynard is aware that he would parcel it to conform with zoning and the lot requirements and parcel either 2 or 3 depending on how he can subdivide it and meet some of the regulations. We think that it really only needs to be subdivided into 2, therefore we could apply for funding \$200,000 for each lot.

[Mark Pearson] With them there tonight is Rip Patten from Credere Associations, and he'd like to defer to him on the specifics of what he's talking about because he is conducting that Phase I assessment right now and he is aware of what they're trying to accomplish here by parceling the lots to apply for more funding.

Rip Patten an environmental engineer with Credere Associates. Mr. Pearson asked Mr. Patten if he would be able to explain what he just enumerated to the Board. Mr. Patten said basically what they would do is they would work with Richard Maynard to basically subdivide the property in order to really maximize the leverage of the Brownfield funds. When you basically apply for cleanup grants, you have to come up with \$200,000 of cleanup costs on each parcel. So they would look at the site on where the asbestos has been disposed and make sure that they can come up with basically subdivide the property so that there's at least \$200,000 on each parcel. They would work with Richard Maynard to basically manage the site and manage the cleanup of the design of that cleanup to make sure that the cleanup would integrate very smoothly with the end result which is going to be a football field and parking lot. There's going to be some cutting and fills that are going to need to be done in order to level the property. That's where some of the asbestos has been disposed. We would be able to use those grant funds to relocate those soils and level portions of the site. Their cleanup would involve putting a marker layer over the contaminated soil and then put clean fill on top of it which can be also your sub base for your football field or it could also be your pavement for your parking lot. So they'll work with them in order to come up with the best approach to maximize the use of the Brownfield funds.

Selectman Coutu had some concerns. First of all he assumed that Mr. Patten had not been out on the site to explore where the contamination is. Mr. Patten said he has been on the site. Selectman Coutu asked if Mr. Patten knew where the contamination was. Mr. Patten said he did. Selectman Coutu asked if he knew how much contamination there was. Mr. Patten had not run the calculations for the total volume yet. Selectman Coutu wanted to know how much does \$200,000 clean. Mr. Patten said if they were using covering that would cover a large portion of the site. Selectman Coutu asked if it was conceivable that \$200,000 there may be just enough contamination for \$200,000 to clean or are we guessing that it's going to require more than \$200,000. Mr. Patten said what they would do is run those numbers before they apply for grants. They work with communities and understand full well that they would come up with a plan that would be able to address all the contamination not add additional cost on to the Town if that's what you're leading towards. It would have a good handle on the volume of contamination, how much that's going to cost, and then how many grants they would apply for. They do have flexibility. If the cleanup costs are going to be over \$200,000, they would apply for 2 grants of \$200,000, so that would give them \$400,000. If the costs were going to be more than \$400,000, they'd subdivide it into 3 parcels and then they'd apply for 3 grants.

Selectman Coutu's concern was if its discovered that there's \$200,000 would be sufficient to cover the amount of contamination that's there and without knowing that we're ready to go spend \$8,000 to subdivide it into 2 parcels and then once you go out there you determine that we need to subdivide it into 3 parcels, how much more money are we going to spend on engineering? Why are we spending money for something we have no knowledge of? You said yourself that \$200,000 may cover it. Mr. Patten thought Selectman Coutu had a very good point. That's a valid point and that's the work that they're doing right now will help define where the subdivision will occur. So it won't be they're going to subdivide, then they tell them the information and come back again a month from now that they need another \$8,000 just to subdivide that. Selectman Coutu said that they don't know that they need to subdivide it presently. You said your answer to my question about would \$200,000 do it and you basically said you don't know how much contamination was there. Mr. Patten didn't know specifically but likely of that it's going to need to be subdivided. He didn't have that specific number.

Selectman Jasper asked if Mr. Patten could point on the map where he knew the contamination to be. Mr. Patten said it's actually a large portion of the property. Here's where the hill is. It's thicker here but then it actually extends to the surface through a good portion of this front parcel. So it's a large portion of the site. It's not one isolated area.

Selectman Jasper said he was sort of in a quandary here being a good fiscal conservative. He's very much troubled by the 1.4 trillion dollars our federal government is piling up in debt every year. Recognizing this 2, 4, or 600,000 isn't a lot of money, but it's the principle that that's where this is all going to end up was on the federal deficit. They don't have a pool of money that they've set aside. The government just is borrowing everything. He's troubled by that concept of it. Maybe the \$200,000 but then to start playing games to get more money. When Selectman Jasper looks at the site, he can't figure out how they could actually do a subdivision. You have the wetlands sure, but he's assuming that the wetlands aren't contaminated. If you subdivided out the wetlands from this parcels, what would that gain them? How in the world you look essentially at the 3 components of the site plan being a parking lot, baseball diamond, and a football field, you couldn't subdivide any of those 3 components out of this plan and have it meet any of our zoning and planning regulations. So he really needs to know a little bit more about how this scheme would work. Let's face it that's what it is. This is a scheme. He's not very thrilled about the idea of participating in such a scheme even though it's for a good cause. Sometimes the ends don't justify the means.

Selectman Nadeau asked Mr. Patten what they have done for site work to prepare them for the subdividing of the property. Have you don't a full walk out there, any test pits? Mr. Patten said test pits have been done a number of years ago so there are previous reports that have done a number of test pits throughout the property. Their initial work that they're doing is to gather all the previous information of work that has been done, all the recommendations that have been provided to DES on how to basically address the asbestos that is on the property and review that information and come up with basically an approach that would help to clean up the site while also redeveloping the site for the ball fields. That's the task that they're working on right now.

Selectman Maddox said as a member of the Planning Board for the last dozen or so years, he can tell them that there's been a many a creative lot line programs. They could certainly do any number of things. It can still meet the frontage requirements and the lot sizes and do all kinds of things to make the lot lines balance out the asbestos areas so that you can't have 3 parcels and have no asbestos on one of the parcels and get the money for it. So you have to make it so that the lot lines go to be able to have asbestos on there so that you can get the \$200,000. With a parcel this size, 10 acres plus there's a triangle part over here somewhere by the pump station that really should be consolidated into this one at the same time. All Selectman Maddox was saying is there's a way to be able to relocate the lot lines to be able to get the - and he didn't disagree with his basic concept...Selectman Jasper said he was missing his point. He agreed with him. You can do the subdivision. You can't do a site plan. Theoretically you'd have a site plan with one that would have just the parking, one with a baseball diamond, and potentially another one with the field.

Selectman Maddox said you'd then do a lot line relocation after all this work was done to have one large lot that you would put the site on. Selectman Jasper said in good conscience just cannot and he didn't care if it was \$400,000 extra or not, he cannot for a scheme like this.

Mr. Pearson said he hears everyone struggling with this concept and he wanted to let them know that was brought to his attention by the EPA. They said this is allowed. He questioned if it was underhanded. They said no. This is how you address a parcel that has a large amount of asbestos on it that \$200,000 is not adequate. He went that route and they were the ones at the table that suggested that they do it. They're the ones that give the grants out. They're the lenders of the money or they're granting you the money to clean it up and they're actually proposing this.

Mr. Patten also wanted to add that it is common within New England for a number of communities to follow it this way. His understanding of the rationale is that the redevelopment of some of these Brownfield sites just is not going to happen unless there's money available to clean them up from a developer's perspective. They just don't have money from a community's perspective. They don't have money. So allowing the subdivision is going to allow these projects to go forward which if the cleanup is \$400,000 and we can only \$200,000, he didn't know if the Town would vote to then pay \$200,000 of their own money to clean it up as part of this. The struggles that the Town of Hudson is having is the same all over the place. He thought the EPA recognizes that and that is why that's allowed within their guidelines for their grant application.

Chairman Massey wanted to weigh in on this. He thought he was going to be the only person and he was surprised at some level. He's troubled by "playing games with the system to get ahead". He's also troubled by the fact that we don't really know what we're getting into. We're being asked to do this real quickly to

meet an arbitrary deadline to get in front of the Planning Board on August 11th. He keeps saying and he keeps saying, we act in haste in these things and we repent at leisure. He's not in a position to want to support a subdivision of this land knowing full well that we're gaming the system and then we're going to go back after we've gamed the system and pretend that it didn't really exist. He's also troubled by the fact that when he looks at the site plan that's before them, he sees at least 2 issues that the Planning Board is probably going to definitely want to look at. He's not certain that he wants to sign off on something right now that if it were a private development would require a variance. It definitely is probably going to require some kind of wetland special exception.

Selectman Maddox thought that that date on there was not something that they need to be worried or held to. It would be nice. His question is when will the Phase I assessment be done? That would answer a lot of questions the Board has as far as what numbers they're going to be able to utilize. Mr. Patten said that would be done within the next month. Selectman Maddox didn't disagree that they could wait the month and be able to have accurate numbers for that, how many parcels they're going to have to - maybe its only 2. There may not be enough asbestos on 1, 2, or 3. They will have those answers.

Selectman Jasper said he was wounded on some level by Chairman Massey's comment about being surprised. Chairman Massey said only because he somehow had the feeling that he was sitting out there all alone on his thinking. It's nice to know that other people are thinking along the same lines as he was. That being said, Selectman Jasper understood the EPA has suggested this can be done. This speaks to a larger problem with our federal government. Instead of saying maybe our rules saying you can only get \$200,000 per lot are not reasonable, they encourage people to game the system, which does not speak well of our federal government. It goes back to the whole process he talked about with our federal deficit ballooning. When this project came before us, the idea was merely to be able to cap the asbestos and the taxpayers weren't going to pay anything. Let's not fool ourselves. We're all federal taxpayers; at least he hoped they were. The chickens are going to come home to roost with the federal government and that's going to mean in all likelihood tax increases. Somebody has to pay for this. A drop in the bucket yes, but it's the old question of if not me now, who, when? Selectman Jasper has to say be today. If we can get \$200,000 for this lot, maybe that's a reasonable thing to do. He is not going to play let's subdivide and un-subdivide to game the system even if they think that's what we should do. It's systematic of the problem that we face as a nation, and he had no desire to be part of that.

Selectman Coutu remembered Mr. Patten's original presentation about the Brownfield grant. Again, if we were to spend the \$8,000, he's going to refer to something that he had said initially, ours would be merely like most communities would be an application. There's no guarantee that we would get the Brownfield grant. Mr. Patten said correct. Selectman Coutu said to go along with the avenue in which Selectman Maddox was pursuing, he believed Mr. Patten said that within a month he could have more specific data for them. Mr. Patten said correct. Selectman Coutu said to defer this until Mr. Patten was ready to make that presentation to them. It doesn't do them any harm because the application for the grant is October if he remembered correctly. Mr. Patten said correct, roughly. Selectman Coutu said the approval area is next April as he remembered in his original presentation. Chairman Massey said the money in October of 2011. Mr. Patten said it would be available in August.

Selectman Coutu said what's pressing at this point, and it didn't have to be done today and that's what Selectman Maddox was eluding to, what is pressing is for them to come back to us and tell us what they feel the area of contamination is. He's sure that Mr. Patten's office has enough expertise to be able to ascertain the approximate cost, or you certainly have the information, to clean up the size or scope of the area in which you ascertain that the contamination exists. If on the basis of that information it then requires that we subdivide this - Mr. Chairman as he read the memo that's been presented to the Board by the Assistant Town Administrator and the accompany letter from Mr. Maynard, the \$8,000 will cover 2 or 3 subdivisions. It doesn't matter which. He for one doesn't see the need to go to 3 subdivisions on this particular parcel. He thought 2 at best would do. One may be all that they're going to need. Selectman Coutu said he wasn't an expert in the field, obviously he can't ascertain those numbers. He thought then if they come back at that time, he would support a motion to defer this until Mr. Patten can provide the Board the data. The date that's most critical for them is to get an approval to him on whether or not they're going to subdivide so that he can have everything ready for October.

Mr. Patten said the subdivision would have to be completed by October. Selectman Coutu said that would be correct. It would have to be completed. He was sure that Mr. Maynard was familiar enough with this parcel that if they agreed to do that, he was sure he could accommodate that requirement. Mr. Patten thought that was reasonable.

Motion by Selectman Coutu, seconded by Selectman Maddox, to defer pending a report by Credere Associates.

In a month, Selectman Nadeau asked what they were going to be expecting to see from Mr. Patten. Selectman Maddox said the Phase I assessment. Selectman Nadeau asked if that was going to include the cost of the clean up. Mr. Patten said it would be 2 separate reports. They have a Phase I report that basically will document everything that they reviewed. The second one would be basically a remedial action - not really a formal plan but basically a site plan that will show what is to be required to be cleaned up, how to clean it up, and what those costs will be. So you will have that. Selectman Nadeau said that was what he was looking for.

To be fair Selectman Nadeau, Chairman Massey said it may not be 30 days. It may take him slightly longer. We're just looking at the deadline that if the Board were to approve a subdivision, it would have to be done before the October date so that they could apply for the grant on behalf of the Town. Mr. Patten said he could work with Mark to get a schedule on when that deadline needs to be on the Board's time to make sure their work is done, and he'll make sure his staff gets that work done and makes it a priority to make sure it's done by that time.

Vote: Motion carried 5-0.

Agreement between the Town of Hudson and Hudson Litchfield Youth Football and Cheer

Chairman Massey indicated that there was one more item that was relevant to 9 Industrial Drive. Attached to the Brownfield's document was a proposed draft of the Agreement between the Hudson Litchfield Youth Football and Cheer and the Town. Does the Board wish to have any discussions on that tonight or to take it, review it, and have our attorney's look at, etc., etc. Just some comments. Chairman Massey has gone through it and he's seen several areas where he thought that the Board would want to have at least our attorney think about whether they should be changed or not. It's the Board's pleasure.

Selectman Maddox thought it would be good to hear now. Again Chairman Massey asked a number of questions and this was one of them. Maybe Mr. Lathrop can step up to the table and either he or his representative drew this up and maybe can get some questions cleared out of the way before they send it to the lawyer if there's question and take it from there.

For the record, Chairman Massey introduced Len Lathrop.

Len Lathrop, 31 Windslow Farm Road. If they could back up a couple of steps, they have sat on this document. It went to a lawyer who it went from the soccer document to a football document with some changes in language and a few other questions that the lawyer recommended. They were waiting not to muddy the waters with ownership. Ownership of this property while they recognize that the Town will always own it, they didn't want to be a leaseholder in terms of this brownfield work. Until you brought it up last week, they had it ready to go and didn't push it forward because they were trying to say let's keep it in town until the Phase I study comes out and then the grants are applied for. It is a leasehold in the truest sense. He was happy to try and answer the Board's questions or give them the rationale of what the attorney had wanted.

If Chairman Massey understood what Mr. Lathrop just said, his recommendation from the Hudson Litchfield group was to hold off action on this document until the brownfield issue is finished. Mr. Lathrop guessed that wasn't their recommendation. It's more from what they've been hearing from the Board's staff at Town that they should try to keep this process as clean as possible and as easy as possible. The Bears recognize that this body granted them a wonderful opportunity and that they have to go to the ballot in March. Again based on brownfield, the Bears would be happy to execute this at the Board's leisure but don't want to get leaseholder agreements in the way. He didn't think that any of them knew that answer potentially the Board's attorney might and their attorney didn't.

If the Board has not objection, Chairman Massey thought that they should defer action on this until at least they get some clarification on the brownfields. Again, they don't really need to act on this agreement until October/November at the earliest. Mr. Lathrop didn't disagree. That was one of the reasons they didn't bring it forward after the April meetings. Selectman Maddox said it was on their list of things the Ad Hoc Committee should have been looking at. So they're just trying to...Chairman Massey said for that, he thanked them all and appreciated at least getting a look at it. He can see some things that...Selectman Coutu said he didn't remember having a meeting on this. This was the first he's seen of this. Mr. Lathrop said they were going to have a meeting. Chairman Massey said they'd defer action on this until they had more clarity on the brownfield project. Thanks Len.

Mr. Lathrop asked if the Board has any more questions. He thought they were concerned about releases for the wood cutting. They have releases executed by anybody who entered the property. Mr. Lathrop had them in his possession. With the Board's direction, they will if they wanted them to be with Mr. Pearson or another staff person, they could do that, or they could keep them secure until the time that they hopefully will never be needed.

Selectman Jasper thought that they should be in the possession of a town official - somebody representing the Town. Mr. Lathrop didn't have a problem with that. They were just asking for direction. Chairman Massey asked Mr. Lathrop to provide them to Assistant Town Administrator Mark Pearson.

Selectman Coutu had one question on the basis of what Mr. Lathrop just said. There's no more clearing or cutting that's going to take place there? Mr. Lathrop said no. No more clearing or cutting. Selectman Coutu said that the releases were on file in the event that they may need to go back in to do some brush clearing or cutting. Mr. Lathrop said they were on file because they felt an obligation to make the lot look better and to clean up what was done to get rid of the brush on there and the logs that have been cut without disturbing the soil area at all. They, for the record, stayed away from the area that Professional Engineer Maynard outlined it was the asbestos because they do have asbestos studies from 1994 and 1984 that pretty well delineate the asbestos on the site. So they stayed well away from that area. They would like to make it a nice looking property in the process and clean up the brush and the logs that have been cut. That's all. Selectman Coutu said he had no problem with that. Selectman Nadeau will be very handy in helping them do that.

C. Potential sale of Town owned property at 4 Chestnut Street

Chairman Massey recognized Selectman Roger Coutu.

Selectman Coutu asked that this item be put on the agenda. He was looking to the Board for guidance. He knows the economic times are such that they may not be able to get full value of the property. Having seen this report that was presented to the Board relative to the parcel that he's suggesting that they sell, and he wanted to thank whoever on the staff - the Administrator - prepared all of this. He had not requested it, but it's very helpful to have seen it and to have reviewed it. When he looked at the value of the property, the first thing he said to his wife was by the way how much is our property worth. He wanted to do some comparisons. He said do you honestly think we can get that for the house. The first word out of her mouth was "we better". If they were to sell the property that is. Selectman Coutu thought it's important at this point that they enter into these kinds of discussions for the most obvious reason is that the cost of operating a government whether it be the Town of Hudson or Freemont, New Hampshire, increases every year. When you have marketable property within your possession that is sitting there idly not generating any revenue, it might be pretty to look at, and they know that they can generate a considerable amount of revenue with the sale to a developer who may or may now wish to develop it, but he would probably at a later date when the market is right, but in the meantime we can generate some tax revenue. In light of the fact that they have several employees in our municipality that have gone without a raise for 3 years, we're entering into very serious contract negotiations with a lot of our employees and if we reach agreements on several of those contracts as well as those who are not contract employees who are people who work in the clerical fields or administration within our building who are not covered by a union agreement, and we can reach some sort of a consensus amongst ourselves of what the number should be in order to fairly compensate them for what they have not received for the past 3 years, reach some sort of a consensus on what we should ask the voters to provide them for a raise.

Selectman Coutu said they needed to look at ways to raise some revenue without the full boat being applied to the taxpayer specifically. He would think that this was a valuable parcel of land, and he thought that they ought to consider putting it on the market, and that's what he's proposing they do at this time. He was looking for a consensus of what they feel and how they feel they should go with that parcel of land.

Just for the folks in the audience and for our viewing public, Chairman Massey said the piece of property they are referring to is a 5 acre tract located off of Ayers Pond Road down in the southern end of town. It was the site of a proposed recreation facility, which didn't work out. That's where we're talking about.

Selectman Jasper didn't disagree with some of what Selectman Coutu said, but there's one part that he will really disagree with. When you start talking about raising money through sale of Town assets to fund an ongoing obligation, you really create a problem. You make people think we'll give \$100,000 worth of raises, and we'll sell \$100,000 worth of property. That works the first year. It doesn't do anything for the rest of eternity, but those raises go on for the rest of eternity. The sale of assets and the granting of raises in his

mind should never be connected. Its one thing if you say well we're going to sell \$100,000 worth of assets and we're going to put a building for \$100,000 because you're only going to put that building up once. Sure you'll have some ongoing maintenance issues, but it won't be \$100,000 per year. He personally felt that this is absolutely the worst possible time that they could look at selling land here because the market just isn't there. There was just an article some place in The Telegraph about Londonderry or something that only had 25 home starts in the whole year. It just isn't the market right now to build. This isn't costing us anything to hold on to it. This will make a lot more money than any money they have in the bank because when we come out of this, the land will be more valuable.

Selectman Jasper said he had mixed feelings about this particular parcel, but he thought in the interest of the whole Town, it should be sold at some point. He thought one of the things may be done because, again, they're at 27 -28 million dollar operation in total here. If they were to offer to the people who live in that area on those tiny lots, which was done through a zoning determination mistake many years ago. Give them the opportunity to form an association and purchase this from the Town at market value as it is. That might be a reasonable thing. If they don't want to do that, then Selectman Jasper thought the Town has an obligation to maximize that. That may be well for us to actually do the subdivision work and sell it as an approved subdivision and not go out this way. If you just sell it like this, you'll lose control over what's going to be developed there and how it's going to be developed. Those were his thoughts. Today, he's absolutely opposed to doing anything other than offering it to the neighborhood. If we're looking to maximize our dollars, we're not going to do it in this economy.

Selectman Maddox said he was going to agree with both of the previous speakers in some form. You're absolutely right. He thought they needed to be careful that they sell it and what's going to happen after they do that. He thought Selectman Coutu's idea was is to get this ball rolling, which could take time to get it done. He asked the Town Planner what could be put on there and he said any number of things. It's a TR zoned. With 5 acres, you can get a lot of houses in there in theory on a TR zoning. So he agreed with them that the needed to almost design the land to say it's only going to have X amount of houses on it. It would be an open space. Whatever the Board is going to decide, and that's what they're going to sell it as so that it's already zoned. It's already controlled if you would as to how many units would be put down there to balance what the neighbors already had. Selectman Maddox didn't agree with him inasmuch that it should just stay there. He thought it needed to be sold. It is doing the Town no good. He thought it needed to be sold off. Again, he's starting the procedure.

On thing Selectman Maddox would throw in rather than using it all for general fund relief if you would, is doing something for recreation. Taking some of that money and whatever percentage the Board decides, and utilizing that towards the recreation facility like they were talking about - a playground or whatever, and he used the word "Benson's" because it hasn't been said once tonight. You have a central location with all that land that would make a good place, and he knows that they're talking about putting one there. Maybe monies from this could help. He thought Selectman Coutu had the right idea, but they needed to start that ball rolling at some point. He was in favor of selling it, not particularly tonight, but again looking at what the option are and maybe putting something together.

Selectman Nadeau too was in favor of selling it. He did like what Selectman Maddox said - 5 acres of land in a TR zone they could do some weird and strange with in the building world. He thought that they should in their free time have the Town Planner or Town Engineer come up with a plan for this property and start the ball rolling. One of the things that they said the first time if they weren't going to do this was use some of the money for a) recreation, b) general fund, and c) improvements to the roadway and infrastructure in that neighborhood. If they're going to be the ones putting in 5 house lots, they're going to be adding that much more traffic to that neighborhood, what are the roadway improvements. Kevin suggested a few when they talked about it the first time if they were putting the park in there and what they needed to do. He'd like to go forward with at least the sale of this property but for the Town Administrator, when he has nothing to do after budget season, to look at the rest of the property that we have in town that we could be doing the same thing to.

Chairman Massey thought that timing in the market is fought with peril. In his mind getting this onto the tax rolls earlier rather than later is beneficial to the town. He thought, however, that the way they can maximize their revenue on this property and prevent something really squirrely happening is we pay to have it subdivided and we then sell it as subdivided lots. He thought that Selectman Maddox and Selectman Nadeau have the right idea. He thought some of the sale money should be targeted toward fixing Chestnut Street, and some should go towards the construction of a recreation facility preferably again because they have the space now and it was always intended to be there, playing fields at Benson's. It's pretty clear now that they're not going to find any land down in the south end of town at the moment.

Chairman Massey said he would entertain a motion to authorize the, and he thought they'd have to take it out of the contingency fund to do this, to subdivide that property if that would be something the Board would be willing to look at now.

Motion to authorize the subdivision of a 5 acre town-owned parcel located at 4 Chestnut Street and said funds would come out of the contingency fund.

Selectman Jasper was really troubled. They've owned that land for 30 years and there have been some highs. They know that they're at a low point right now. They know that by the 2 properties they sold on Ferry Street, which 1 at least as he couldn't remember the other one, clearly they're going to sell it at a loss. That ought to be indicative to this Board that in a town with 9,000 parcels at a \$2 billion valuation, selling 5 acres of land is not going to move the tax rate. So we ought to be maximizing the cash that we get for that property and when you look at the fact that they've held on to it for 30 years, you say in the worst time possible is this when we want to look at it. This is a terrible, terrible time. His family has been renting real estate in this Town for almost 40 years since they got out of the poultry business and in 40 years, this is the absolute worst market for rentals that there has been in 40 years. Now is not the time to sell. They're also down on staff. Does that mean we shouldn't have a plan approved and ready to go, no? Maybe it's a good time to start working on a subdivision plan, look at it, and hold it in our back pocket. Selectman Jasper's concern is that they suddenly sell it and they actually end up looking like the biggest idiots that ever ran a Board of Selectmen by giving this piece of property away. He's talking not \$20 - 30,000; they could be missing the market by \$50,000 a lot if they sell it at the wrong time. That's a substantial amount of money. He's not opposed to moving forward with looking at a subdivision but frankly, they have to staff a little bit more direction than just that. The Board needs to say 5 acres do they want it to be the same size lots that are in there? Does the Board want to say lots be reasonable and have a piece of open space there of half an acre for everybody in the area to use? Do they want half acre lots? The Board has to put a little bit more thought into what it is. The Board just doesn't tell the town staff to come up with a subdivision. He can pretty much guarantee them if they don't give them direction, they're not going to be happy with whatever they come back with collectively.

Selectman Maddox said even if they gave them direction, the Board still isn't going to be happy in some cases. He didn't disagree. He didn't think Mr. Chairman that he would be supportive of the motion to expend money at this time. He thought they should utilize in-house staff and see maybe 3 options. Mr. Cashell gave him one just on a very - Selectman Maddox told him not to spend not more than an hour on it - 5 lots. Give us the options minimum to maximum. Maybe one of the interns on a rainy day can kind of kick some of this around. He thought the real key needed to make sure that they've got everything ready if they wanted to sell this what would be the procedure. Whether they're going to go out to bid or whatever they're going to do. Just have all that information, he didn't disagree that this wasn't the greatest time to put it out there. They can sit on it for another 30 years and everybody will go why didn't you sell it over the 30 years at \$5,000 a lot, \$25,000 you didn't collect X amount of dollars. The balance is when is the right time? Being prepared would probably be a smart move on all of their parts.

Chairman Massey asked Assistant Town Administrator Mark Pearson to talk with John and Gary and ask them to do exactly what Selectman Maddox was suggesting - to look at how they might subdivide the property either maximizing based on TR zoning or minimizing it. We'll keep it in house on that basis.

Selectman Jasper said if they're going to do a subdivision there, they have to do the same thing they would require anybody else to do and that would be to have an estimate on upgrading the roads. He didn't know if the road leading in needed to be upgraded, but certainly Chestnut Street itself would need to be constructed. That needed to be part of the mix. It would need a proper cul-de-sac and all of that and what would the cost be there.

Selectman Coutu didn't wish to belabor the point, he asked if he recalled in his introduction of this is he wanted to get into a discussion as to what the consensus of the Board was. He thought it was a healthy discussion. They discussed that in the past that the potential would exist that they would sell this property. He wanted to thank each of them for participating. He didn't take anything personal. There was no animosity here. No one threw any barbs at anybody. It was a healthy discussion and he wanted to hear their points of view. He appreciated it and he thought that in the concept that Selectman Maddox had mentioned to him that he thought John had come up. It was going to be some sort of an open land concept and that they were also going to use as part of the buffer the land that's across the street. So make sure he has that in his consideration. They have to be cognizant of that other buffer that they presently own and they can use that as a good buffer for that property if they do decide to subdivide. Selectman Coutu thanked the Chairman and his fellow members for engaging in that discussion with him so he could get some perspective of where he wanted to go with that. Thank you.

D. Sale of 29, 31, 33, 35 & 37 Ferry Street

Chairman Massey recognized the Assistant Town Administrator Mark Pearson.

Mr. Pearson said it was just correspondence from the broker at Re/Max to let the Town know that there were 5 properties on Ferry Street that were available. Mr. Malizia wanted to bring the Board up to speed on what the Town assessment values were currently. For point of reference, he also made a note that the purchase of 39 Ferry Street, the Fire Administration building, it's on a similar sized parcel and the purchase price in 1999 was \$115,000. It was just information for the Board. This correspondence came in and he wanted to pass it on to the Board and let everybody know.

For the public record, Chairman Massey said the 5 lots together total .691 acres. The asking price is \$1.5 million. It's a package deal. The 5 owners got together and they're putting their property up together and asking for \$1.5 million. The assessed value of those 5 properties today is \$1.1 million. It's about a \$400,000 premium that the homeowners are asking for in order to sell them all at once. What's the Board's pleasure?

Selectman Maddox said he didn't believe they were putting in a bowling alley in the near future so he saw no use to buy this land. It's so long and narrow, it's not even $\frac{3}{4}$ of an acre. When you get to the setbacks off the street, they're not going to be able to do anything with it. Unless they had a specific need, and he couldn't think of anything, even the fire station that they talked about would take up with the setbacks at a \$1.5 million, he couldn't see them spending any money.

Selectman Coutu agreed.

Chairman Massey asked what the consensus of the Board was. Selectmen Jasper and Massey said they agreed too. Chairman Massey said they'd send a note to Re/Max saying thank you but the Board declines to act upon their offer.

E. Petition for Highway Layout and Alteration of Existing Highway - Bush Hill Road

Chairman Massey recognized Attorney Brad Westgate.

Thank you Mr. Chairman. Good evening members of the Board. Brad Westgate and he's a lawyer with Winer and Bennett in Nashua. He represents the Jarrys for the petitioners for this highway petition and layout relative to a section of Bush Hill Road. He understood Mr. Chairman that a motion has been prepared and before the Board for consideration. All that's happening this evening is their request that the Board of Selectmen set a hearing date on this Petition and issue the proper notices for that hearing.

Chairman Massey said that was correct. The motion would be if it goes forward would be to accept the Petition for Highway Layout and Alteration of Existing Highway for Bush Hill Road from Michael and Rebecca Jarry and to schedule a public hearing on the petition for September 14, 2010 at 7:00 p.m. at Hudson Town Hall.

Attorney Westgate said he came tonight merely to make certain that it was processed that way and to answer any questions since he's the one who authored the petition.

Selectman Jasper understood that was the layout, but it leads to the ultimate resolution now. He didn't think his eyes had failed him that much since the last time Mr. Westgate was there. He sees the pole to be moved but he can't find the utility line that showed up on the other one, which was a subject of discussion at the time. He had no problem moving forward with the hearing but at the end of the day he will tell them that unless the utilities are moved so that they're not leaving the existing utility where they are, Selectman Jasper will not vote for the approval of the layout. Attorney Westgate anticipated the utilities will be moved Mr. Chairman. There are a lot more plan sheets to the plan set than he added to the petition. He merely wanted to depict the right of way layout.

If the motion were to proceed, Chairman Massey asked when the public hearing is held see what Selectman Jasper was requesting that the utilities have been relocated on the drawing. Attorney Westgate said he'd see to it that they point that out at the hearing.

Selectman Maddox asked if all of it had gone through their attorney. Attorney Westgate said it had. It was sent to Attorney Buckley and he actually had a conversation about it as well. Selectman Maddox said as well as the parcel where they're talking off on...Attorney Westgate said they had not had that conversation yet relative to the section unrelated to this but on the westerly side of the project. He's drafted some language

on that, but that hasn't been passed by him yet. Selectman Maddox said something needed to be resolved before the September 14th date, same as the poles. Chairman Massey said it was the piece that would wind up being...Selectman Maddox was just trying to wind all this down so that they've crossed all their variables and dotted the other ones. Chairman Massey said they were talking about is when the road gets realigned, there now becomes an orphaned piece of property. Is that what you're referring to? Selectman Maddox said that was also an issue but also that parcel on the westerly side.

As Mr. Massey may recall, Attorney Westgate said there was a parcel on the westerly side of this development adjacent to the circumferential highway subject to a dedication. Chairman Massey said they were going to dedicate an easement for that for the town. Attorney Westgate said what needed to be finalized on that was the actual text of the plan note that defines the parameters of that dedication. Chairman Massey said he now understands.

Motion by Selectman Jasper, seconded by Selectman Maddox, to accept the Petition for Highway Layout and Alteration of Existing Highway for Bush Hill Road from Michael and Rebecca Jarry and to schedule a public hearing on the petition for September 14, 2010 at 7:00 p.m. at Hudson Town Hall, carried 5-0.

For the record Attorney Westgate, Chairman Massey said for the public hearing they expected to see the utilities relocated on the site plan on one of the drawings. The issue with the easement to the westerly side and whatever was going to happen with the land that gets turned into open space once the road gets relocated.

Relative to that last point just to preface it, Attorney Westgate said the petition and the plans that were approved by the Planning Board contemplate that the entire land mass between the present location of Bush Hill Road and the new location will be dedicated to the town in this right of way. We didn't presume to determine the fate of that property in connection with this petition. We've petitioned the town to accept that land mass as the new right of way, permit the reconstruction of the paved surface as shown on the other plan, and then its frankly the Board of Selectmen's determination as to its ultimate disposition of the land, which would now be on the easterly side of the new paved section and shown on the plans.

9. OTHER BUSINESS/REMARKS BY THE SELECTMEN

Selectman Coutu - He only had one thing this evening Mr. Chairman. Of late it has not been reported but he wanted to bring to everybody's attention that specifically in the past week there's been a rash of problems with break ins both to vehicles and to homes in the south end of town. He wanted everyone to be alert and be vigilant to what was going on in their neighborhood, who was walking around your neighborhood, and to be especially careful of those people who are going around the neighborhood soliciting for the sale of magazines on the pretext that this will get them some funds to go into college. As has been reported both nationally and locally on the news, those people are bussed in from Chicago and other parts of the country. They're warehoused in hotels. They are dropped off at various neighborhoods. Of late on the national news, we've also seen reported that several elderly people have been raped, their homes have been broken into, and several people who are out soliciting magazines have been arrested for that. Fortunately that has not happened locally. Of late, he's spoken to several people in the south end of town. One of them is a personal friend of Selectman Coutu's who he had the pleasure of being with yesterday and played golf with who's also a volunteer on one of the committees in this town. His daughter-in-law's best friend, both homes are in the same neighborhood, were broken into. In one case two children were asleep in the living room while the people were in the kitchen stealing merchandise. In another neighborhood in the south end of town, this has been ongoing throughout the town. Every summer we have this rash of cars that are unlocked being burglarized and they're removing whatever change, CDs, DVDs, or video games they can from the cars. He warned people to keep your doors locked. Don't answer the door unless you know who is at the door, and please keep your vehicles locked for your own safety and for the protection of your family and of your personal belongings. Thank you.

Just if he might add on to that Selectman Coutu, Chairman Massey said one of the very easy tell tale signs that there is valuable merchandise in your car is to see either the round spot on the windshield or the round spot on the dashboard that somebody in there has a GPS. Those are now one of the major items in which cars are being broken into. You can buy a mounting device that sits on your dashboard that leaves no footprint.

Selectman Jasper - He only had one thing. Some years ago an extraordinary amount of hats and t-shirts were purchased that say "Benson's Park". A lot of them have been sold, but really now there's nobody who really has an interest in selling them anymore. He couldn't give them an exact number of how many were left. There's nobody selling them. So with the Benson Park Committee has suggested was to ask the Board

of Selectmen to donate those to the Friends of Benson Park to allow them to raise money through the sale of those for future projects. Obviously the Benson Committee is not in the business of setting up and selling t-shirts and hats.

Motion by Selectman Jasper, seconded by Selectman Maddox, that the Board of Selectmen donates the remaining hats and t-shirts from the Benson Park to the Friends of Benson Park.

Selectman Maddox said he wouldn't vote for it because Selectman Jasper hadn't told them the value. He knows he didn't know how many there are but are we donating \$1,000, \$300, or \$6,000? He thought at least an accounting. This was \$15,000 at some point in its life. Chairman Massey said \$11,000 was the original cost. Selectman Maddox said when they ask for people for donations for the park, they ask for a value. He thought to go the other way, they needed to have that. Selectman Jasper said that was fine. They can sit in the box for the next 150 years for all he cared. He's not going to ask anybody on the Benson Park Committee to count them. They've been counted before and nobody really knows what's left now. They're going to sit there. If they donated then and they'd like the Friends of Benson Park to tell them afterwards how many there were, but he didn't know what difference it made because they're not going any place now. They're going to sit at the Highway Department until they disintegrate. That's the reality.

Selectman Nadeau believed that there was a pretty accurate record of how many they own. When they started the Benson's cleanup, Jerry Desrosiers with Steve and the help of the Highway Department inventoried all of them and what they had for sizes. He didn't think it was a hard project to get a number for.

Chairman Massey said it raises another issue and he wasn't certain that if they didn't have an answer tonight can the Town with Town property donate it or does it have to be disposed of through auction? Selectman Jasper said they dispose of stuff on a pretty regular basis by just throwing stuff in the dumpster. These have a minimal value per item. The point of this was for Old Home Days to try to generate revenue there. Do what you want with them. I thought it was a stupid purchase to begin with. It was a ridiculous amount. They're going to just sit there in the box. He didn't think there was an accurate count because so many of them have been sold. He asked that question. There was an accurate count a year ago. They've been sold a couple of times and nobody seems to know what that is.

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

Just to that, Selectman Jasper said he really didn't care. It was not skin off of his neck. He thought they had a solution to get rid of them and he hoped that the 3 of them come up with doing something. Just don't let them sit there until they disintegrate.

Selectman Maddox - He had nothing this evening.

Selectman Nadeau - He had quite a few things this evening. The first one was the paving projects in town were almost done. You can see Ferry Street. Tomorrow morning at about 10 a.m. they'll be striping that up. The Highway Department did a great job working through the evening with Brox in grinding down the street and doing all the road work. They had a few problems with the lights, but they've straightened those out now. So that's with the Highway Department.

The other problem they've had in the last couple of weeks was he's been to a few different events in the last week. One of them was a Chamber event. It was brought up to him that there are people soliciting funds in Benson's for the Friends of Benson's committee. People are being very upset about being approached in the park while they're there to walk around and enjoy their family time. One of them was a lady from out of town. He thought that they specifically said that there was no soliciting of funds in the park. Chairman Massey said they did except they made the one exception for the opening day to allow them to have the table at that one location. Selectman Nadeau said that they needed to have a conversation with them and remind them that there's no solicitation of funds in the park.

Chairman Massey said since Mr. Matthews was there, he asked him to come forward. Mr. Matthews said he would love to address that. He talks to people out there all the time. He never asks for funds for anything. Selectman Nadeau never once said it was Mr. Matthews. Mr. Matthews never said he did. Chairman Massey asked Mr. Matthews to keep it to the issue. The issue was can you notify your committee...Mr. Matthews said it was not a committee. It's a corporation. Chairman Massey said to tell the corporation that solicitation wasn't allowed. Mr. Matthews said he made it plain to them that no solicitation was allowed. He's done it not once but several times. When he talks to people he never solicits any funds. He never asked them to join the Friends of Bensons himself personally. Chairman Massey was just asking him to

remind his corporation once again that they should refrain from doing solicitations in the park. Mr. Matthews said he would certainly do that.

Selectman Nadeau said the other thing they went to this week and Selectman Coutu forgot to them was he didn't win the golf tournament but he did come in second with his five some. The Zach Tompkins fund had a very good first golf tournament that raised \$35,000 towards the stadium. That was a very big thing yesterday that happened. Selectman Nadeau yielded to Selectman Coutu. Selectman Coutu said to Jeremy Griffus, "stick that in your pipe and smoke it". They're challenging him on raising money.

10. NONPUBLIC SESSION

Motion by Selectman Maddox, seconded by Selectman Jasper, to enter nonpublic session under 91-A:3 II (a), (c), (e) and RSA 91-A:2 I (a), carried by roll call 5-0.

Nonpublic session was entered into at 8:47 p.m. This ends the televised portion of the meeting. Any votes taken upon exiting nonpublic session will be listed on the Board's next agenda. The public is asked to leave the room.

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

Open session is being entered at 10:11 p.m.

Motion by Selectman Coutu, seconded by Selectman Maddox, to terminate the employment of Call Firefighter Jeffrey Lamothe with the Hudson Fire Department as of July 27, 2010 as recommended by the Fire Chief in correspondence with the employee on July 22, 2010, carried 5-0.

11. ADJOURNMENT

Motion to adjourn at 10:13 p.m. by Selectman Maddox, seconded by Selectman Coutu, carried 5-0.

Recorded by HGTV and transcribed by Donna Graham, Recorder.

HUDSON BOARD OF SELECTMEN

Kenneth J. Massey, Chairman

Richard J. Maddox, Vice-Chairman

Roger E. Coutu, Selectman

Shawn N. Jasper, Selectman

Benjamin J. Nadeau, Selectman