

HUDSON, NH BOARD OF SELECTMEN  
Minutes of the June 8, 2010 Meeting

Attorney-Client Session, pursuant to RSA 91-A:2 I (a) (not open to the public)

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1. CALL TO ORDER by Chairman Massey the meeting of June 8, 2010 at 7:53 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: Steve Malizia, Town Administrator; Donna Graham, Executive Assistant; Fire Chief Shawn Murray; Police Chief Jason Lavoie; Assistant Town Assessor Jim Michaud; William Oleksak, Bldg. Inspector; John Cashell, Town Planner; Pam Lavoie, Administrative Aide

4. PUBLIC INPUT

- A. Certificate of Appreciation presented to Pam Lavoie of the Community Development Department

Chairman Massey took great pleasure in asking Pam Lavoie if she would come forward. Pam, on behalf of the Board of Selectmen, he would like to take this opportunity to recognize Pam Lavoie as one of Hudson's most dedicated and hard working Town Hall staff members. For all who know you, you know first and foremost how deeply committed she is to the well-being of her family and friends. For those of you who know, Pam Lavoie is a Town Hall staff member and you know first hand how conscientious she is in performing all of her duties and responsibilities with the utmost care and concern, and above all, you know she loves to do her job right the first time. Chairman Massey can certainly attest that if you are a member of the Planning Board, she is the person who makes possible all of those agenda packages that get to you on time and have you the ability to get your job done. That is a tremendous amount of work especially for all the packets you put together Pam.

In talking to John Cashell your immediate supervisor, he offered the following words in recognition of your 20 years of service to Hudson: "Pam exemplifies what it means to be a true public servant, and in her position as Administrative Assistant in the Community Development Department, everyone in the department can count on Pam to help complete the workload -- no matter what the task at hand entails. Additionally, and to be quite honest, I [John Cashell] could never think of completing my own duties and responsibilities on a daily basis without her dedicated support and assistance."

Pam, it is with great pleasure that Chairman Massey presented to Pam this evening this small token of the Town's appreciation for twenty years of dedicated service, and something that you can take and do whatever you would like to do with it. Thank you very much. Again, on behalf of the Board, congratulations.

Chairman Massey asked if anyone in the audience wished to address the Board on any matter at this time.

5. NOMINATIONS & APPOINTMENTS - None

6. CONSENT ITEMS

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

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

- A. Assessing Items

- a. Abatement Application - Map 221, Lot 8, w/recommendation to deny.
- b. Abatement Application - Map 222, Lot 8, w/recommendation to deny.
- c. Abatement Application - Map 222, Lot 10, w/recommendation to deny.
- d. Abatement Application - Map 222, Lot 13, w/recommendation to deny.
- e. Abatement Application - Map 227, Lot 4, w/recommendation to deny.

- f. Abatement Application - Map 221, Lot 4, w/recommendation to deny.
- g. Abatement Application - Map 215, Lot 8 + 8-1, w/recommendation to deny.
- h. Multiple Exemption Applications - Disabled Exemption - Map 153, Lot 010; Re-Qualifications - Elderly and Disabled Exemptions - Map 246, Lot 030; Map 216, Lot 018, Sub 047; Map 149, Lot 001, Sub 095; Map 147, Lot 018; Map 168, Lot 002, Sub 017; Map 197, Lot 181; Map 174, Lot 177; Map 174, Lot 118; Map 246, Lot 078; Map 182, Lot 045, w/recommendation to approve.

B. Water/Sewer Items

C. Licenses & Permits

- 1) Request to Solicit Funds by Susan G. Komen for the Cure Advocacy Alliance
- 2) Request to Solicit Funds by St. Jude Children's Research Hospital
- 3) Request to Solicit Funds by New England Voices in Harmony
- 4) Request to Solicit Funds by New Hampshire Flames U10 - AAU Girls Basketball
- 5) Raffle Permit by Hudson Senior Council on Aging - 2 tickets to Nascar races
- 6) Raffle Permit by Hudson Senior Council on Aging - lottery tickets at Old Home Days

D. Acceptance of Minutes

- 1) Minutes of the Board of Selectmen's Meeting of May 11, 2010

E. Calendar

06/09 7:00 Planning Board - Community Development Meeting Room  
06/10 5:30 Sewer Utility Committee - BOS Meeting Room  
06/14 7:00 Conservation Commission - Community Development Meeting Room  
06/15 7:00 Cable Utility Committee - BOS Meeting Room  
06/16 5:00 Water Utility Committee - Community Development Meeting Room  
06/16 7:00 Seniors - Community Development Meeting Room  
06/16 7:00 Library Board of Trustees - BOS Meeting Room  
06/17 7:00 Benson Park Committee - BOS Meeting Room  
06/17 7:30 Budget Committee - Community Development Meeting Room  
06/21 6:30 Hudson School Board - BOS Meeting Room  
06/21 7:00 Energy Committee - Community Development Meeting Room  
06/22 7:00 Board of Selectmen - BOS Meeting Room  
06/23 7:00 Planning Board - Community Development Meeting Room  
06/24 3:00 Trustees of the Trust Funds - Community Development Meeting Room  
06/24 7:30 Zoning Board of Adjustment - Community Development Meeting Room  
06/28 6:00 Recycling Committee - BOS Meeting Room

7. OLD BUSINESS

A. Vote taken after Nonpublic Session on May 25, 2010

- 1) Motion by Selectman Maddox, seconded by Selectman Jasper, to accept the offer to purchase 47 Ferry Street from John H. Harding IV and Sunne E. Harding in the amount of \$170,000 under the terms and conditions of their offer dated May 22, 2010, carried 5-0.
- 2) Motion by Selectman Coutu, seconded by Selectman Jasper, to hire William J. Kew and Brian D. Morgan effective July 6, 2010 with a starting salary of \$20.98 per hour according to Police Union Local #3657 as Patrol Officers, carried 5-0.
- 3) Motion by Selectman Jasper, seconded by Selectman Nadeau, to accept Chief Lavoie's recommendation by promoting Robert Tousignant to Captain, Charles Dyac to Lieutenant, and Jason Lucontoni to Sergeant effective May 30, 2010, carried 4-1. Selectman Maddox in opposition.
- 4) Motion to adjourn at 12:11 a.m. by Selectman Coutu, seconded by Selectman Jasper, carried 5-0.

8. NEW BUSINESS

- A. Donation of \$4,870 from the Council on Aging for the reconfiguration of the 2008 Hudson Senior Center project plan by Berard Martel Architecture

The Board has before them a letter from Berard Martel, which Chairman Massey contacted after the Board's meeting last month. They have agreed to update the drawings from the 2008 plan for a senior center based on its proposed location at Benson's. The total cost is \$4,870. They would also project that if they wanted to take it to the next step after they get approval to move forward, it would cost approximately \$1,200 to provide the architectural costs for doing the design, engineering, and construction work. The \$4,870 was agreed to by the Council on Aging at their meeting in May. They agreed to fund up to \$15,000 to do this initial work out of the Hudson Senior Building Fund.

Motion by Selectman Coutu, seconded by Selectman Nadeau, to accept a donation of \$4,870 from the Hudson Council on Aging's Senior Building Fund for the purpose of revising the 2008 Senior Building proposal to change the exterior to a barn look. It would be keeping with the memo from Berard Martel that described what Phase I for the project would be.

Selectman Jasper said this would be to accept the donation. Do they have an action item later relative to contracting with...Chairman Massey said they already have approval to go engage them in this project. That was done at the May 25<sup>th</sup> meeting.

Chairman Massey should also include with the Board's thanks and appreciation.

Motion by Selectman Coutu, seconded by Selectman Nadeau, to accept a donation of \$4,870 from the Hudson Council on Aging's Senior Building Fund for the purpose of revising the 2008 Senior Building proposal to change the exterior to a barn look. It would be keeping with the memo from Berard Martel that described what Phase I for the project would be with the Board's thanks and appreciation.

Vote: Motion carried 5-0.

Chairman Massey would add that the Building Committee met last Thursday. They have a fairly good idea of the general direction that they want to give to Berard Martel to go forward. They're going to meet again this week on Thursday night to do a site walk to get some idea of the actual layout of the building in terms of its footprint on the land given the topography. The intention is to have a meeting with Mr. Berard Martel, who will be the contact person on the 29<sup>th</sup> of June. He'll have to double check given what they did earlier in the night. He thought that they should be able to move forward on this one.

- B. Donation of 12 Littman Stethoscopes to the Hudson Fire Department from Dave Pierpont of Genzyme Biosurgery of Cambridge, Massachusetts

Motion by Selectman Maddox, seconded by Selectman Nadeau, to accept the donation of 12 Littman Stethoscopes with a combined value of \$1,356.00 from Genzyme Biosurgery of Cambridge, Massachusetts, with the Board's thanks and appreciation, carried 5-0.

- C. Donation of \$1,000 from the Hudson Wal-Mart Foundation to support the Hudson Fire Department Donation Account

Motion by Selectman Coutu, seconded by Selectman Nadeau, to accept the donation of \$1,000 from the Hudson Wal-Mart Foundation to support the Hudson Fire Department Donation Account, carried 5-0.

- D. Sewer Utility Committee - Policy & Procedure Update

Chairman Massey recognized Chairman William Abbott.

William Abbott, 48 School Street, Chairman of the Sewer Utility Committee. We're making a minor update to the Policy and Procedure Manual. The first paragraph was slightly different than what they had before. They've just made it clear in the first paragraph A that the meter that would be used would record what actually goes into the sewer. Before, they metered the total well output. If somebody wanted to water lawns or whatever, that would change that number. If they just metered what goes into the sewer in effect, that's a little fairer for the sewer user. That's what was changing in that paragraph.

The last change that is really of significance was paragraph E where they documented that the meter card should be submitted by the 10<sup>th</sup> of the month. Mr. Abbott said that this had been kind of an open unwritten policy that if the meter card didn't get turned in by the 10<sup>th</sup> of the month, then there would have to be an abatement action. There wasn't anything that really said when they really had to have it in. This paragraph just clarifies that.

For the purpose of clarification, Selectman Coutu noticed as he - he's been involved in those discussions. He's noticing as he looks across everyone is looking for paragraph E. He wasn't sure what Mr. Abbott was reading from. He knows what the changes are, but the Board didn't have that. Chairman Massey said they just had the changes that Bill was proposing which was number 6. c. 1., sewer users without municipal water. Selectman Jasper said the verbiage was there, but it was not lettered accordingly. Mr. Abbott said they just didn't put the paragraph letters on. Where it says c. 1. , that's what he was referring to. Apparently in the draft, they had sub letters on the various paragraphs. If you just read down through in other words, where he talked about the meter card, it's the 5<sup>th</sup> paragraph down.

Chairman Massey asked Mr. Abbott what had been changed on it. Mr. Abbott said they added a paragraph that talks about the meter card and that it would be completed and turned in by the 10<sup>th</sup> of the month. That's a significant change. The fact that it has to be turned in by the 10<sup>th</sup> of the month. The reason they did that was because there would be nothing that said when they had to have it in. The unwritten policy was if it was in by the 10<sup>th</sup> of the month, the Sewer Utility Clerk had time to make the billing considering that reading. Otherwise, it would wind up being an abatement. Chairman Massey indicated that he didn't see that in the document.

Chairman Massey said that the proposed change was on the second page. It takes that one line that says install their own water meters, and it flushes it out to 7 paragraphs. Mr. Malizia said it clearly articulates what they've been doing and the practices that now articulate it in a policy so that anybody can find this as opposed to unwritten rules and/or this is how we do it. It now defines how it should be done.

Selectman Maddox said on the new one it doesn't tell you what the quarter are yet it does on the old one. Mr. Malizia said they're only replacing paragraph 1. Chairman Massey said that paragraph 6. A. and B. still remains.

So Selectman Jasper can be clear on what's happening, all they're placing is 6.1. This is now the 6. 1. which Mr. Abbott had thought had a, b, c, d, and e. Mr. Abbott said a, b, c, d was on a draft that they had, and he didn't have the final. Selectman Jasper said on the marked up copy, 2 and 3 remain. Chairman Massey said 6. a. and b. were the same. It's 6. c. 1. that changed.

Selectman Coutu suggested that the first paragraph under 1., second from the last line where it says "and becomes his responsibility" that they remain politically correct and it be "his/her" responsibility. It's the way things are in the Legislature. It's the way they're going to be here. Mr. Malizia said should also become "their" responsibility. Selectman Jasper said he's tried that and was told that refers to two or more people. Chairman Massey said he still liked the word "their" as opposed to "his/her". Selectman Jasper said he did too. Chairman Massey said to change "his" to "their".

*Motion by Selectman Coutu, seconded by Selectman Nadeau, to accept and update the Sewer Utility Committee's Policy and Procedures by amending paragraph 6. Billing & Collection, c. Sewer users without municipal water, (1) as provided to the Board of Selectmen by Mr. Abbott, Chairman of the Sewer Utility Committee, in a memo dated May 26, 2010.*

Selectman Maddox thought that no one was ever going to read this after tonight. He guessed the second paragraph he thought should have it too because you're talking about residential under number one. Then it says this method must be used for all commercial and industrial properties. Mr. Abbott believed that one was in the old one he believed. Selectman Maddox said under where it says 1. and that whole paragraph seemed to be talking about a homeowner or residential use. Then it drops down to the second paragraph that says "This method must be used for commercial or industrial properties that utilize a well for its water use. He would think that would have a 2. to clearly differentiate between the two types of operations.

Chairman Massey thought what the second paragraph was referring to was that if you are a commercial or industrial property user, you have to use the same procedure that was being used by a residential property. Selectman Maddox asked why the top one says "residential and..." Why was that sentence in there? Selectman Coutu said it clearly delineates that a sewer user was not connected to town water system. They wanted to make it clear to the commercial industrial properties that that applies to them as well. They could

have combined it all in one paragraph. Selectman Maddox said as long as they know what they're talking about.

Vote: Motion carried 5-0.

E. April 1, 2012 Property Assessment Update - Funding Options

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

Good evening. Mr. Michaud said he was there just a week ago. They were discussing the 2012 reassessment date. He believe he may have misinformed the Board that they actually had any options on whether or not they're required by law to do a reassessment at minimum once every 5 years. He believed the first 2 paragraphs successfully summarize that. They don't really have any options. They have to do it once every 5 years unless the Constitution is changed and also RSAs are changed. He wished he had the conversation with the Director to the Property Appraisal Division for the Department of Revenue before he implied that the Town had any leeway. He believed he attached the RSA that directs the DRA to bring communities in front of the Board of Land and Tax Appeals (BTLA) if they're not taking actions to fulfill their responsibilities. He's also attached the applicable relatively new Statute of the last 7-8 years that directs the community to do a re-evaluation at least once every 5 years.

Re-evaluation, re-assessment, property value update Mr. Michaud said is a town-wide value anew. That's the first point in the memo and he wanted to stop there and see if there were any questions. Chairman Massey asked the Board if they had any questions. Selectman Coutu said it was fairly clear.

Mr. Michaud said the second was something he discussed with Kathy Carpentier briefly and Mr. Malizia a little bit more in depth. Obviously Mr. Michaud is very sensitive to the financial capabilities of their community to rise to the occasion to raise this revenue. He thought that at the end of this fiscal year might present an opportunity for the Board to consider funding part of this end of the capital reserve for the property re-evaluation. He noticed on Section L. there was some information from the Department of Revenue Administration (DRA) on disallowance of some funding. He thought he's gone through some rational on here of why he believed a re-evaluation was already purposed in this budget via the State's Chart of Accounts that actually labels the Assessing Department as re-evaluation of property. He's also not privy to full knowledge of what, if any, end of fiscal year balance there was versus some less revenue than they had budgeted for. Mr. Michaud said he was kind of outside of his area of expertise, but he thought now was really the only time he could bring this in front of the Board. Come July 1<sup>st</sup>, it's too late.

Selectman Coutu would like to defer only because of the fiscal portion Jim not because he didn't think he was capable. Steve, can you put the first paragraph of the financial aspects of this in layman's terms. He gets lost in translation trying to read this thing. On the second page, "the Department is proposing that the Board of Selectmen authorize the transfer..." Mr. Malizia said what he's basically asking for was if you look at the end of this fiscal year if they have money left, he's proposing, or recommending, or suggesting that they move money into the capital reserve that's been established for this purpose thereby putting money aside ahead of time so that when you come to next year's budget, you won't have to appropriate \$70,000, which he thought was the estimated cost to do a town-wide re-evaluation. Instead, you would already have \$40,000 set aside for that purpose. That's what he's recommending. If they have money left at the end of this year...Selectman Coutu asked through all accounts? Mr. Malizia said through general fund accounts to transfer it into the existing capital reserve fund. Selectman Coutu said that was basically the same recommendation Mr. Michaud made the last time he was here right? That they set up a capital reserve fund with...Chairman Massey said the funds were already set up. Selectman Massey said that they add if there was money available and they thought it was a priority for them to do so to do it. Some how or another, it got convoluted in his mind that there was money that was existing beyond the \$5,000 but was talking about potential surplus money if they had any.

Mr. Michaud thought the Board received budget to actuals, which is last on the New Business agenda. He knows that in terms of the Assessing Department, they're fortunate to have in excess of what they had originally estimated for the Board about a month ago. Much closer to actuals versus estimates.

Motion to transfer up to \$35,000 to the capital reserve fund for future re-evaluation per Assistant Assessor Jim Michaud's memo dated June 8, 2010.

Selectman Coutu asked if a motion was necessary at this time. Shouldn't they be looking at end of year surplus prior? Mr. Malizia said they may want to look at the budget to actuals at the end of the evening before they decide to do anything. Selectman Coutu said right because they may have other items...Mr.

Malizia said they may have other things they may find to be a priority. Selectman Coutu thought this may be a little premature. That's the only reason why he thought there was some reluctance to make a motion at this point. They will consider it at that time because budget to actuals was at the end of the meeting. Chairman Massey said he may actually want to wait until the last meeting in June to do it. That was going to be Selectman Jasper's suggestion. Mr. Malizia said they weren't going to be done at the last meeting in June, which was the 22<sup>nd</sup>. You'll have some idea. Selectman Coutu said they'll be within a week. They'll have their wish list pretty much complete by then he would hope. Chairman Massey said so that they can leave Jim with some sense, is it the Board's consensus that if they are able to do it, it would be something that they're going to consider as opposed to no further consideration? Selectman Coutu thought it was worth consideration. They're going to have to do it regardless. So they're either going to come up with \$70,000 all at once, or they're going to use some surplus now. He'd rather entertain the idea of using the surplus if it were there. Chairman Massey said they'd first look at it when they look at the budget to actuals, and then they may defer action until the June 22<sup>nd</sup> meeting. Thanks Jim.

F. Installation of sound system at Library Park

Chairman Massey recognized Commander Valerie Harnadek.

Good evening. Valerie Harnadek, 9 Larchmont Drive, Nashua, New Hampshire. She's the Commander of the Hudson American Legion Post 48, and she knows that some of them were acquainted with her. They just marched in the Memorial Day Parade. She there because the Memorial Day Parade means so much to them, but she finds from hearing from a lot of the community members that they don't have a very good sound system at Library Park. In the years past and even this past year, it's very difficult for all the community members that come each year to support them in it, or any event, that goes on there. You'll always find that there's just not a great sound system. She's proposing that the Selectmen as well as the Legion work together and try to put in a permanent sound system. Something that would benefit both of them as well as the community. She was hoping that they might all be able to work together.

Selectman Maddox said it sounded like a great idea, but again if its going to sit in the New England weather, it's going to have to be quite the system. As he understood it, the Cable Utility has speaker capability. Maybe they just need to augment what's already there with what the Cable Utility has. Maybe Selectman Coutu already has that information. Selectman Coutu said that's not what he was going to propose. First of all, they use that facility twice a year - 9/11 and the Memorial Day Parade. That's number one. Number two was its location. They all know that no matter how good the sound system with the traffic flow on a holiday weekend day and with the curiosity factor compounded by the parade, and he wasn't saying that in a negative aspect, no matter what kind of a sound system they put in there, they're still going to have drowning out of some of the speakers depending on which side of the road the motorcycles or the trucks were going by. Finally, Selectman Coutu has had a conversation - matter of fact the Fire Chief called him and said that they had a sound system, and they were more than willing to set up the sound system whenever they needed it over there if somebody would just ask them to. He also had conversations with the Police Chief who said that the band has dismantled and they're trying to see if they can use some of that equipment and provide that to them if they needed it. He thought there were enough alternative measures out there to correct it. To make any kind of an investment and to place a permanent speaker system for 2 days a year, a couple of hours each year...Selectman Jasper they're going to have a 9/11. Selectman Coutu said they're going to have a 9/11 memorial, so now they're going to be down to one day a year. It's just not worth the investment. He understood what he was saying and he appreciated what he was saying. He heard people say that they couldn't hear. They had 2 speakers. At best they should have at a minimum 4. He thought that would correct it. They're still going to get drowned out on one side or another by the traffic noise as it goes by. Considering the state of the economy if they have speaker equipment and other department heads were willing to not only loan it to them, but the Fire Chief said he would be more than pleased to have one of his men go out there and set it up.

Ms. Harnadek said she'd be willing to work with them. No one has ever gone to them to offer that. She had no idea that those offers were even out there. Selectman Coutu said that was the first time that anyone was complaining about a problem. No one every complained in the past to him or anyone on the Board.

Selectman Nadeau said every year people complain about the sound out there. They've talked about it every year for the past 3 years after the parade in the Selectmen's meeting room. Selectman Coutu said he must have missed those meetings. Selectman Nadeau said it was great that Cable was going to let them use theirs. They just needed to get everybody to work together to do this. Right now there's no 9/11 memorial. This year looks like they will be doing it again at the Town Common. Who knows how long it's going to take to build the 9/11 memorial. He thought they all needed to work together with the Legion, the Fire Department, and the Cable TV to get this as one of the projects to be done. Selectman Nadeau didn't

know expensive it was but if they put a couple of all-weather horns in the gazebo that they can tie in one of the systems to. He didn't know how expensive they are, but it was something that the Legion might want to look at. If people are willing to donate the money to them and we can put them out there, that would be great too. It's something that they definitely have to look at. This year someone came up right in the middle of the ceremony and said that they couldn't hear it. That's when they turned the PA system that way. Then the people on the other side didn't get to hear it. It's definitely something that they've talked about. He was glad to hear that those people have these things that they've offered to them.

Selectman Jasper said he couldn't recall discussing it at the meetings, but he knows that it has been a problem and certainly this year one of the comments was made to him that most of the people are behind you folks, which was true. They're really pointing the speakers more at the people who are participating than they were to the people behind them. They do need to work together. He thought there were plenty of resources that they already have available to them. It sounded like they needed to have a better coordination of forces leading up to this event. He didn't necessarily think they needed to have speakers within the gazebo. He thought perhaps the speakers needed to be placed outside the gazebos nearer the people who were listening because of the drowning out by the traffic. If there were speakers actually placed in strategic locations in the park, that may mean in terms of wiring that they just needed to have some conduit run by the Highway Department so at the appropriate time some wires could be blown through or something to make that happen, that may be the appropriate thing to do, and just use the resources that they have with some conduit. As long as they're focusing the speakers right in that one location, anybody who was 10, 15, 20 feet of there regardless of speakers when those motorcycles go roaring by, forget it. He didn't really think they needed to spend money. Selectman Jasper thought they needed to have people who were familiar with sound systems within the Town and within the Legion get together, look at the resources they have, and figure out how to make use of those resources.

Selectman Maddox thought that they could check with Cable. They're there and they have the truck there. They may be able to go wireless as opposed to running conduit. They're getting the microphone in the gazebo to them probably. So maybe there's something they can do off of the truck. There's a number of options now that they know there's a problem and try to see what there is to fix it.

Chairman Massey told Ms. Harnadek that the first step would be within the next few weeks to have a conversation with the Chairman of the Cable Committee Michael O'Keefe and with the Fire Chief relative to being able to use their sound systems and speakers. Then whenever you start putting together your orders of the day, that one of the orders of the day includes the coordination with them. They could then get the logistics done again. For them, they'll have to do something for the 9/11 this year. That might be a good dry run for the Legion for next year.

Selectman Coutu suggested that Chairman Massey as Chair task Selectman Nadeau as the coordinator between those people and Val to try to facilitate trying to make all of this happen. He's on the Cable Committee, but he didn't mind if he went to the Cable Chairman. She doesn't know those people and Selectman Nadeau does. He thought it would be a good focal point. This was very near and dear to his heart apparently. He thought tasking him with the project. Chairman Massey was thinking his famous dictum of he who proposes disposes. However if Selectman Nadeau thinks this was something he would really like to do, he would be glad to appoint him as the liaison. Selectman Nadeau said he could work with those groups to try it out for the 9/11 which was on a Saturday this year. If they can get the time and date of when they're going to do that, they'll see if they can have a dry run of their equipment and see if that works out better for them.

Chairman Massey knows the date is September 11<sup>th</sup>. He would propose that they do it at the exact time hat the first plane hit the north tower, which he thought was at 9:21. They'll get the exact time. The main thing would be to work with the Cable Committee and the Fire Department to see if they could work together with sound. Then they could coordinate with the American Legion so that they can see if it works. If it does, they could then do the same thing for next year.

Great. Ms. Harnadek definitely appreciated the input. Like she said, she basically just wanted it for the community people that go. They're just there to listen. So if this will work out, she'd love to work with Ben. Thank you for your time.

G. Request to Use the Hudson Community Center - Mike Undercofler's Eagle Scout Project

Chairman Massey recognized Town Administrator Steve Malizia for an update.

Mr. Malizia said the back of the memo was the request and the front of the memo is the motion to grant permission and waive the fee. He didn't ask to waive the fee, but obviously he's doing a pasta fundraiser, he can't really afford to pay the fee.

Motion by Selectman Jasper, seconded by Selectman Maddox, to approve Mike Undercofler's request to use the Hudson Community Center for a pasta dinner fundraiser for his Eagle Scout project on Sunday, June 20, 2010, and to waive the rental fee.

Selectman Jasper said Mike's Eagle Project is as some of you may know the restoration of the ticket booth at Benson Park. He's familiar and he knows the Board was familiar with that project as well. He thought that it was appropriate that the Board approve this to allow him to use as much of the money as he raises as possible for that project.

Vote: Motion carried 5-0.

Just for the record, Selectman Jasper said the reason Mike's not here tonight was because he's presenting to the Eagle Scout Board his project this evening. Otherwise, he would have been here. Chairman Massey said that was the reason they had to approve it last week so he could do it tonight.

H. Public Hearing - Acceptance of a Highway Safety Project grant award - "Hudson Sobriety Checkpoints (2)" in the amount of \$6,000

Chairman Massey recognized Captain Tousignant.

Captain Tousignant said the sobriety checkpoints have already been conducted on Memorial Day weekend - Friday and Saturday nights from 9 p.m. to 3 a.m. For lack of better words, very successful. Unfortunately, they did make quite a few arrests on those nights. Now we come in front of the Board to look for the Board to accept the grant awarded to them by the State in the amount of \$6,000 to pay for that 2 night sobriety checkpoint.

As Chairman Massey understood, Captain Tousignant has talked with the State and they understood that they were accepting this after the fact and that it was acceptable to them. Captain Tousignant said as far as he knew, yes.

Chairman Massey opened the public hearing at 8:35 p.m.

Chairman Massey asked if anyone in the audience wished to speak on this item. Seeing none, Chairman Massey closed the public hearing at 8:36 p.m.

Motion by Selectman Coutu, seconded by Selectman Nadeau, to authorize the Hudson Police Department to enter into the "Hudson Sobriety Checkpoints (2)" project with the New Hampshire Highway Safety Agency in the amount of \$6,000 beginning May 11, 2010 through September 15, 2010, carried 5-0.

I. Donation of \$1,000 from the Hudson Wal-Mart Foundation to support the Hudson Police Department Community Policing Donation Account

Motion by Selectman Coutu, seconded by Selectman Nadeau, to accept the donation of \$1,000 from Hudson Wal-Mart for community policing, carried 5-0.

Chairman Massey asked to MOVE OUT OF ORDER - ITEM O. Request to apply for the FY2010 Justice Assistance Grant (JAG) in the amount of \$12,286.

O. Request to apply for the FY2010 Justice Assistance Grant (JAG) in the amount of \$12,286

Mr. Malizia said this was the JAG grant and this was the application phase of it. You don't need to do a public hearing to apply. They just needed to apply. They did it last year and he believed the year before.

Captain Tousignant said this Byrne Justice Assistant Grant in the amount of \$12,286 will be used for 2 items. One will be to purchase a video conferencing system at the Police Department that they will use to conference with Nashua District Court to video arraign prisoners. It's mandated by the Court. The system at the Nashua District Court was updated, so it's no longer compatible with the system that they currently run. This new system would allow them to video arraign prisoners from the Police Station which for the safety of the court, police officers, and the prisoners. It also can be used to video conference training with New Hampshire Police Standards and Training Council in Concord. At times, classes in Concord are full. They've actually started the program, he believed they



were using it in Portsmouth at Pease where they will broadcast that particular training at Pease, and several officers can go to Pease Air Force Base to receive that training if the academy class was full. They would be able to actually use it at their station and video conference it right to the community room that they have at the police station for officers to train right at the station rather than travel to Concord if that training was offered through the video conferencing.

[Captain Tousignant] The other item with the remainder of the grant, they would be seeking to purchase a new radar hand held battery operated radar, which will be used with the mountain bike patrol and the motorcycle unit.

Selectman Coutu asked if the hand held radar was picking up a single target. Captain Tousignant said yes. Selectman Coutu said this excuse of well there was a truck in the way and it interfered with the radar. This new radar equipment eliminates all that right? Captain Tousignant said it's a brand new Falcon Stationary Talent Radar.

*Motion by Selectman Coutu, seconded by Selectman Maddox, to authorize the Police Department to enter into an Interlocal Agreement to apply for the FY 2010 Justice Assistance Grant (JAG) from the State of New Hampshire in the amount of \$12,286.00 to be used for a hand held radar unit and a video conferencing system as outlined in the Chief's memo dated June 4, 2010, carried 5-0.*

On behalf of the Board, Chairman Massey thought Captain Tousignant could convey to the officers that participated in the checkpoint sobriety activities over the Memorial Day weekend. He thought they did an excellent job. It certainly continues to enhance the Town's reputation as caring deeply about people. They wanted to make sure that they're not drinking and driving. Thank you to all the officers that participated.

J. Retail Site Plan, 1 Bockes Road, Map 145, Lot 001

Chairman Massey recognized David Jordan.

David Jordan. He's an engineer and land survey with SSE Engineering Partnership in Auburn, New Hampshire. His office has worked with the owner of the property at One Bockes Road to obtain site plan approval for a 12,800 square foot retail building. As part of that development, there are going to be several improvements made to Central Street, Route 111, and the end of Lawrence Road at Route 111. Specifically, they're going to be adding a right turn lane from Route 111 heading west bound on to Lawrence Road. The intersection of Lawrence Road right now there's a single lane exiting Lawrence Road going on to Route 111 in both directions. They're going to be widening that out to provide a dedicated right turn lane from Lawrence Road to Route 111 and then an combined through and left hand turn lane to traffic heading east bound on Route 111. This work requires a permit from NH Department of Transportation.

They're in a little bit of a different situation here because their access to the property does not physically enter onto Route 111. Their access is on Bockes Road. They don't have any curb cut for the project itself on to the State highway. For that reason, DOT requires that the driveway application be signed by the Town. Even though they're not construction a driveway, they're doing road improvements, it's still called a driveway application. The Town's signature on the driveway application does not mean that this Town is obligated to do anything. Basically what's its doing is giving the owner permission to work within essentially an area that's otherwise controlled locally by the Town. That's the reason they're there this evening to see if they can have the driveway permit application that their office has prepared signed by someone from the Town so that they can proceed with the finalization of their DOT permit from District 5.

Selectman Jasper said the proposed motion would tend to indicate not only are they dealing with this, they're dealing with improvements to an existing town road. The Board needs to...Chairman Massey asked if it was a town road or a State road at that point. Selectman Jasper said he was looking at Lawrence Road, which when he was on it last time, did not have 3 lanes. It appears that there is going to be work done on Lawrence Road and as they have reminded the Planning Board on numerous occasions when they are approving any work or thinking of improving any work on a town road, the road belongs to the Board of Selectmen in essence in terms of authorizing the work. This Board needs to authorize that work. Selectman Maddox thought that's what they were coming forward tonight...Selectman Jasper said he hadn't heard anything about Lawrence Road. Selectman Maddox said they knew that they were always coming here and the Planning Board did also. He was waiting for that second half. Selectman Jasper said he hadn't heard anything about that.

Chairman Massey said Selectman Jasper raised the right point. He thought they'd have to make a separate motion. Selectman Jasper thought the proposed motion may actually cover that road improvement as shown on the intersection plan. He'd like to hear a little bit about what's going on.

Chairman Massey asked for a description on what's going to happen on Bockes and Lawrence Roads.

Mr. Jordan said they weren't making any physical changes on Bockes Road. They only thing they're doing was adding some striping to the road, provide a stop line, and a double yellow center line from their site driveway down to the intersection of Lawrence Road. The Lawrence Road intersection with Route 111, they are adding additional paving. That's the intersection improvement plan that has been attached to the handouts. They're adding (inaudible) feet of pavement at the intersection to widen that out to provide, again, 2 lanes exiting Lawrence Road onto Route 111. One would be just for right turns to head west bound on Route 111. The other one being a through/left hand turn lane to head east bound. Right now there's just a single lane entering and exiting Lawrence Road after this widening, there would be a total of 3 lanes - an entering lane and 2 exiting lanes. Associated with that would be proper striping in the stop line. So a double yellow center line, a single white lane line to separate the 2 exiting lanes, and a stop bar and stop sign.

Selectman Jasper said the one concern or question he had was he looked on the Lawrence Road improvements and that would be to the westerly side of the road. It looks like that only leaves them a very narrow non paved right of way. How much room do they have at that point from the widening to the boundary? Mr. Jordan said the right of way was actually significantly further away where they're doing the widening. The Route 111 right of way actually included a significant portion of both Lawrence Road and Sullivan Road. If you look at the colored drawing on the front, the solid lines that kind of come up at an angle here, this is the right of way.

Selectman Jasper said if you go up to this point, the pavement and the right of way almost match. This was a very difficult scale to determine how many feet. He wanted to know how many feet they still had. He didn't want the pavement within 2 feet of the property owner's actual bound. Mr. Jordan understood. It is very close. It is only a few feet. However, they're not doing any widening up there. Their widening was limited to on this side of Lawrence Road to literally right down to the intersection. So they're not physically changing anything. Selectman Jasper said all the new pavement will be on his side of the road. Mr. Jordan said other than a little sliver down here, its all on his side of the road. Selectman Jasper said that Mr. Jordan will not be encroaching any further to that property on the westerly side of the road.

Selectman Coutu asked if at any of the hearings have any abutters shown up at any of the meetings. Mr. Jordan said yes. Selectman Coutu asked if the abutters were for or against. Selectman Maddox said they were at the first meeting he thought. Chairman Massey's only comment he really recollected that they were concerned about was if you're making a left turn from Lawrence on to Bockes, was there any striping that could be done that would facilitate that left turn. To his recollection, that was the only area of concern they had was the left turn onto Bockes from Lawrence Road. Was it feasible to put a dotted striped line to indicate the turning lane from Lawrence to Bockes? Mr. Jordan said they could certainly do that. Obviously they have some striping they're doing out there anyway. To do a little bit more striping to define the lane from Lawrence Road to Bockes, he could see how people would tend to maybe go too fast around that corner, and they could define that to at least designate lanes in that location.

At the end of Bockes coming into Lawrence Road, Selectman Coutu asked if there was going to be a stop sign now which would be exiting assuming traffic coming down Bockes towards Lawrence. Is there a stop sign there now? Selectman Nadeau said yes. Selectman Maddox said that question was asked at the Planning Board. In the study of the intersection of Sullivan, Lawrence, and Route 111 Central Street, Selectman Coutu asked if there was ever any discussion about installing lights there and why was that not the plan as opposed to this configuration of turn lanes. Why was this the more acceptable alternative to lights? Chairman Massey thought it was because the traffic warrants for this development did not rise to the level of warranting a traffic signal. They also had conversations about the applicant putting in off site impact fee to pay for some future. He didn't believe the Planning Board ever came to a conclusion on what that would be or if it even would be. In the traffic report that was prepared for this project, Mr. Jordan said there was extensive discussion about the warrants for traffic signal. His recollection was that they had close to a couple of them. They didn't actually trip the thresholds to the point where DOT would start saying that they needed to put in a signal at this location. The Chairman was correct. It is part of the Planning Board approval. One of the conditions was a contribution of \$7,500 toward the design and engineering of a future signal at this location. There's been some talk, at least rumor, that a project potentially may be coming in diagonal from this site - an industrial zone piece they just had at Route 111 of a larger scale at which point maybe a traffic signal might be warranted. Again as a condition of approval, they will be making a contribution towards the study and design.

Chairman Massey told Selectman Coutu if he looked in his packet on the second to last page where the project was approved by the Planning Board, stipulation #5 was that exact question - the \$7,500. Selectman Coutu was wondering why this configuration was more acceptable than lights. One of the problems he saw

in having watched some of the Planning Board meetings with regards to the proposal, this retail proposal on Bockes Road, was that the owner of the property had no idea what type of retail was going to go in there. It's difficult to ascertain what kind of traffic impact this development was going to have as it affects Central Street, which was his primary area concern. He found it difficult to believe that someone would go through this expense without at least having some knowledge or some feel for somebody having some interest in at least one or two of those particular stores. Otherwise it's a fools risk to want to go through all of this and potentially not get anybody who wants to go into the retail business of the State of this economy. Is it still being maintained that there's no idea who's going to rent these 4 stores? Mr. Jordan said there were still no tenants committed to this location. Selectman Coutu asked if they would agree that the type of retail could significantly impact the traffic flow. Mr. Jordan said he would agree with that.

[Mr. Jordan] To that point, the traffic study tried to make some conservative estimates on traffic flow in putting in some typical high generators that would generate more traffic rather than saying it was all going to be very small operations. Again, his office did not prepare the traffic study, but there was discussion in the traffic study of different types of uses and selected to generate higher numbers rather than have to come back to the Planning Board and saying that they have somebody else coming in and they needed to adjust their traffic study.

Chairman Massey said when the Planning Board approved this; they had had an extensive of over 2 or 3 of the meetings of extensive conversations on the exact question he's proposed. He believed the applicant stated for the record that there would not be a Dunkin Donuts or Starbucks type operation there. This would not facilitate that type of a business. So they said it would not include that type. Selectman Coutu said he also heard another proposed developer said he wasn't going to sell beer. That doesn't preclude them from being able to sell beer if he wanted to. If a Dunkin Donuts wanted to move in there. Chairman Massey said if they wanted to do that now based on the declarations they made and the way the Planning Board operates, they would have to come back for site plan revisit. They could not put in a Dunkin Donuts now without coming back to the Board. He asked Selectman Maddox if that was a correct observation on his part. Selectman Maddox said almost. They could put in a Dunkin Donuts, but they couldn't open until 9. The applicant asked for 6 a.m. to 10 p.m. in operation. That very question concerned the Board deeply. As a compromise, the Selectmen made the motion that the hours of operation are 9 a.m. to 10 p.m. to alleviate the fears of an establishment that would draw more traffic. If they decided to get one of those, they'd have to come back under this criteria. So they try to do everything they possibly could to look at that. Again, the size of this parcel he wants to put in 4 tenant spaces to get X, Y, and Z that are going to open up at 9 a.m., or they have to come back to the Planning Board. If they were going to put some sort of facility such as that, he thought they were going to have trouble with their sewerage because of the asbestos that is on this site. They'd have to come back another time with the Planning Board. This is a State road, so they really kind of decreed the warrants as far as a light.

When you say high impact, Selectman Nadeau asked what did they use for an example of what kind of store - a high impact versus a low impact with the numbers of cars. Again, Mr. Jordan said they're getting into not his area of expertise here because they didn't do the traffic study themselves. That was done by a traffic consultant. They assigned 4 different uses out there. He thought one was like a dry goods retail. He thought one was a specialty store like a paint store or that type. He thought they did include an office component because that generates traffic at different times of the day. He couldn't remember what the other one was. It was spelled out in the traffic study. It was actually analyzed a couple of different ways generating slightly different numbers. The higher numbers that were generated were used throughout the study.

Selectman Jasper had a few things. If he looks at note 21 he couldn't tell if that was a 6 or a 9. Selectman Maddox said it was a 6. Selectman Jasper thought he just said the operations were...Selectman Maddox said that these probably were the last drawings that they provided them. In your packet, there was a copy, and those would need to be changed. He saw that also. Selectman Jasper said it certainly looked more like a 6 to a 9. In terms of the Chairman's comment about striping on Lawrence Road, that concerned him. Those were his comments only. There's only one lane there and to put arrows in a lane that goes in two directions would be contrary to anything they've done any place else in town.

What Chairman Massey had in mind was just a curved striping line and not the arrows. If you're going northbound on Lowell Road and you want to make a left turn onto Sagamore, those 2 lanes have striped curvature lane markers. So it's a lane marker and not an arrow. Even so, Selectman Jasper didn't see how that was appropriate here. This was a road where you can go in 2 different directions. You would also be now putting more onuses on the Highway Department. Striping only lasts a little while - every year. So unless there's a motion by the Board to do that, and he thought they would want to talk to the Highway Safety Committee about that, he would just say that it was the opinion of one Selectman and not part of

the...Chairman Massey said it could certainly be handled at a later date if it becomes a problem. Selectman Jasper didn't see how it would be any different than any other intersection in town really.

Selectman Coutu wanted to go back to the hours of operation. He knows it was mentioned. He was correct; it was mentioned at the Planning Board. It would be 9 a.m. to 10 p.m. This plan of reference #21 says 6 to 10, and there's no stipulation that gives any hours. Where does this find itself? Mr. Malizia said on the last page. Selectman Coutu asked how many stipulations were there. Mr. Malizia said 13. From Selectman Coutu's perspective Mr. Chairman having listened to the answers to the questions and the other comments by other members of the Board of Selectmen, he thought that the Planning Board did due diligence to the neighborhood and to Route 111 in approving the plan with the measures that were being instituted for the approval of this project. He thought the final analysis was a good use of the property. He thought they were going to have a hard time getting tenants, but he wished him the best of luck because he wanted to see everybody succeed. He'd like to think that he's going to become very successful in securing the kinds of tenants that this was being designed for. Considering the safe guards that have been put in with regards to potential for funding for lights in the future and providing the necessary turn cuts that would ease the traffic flow in that area, Selectman Coutu would be supporting the motion for the road improvements as they're presented.

*Motion by Selectman Coutu, seconded by Selectman Jasper, to approve the Bockes Road retail center proposed road improvements as shown on the intersection improvement plan entitled "Proposed Retail Building, 1 Bockes Road, Hudson, NH, Map 145, Lot 1, as prepared by SFC Engineering Partnership, Inc. as revised through February 10, 2010", and to authorize the Chairman of the Board of Selectmen to sign the NHDOT Application for Driveway Permit.*

Selectman Coutu asked if any proposal had been made to put signage on Route 111 at all. Mr. Jordan said no. Selectman Coutu said that any signage would be on Bockes Road. Mr. Jordan asked signage as far as...Selectman Coutu asked what was there. People coming down Route 111 how was he going to know that's there. Mr. Jordan said there would be a sign on the property. On the colored drawing, it's where the little splashy yellow was. There's a sign in that location. So a free standing sign on the property. Based on your clearance, Selectman Coutu said you could see it from Route 111. Thank you.

Selectman Maddox didn't know what the February 10, 2010 drawing was because they have 3 drawings and one was 6/24/09, 10/2/09, and 3/20/09. Mr. Malizia said that was the one that Mr. Cashell identified as being the last improved drawing. The motion was written by Mr. Cashell. Okay. That makes Selectman Maddox happier. They have 3 drawings and the applicant didn't do himself any service by leaving those notes there. Also the Planning Board at the last meeting requested before signature some additional screening. There was one neighbor that had some issues with some noise. They put some more requirements for trees in there. If Mr. Cashell says that's the last one, okay. Thank you.

*Vote: Motion carried 5-0.*

K. Request for the Release of Recreation Impact Fees

Chairman Massey recognized Town Administrator Steve Malizia.

Mr. Malizia said that this was for the Zachary Tompkins field project over at 9 Industrial Drive. As he understood it, both the Recreation Committee and the Planning Board have recommended releasing up to \$12,000 from the Recreation Impact Fee Account. That amount is equivalent to the donation that was made by the Hudson Youth Football and the Hudson Youth Baseball groups for the wetland study at Robinson Pond. Both boards/bodies/committees have recommended it. It's here for the Board's consideration.

*Motion by Selectman Coutu, seconded by Selectman Maddox, to release up to \$12,000 from the Planning Board Recreation Impact Fee Account, 2050-182 for the engineering costs associated with the proposed football and baseball fields on Town owned property located at 9 Industrial Drive in Hudson, NH.*

Chairman Massey had one comment. He believed that the motion should include safeguards as to it requiring invoices submitted by the engineering firm in order to be paid. Mr. Malizia said at the back of the packet there were invoices that he's shown as representation of what they'd be getting. They already received two. Those were the purchase orders and would be signed off as every other invoice would be. Nothing different. Chairman Massey believed that there should be invoices for all expenditures if this motion were to pass. Selectman Coutu said there had to be. How do they pay it without an invoice?

Selectman Maddox said he can understand his concerns, so he would say that no monies are released without...Selectman Jasper said the problem with doing something like that, it brings their whole system into question. If this said to release \$12,000 to a certain person, he would agree. This was to release up to \$12,000. It doesn't say to whom. Therefore, it's subject to all the policies and procedures that we have in place.

Chairman Massey said he was not going to support this motion. He thought about it long and hard. The original proposal that was for Robinson Pond was undertaken by private individuals. They knew at the time there was a risk that they may never see the project come to fruition. He thought this was a dangerous precedent to be setting to be offsetting one set of private donations with another set, especially in view of the fact that the original cost clearly was understood by the 2 organizations involved. They were accepting the risks not that they might not be able to go forward.

Selectman Jasper understood and respected Chairman Massey's thinking on this. However if they forget about what happened at Robinson Pond and they looked at this project as a stand alone project, he looked at this as a project that the facilities ultimately will be under the ownership of the Town of Hudson on town property. They're not transferring deed or title. It will be available. They will essentially be letting them use this facility for a period of time with stipulations which will give certain rights to the Town of Hudson. He thought it was appropriate to spend the money for engineering given where they're going and given that at the end of the day this Board will have control over making any recommendations on a lease to the voters. The voters will have full knowledge that \$12,000 for planning came from the recreation fees, which seemed appropriate to him to be using that for a recreation facility benefiting the youth of Hudson. Selectman Jasper thought that it was consistent and he thought one could remove the Robinson Road equation from this and still understand that this was still something within the purpose that the impact fees were raised and was going to a good use.

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

L. DRA Disallowance of Amendment to Warrant Article #10

Chairman Massey recognized the Town Administrator.

Mr. Malizia said what they had was a difference of opinion. Obviously DRA or the auditors at DRA believed that that was an improperly and unwarned appropriation. We take a different tact. We being the Town and our attorney. Quite honestly it was acted on by the voters in good faith requesting that the attorney be given permission to prepare a legal brief to contest that ruling.

Selectman Jasper said normally he would support this. They have a unique opportunity tomorrow. Given that Nashua has now discovered that they have a quirk in their bonding authority and given that there's another town, and he can't remember who, who can't even find their signed warrant, the special session tomorrow and the rule is "will allow for consideration of legalizations of actions by town meeting". If he gets himself to Concord very early tomorrow, he can go to legislative services and have an amendment to this special session bill dealing with the budget drafted to legalize the actions taken at town meeting. So they can do this without a dime. If Selectman Jasper is unsuccessful, they can deal with this at the next meeting.

Selectman Coutu asked if it could be retroactive. Selectman Jasper indicated that's what this does. It legalizes the actions taken. It's quite common but normally you don't have a lot of opportunity. Of course if they weren't having a special session tomorrow, he'd have no opportunity to do this at all. This is what it does. He'll take this memo and give it to legislative services and they'll draft up an amendment legalizing the actions of the March Town Meeting in the Town of Hudson. Selectman Coutu said he understood the bonding issue with Nashua and Pennichuck. He didn't know that this would be part of that legislation. Selectman Jasper said it can be because not only because of that, but because there was another town that DRA says we want to see your warrant. They can't find a signed copy of their Warrant. That's going to be one of the things tagged on. The way that we worded it was giving allowance for anybody who discovered anything to have the opportunity. Chairman Massey said it was March 9, 2010.

Motion by Selectman Coutu to defer action on the DRA Disallowance of Amendment to Warrant Article #10 until the next meeting and authorize Selectman Jasper to take legislative remedy.

Mr. Malizia said March 9<sup>th</sup> was the voting session. February 6, 2010 was the Deliberative Session. That's when the motion was made and voted on by the voters at the Deliberative Session. Selectman Jasper said ultimately he was going to vote against the bill tomorrow, but maybe they could get the amendment on. Chairman Massey said you always vote for what you want in something in case it passes. Selectman Jasper

said he couldn't vote for some of the schemes that were in there. Here's an opportunity to do it and he'll see if he can do it.

Motion by Selectman Coutu, seconded by Selectman Maddox, to defer action on the DRA Disallowance of Amendment to Warrant Article #10 until the next meeting and authorize Selectman Jasper to take legislative remedy, carried 5-0.

M. Budget to Actuals

Chairman Massey recognized Town Administrator Steve Malizia.

Mr. Malizia said their projections from the last time they reviewed this were basically on track. Actually he thought it improved slightly for the motor vehicles, but very slightly. It looked like they will have a, again they've identified \$510,000 worth of appropriations that they will not spend. Some of the monies obviously have already been transferred for paving. Interest income which they've been watching will not improve obviously in the next month. Motor vehicles are slightly up. Annual revenues should be where they fully predicted. Overall, Mr. Malizia would expect to end the year in a very decent position.

Mr. Malizia said one thing they did on the last page of this memo, they moved some impact fee accounts. As you'll recall, they moved monies from the Shepherd's Hill Impact Fee Account. They've identified through legal and through the Community Development Department some additional monies that they can take to the General Fund to compensate for projects completed. You will see that in next month's revenue. Again, they just did the entry and did the check. It was in one of the manifests recently. That's just more revenue to the benefit of the Town to help make up some of the shortfall.

Given that additional \$82,000 and a slightly improving overall situation, Selectman Jasper said if they were to take \$35,000 and transfer it into the Capital Reserve Account, which now he's puzzled if they can even do that based on DRA's position. Mr. Malizia said they're saying something different. Nonetheless, Selectman Jasper said it was worth a shot. He was wondering if they would then disallow them to even do that. He didn't know. Mr. Malizia said he wasn't sure they're going to come back and look. Selectman Jasper thought it would be appropriate for them to take the \$35,000 because they know that would still leave them slightly more than \$50,000 of this \$80,000...Mr. Malizia said if per chance it didn't work for some reason, the \$82,000 would be going to unexpended fund balance. Just appropriate it out of unexpended fund balance next year when you're doing the budget. You can put the whole \$70,000 that way and it doesn't have a tax impact. Again, that's a future action. Whatever you'd like. Selectman Jasper said he couldn't find that motion. Mr. Malizia said the motion would read:

Motion to move \$35,000 to the Assessing Capital Reserve Fund from various line items that were under expended.

Mr. Malizia said he didn't know what those various line items were because they had a whole laundry list. He would just go through the list.

Motion by Selectman Jasper, seconded by Selectman Coutu, the transfer of the \$35,000 from various under expended line items as identified by the Town Administrator to the Capital Reserve Fund for future re-evaluation.

Selectman Coutu asked Mr. Malizia if this would prohibit them from taking the balance out of any other surplus that they have so that they (inaudible) tax rate next year. At the end of the fiscal year we're taking \$35,000 out now...Mr. Malizia said they're taking \$35,000 from an unexpended appropriation currently, which means it will not go to unexpended fund balance. Selectman Coutu said they have \$5,000 in the account, so we're still going to need another \$30,000. Mr. Malizia said they'll have to appropriate next year through the budget process. You may choose to appropriate it through taxation or from an additional use of unexpended fund balance. That will be up to the Board during budget discussions. You will have that opportunity. You are not restricting yourselves. They're looking at this amount, finite, getting transferred out of money they have unexpended this fiscal year.

Vote: Motion carried 5-0.

Selectman Maddox thought as they can see on page 13, he's been on the Planning Board for 12 years and some of those he didn't know what they were. He'll be asking for a motion to have those reviewed. Some of the accounts were ancient. Luckily staff went through and found monies that had been sitting in accounts that the Town paid for work to be done. This has just been sitting there. He was hoping that theirs are into

April or May and that this won't happen again - \$82,000 had just been sitting. Chairman Massey thought that it was a recurring request that on the first meeting in June they'd look at it. Selectman Maddox said hopefully this kind of thing, again, some of them had to be 20 years old. Mr. Malizia didn't think any of them was that old. They're old, but that's old.

N. Sale of 47 Ferry Street - Addendum to the Purchase and Sale

Chairman Massey recognized Town Administrator Steve Malizia.

Again, Mr. Malizia said it came in Monday. The buyers of the property wished to take some additional cash out of the transaction. This is fairly common in real estate apparently. They've agreed to \$170,000 for the price of the house. They would like to up their offer to \$176,000 with the additional \$6,000 being refunded to them at the closing to help them with their closing costs, points, or whatever. No affect to the Town or affect to the proceeds we'll receive. He'd like the sale to continue to move forward. He recommended that the Board approve this addendum pumping up the purchase price from \$170,000 to \$176,000.

*Motion by Selectman Maddox, seconded by Selectman Coutu, to approve the Addendum to the Purchase and Sale Agreement for 47 Ferry Street dated May 22, 2010. The addendum changes the selling price from \$170,000 to \$176,000 with \$6,000 being refunded to the buyers for points and closing costs, carried 5-0.*

Mr. Malizia wanted to update the Board. He had 2 photographs. The pictures were of the back yard of 47 Ferry Street. It's mitigated for the asbestos today. The mesh went down, the loam went down, the hydro seeding was happening to tomorrow. Kudos to the Highway Department, to Gary Webster, and to Bernie Manor. It's done. Basically there's 100 photographs that were taken during various stages. They'll go to Mr. Woodbury at the DES. It is expected that he will sign that certificate that is required, and these buyers will be able to go get their financing, and we will sell the property. Just a little update.

9. OTHER BUSINESS/REMARKS BY THE SELECTMEN

Selectman Maddox - You have seen that they are getting busier on the Planning Board level. Hopefully that continues. The only other thing that he had Mr. Chairman was at the beginning of the meeting he read the motion about the promotions in the Police and he was in opposition. He just wanted to go on record that he was not opposed to any of the personnel. He was opposed to the procedure. We just simply appointed as opposed to advertising those positions. So that's what he was opposed to. He was sure that those gentlemen will do a fine job in their positions. He just wasn't going along with that. Selectman Maddox just wanted to explain himself.

Chairman Massey said they all understood that and he thought that the Chief did too. We all do believe they'll do a good job.

Selectman Nadeau - He had 2 things this evening. The first one was just one coming up this weekend at Alvirne High School. It's the Relay for Life. It's the American Cancer Society and it starts July 11<sup>th</sup> at 6 p.m. and it goes until June 12<sup>th</sup> at noon. Friday night there'll be a luminary bag light where they put the bags out on the side of the track and they will have bagpipes playing, and they'll be remembering and honoring those who have lost their lives to cancer or survivors. They do have 12 Town employees that will be there throughout the night. For those who know the team, their name is the "Pink Panthers", and he will stop by and see them on Friday night.

The other thing was last weekend the Friends of Music had their Chili Fest. As usual, it was a good time. Everybody that went had a great time. The weather was very cooperative. He'd like to thank everybody who came to the event and helped out with it.

Selectman Jasper - Again, he wanted to thank the people who continue to volunteer their time out at Benson Park. The big volunteer projects right now is keeping the grass watered. This has been a relatively dry spring. With the assistance of the Fire Department and a lot of volunteers were getting that going. Some of that grass is getting rather long out there now. There will be mowing going on starting tomorrow. They will continue to keep that hydrated. People have been asking when they're going to start on the buildings. They had a building subcommittee meeting last Saturday at the park and have developed a plan of action to begin on that. The first thing will be on the 18<sup>th</sup>. They'll begin by pressure washing the gorilla cage so that they can start painting and repairs to that. So that will begin then and they'll keep moving from there. It's awfully nice. He's been out there walking around a number of times. All the comments Selectman Jasper is getting from people are very positive. People are really thrilled with what's going on out there and the potential. To those few people who continue to put Thumbs Down in the paper, particularly one saying it's an ugly park. Get out of your car and take a walk. Looking at the buildings and the pavement by Kimball Hill Road is less

than 1 percent of what there is to see. Park your car, take a walk. He thinks he'll be ashamed of the comment that you took the time to put into the paper.

Chairman Massey said he also had his facts wrong. It said the park has been closed for over 30 years. If his facts were wrong, he suspect all the rest of his facts were wrong too whoever it was.

Selectman Coutu - He had nothing, but Selectman Jasper raised a point so he's going to mention something. He too received a telephone call yesterday from 2 seniors who went to the park. They thanked him. He told them that it wasn't him. All he did was facilitate getting the land. It's all the volunteers. Just to get himself out of some hot water, its not just the volunteers they have presently, they go back all the back to the oh so may years that the original Benson's Committee volunteered and did so much work. It's been an ongoing project. The work of the past year was what makes the park so beautiful as it is today.

Selectman Coutu said what Selectman Jasper brought up that he was going to say something, he decided not to, and now he's decided to because he brought it up, which was the Thumbs Down column. He wanted to say publicly that he was disappointed whenever he picks up the newspaper and he read a Thumbs Down that criticizes people who volunteer, who are public servants of our Town without having the courage to put your name to a letter and submitting it. Suellen Seabury was the target of one such attack most recently. To try to make her look anything but the professional that she is. The amount of time that she volunteers to our community both on the Planning Board and on the Conservation Commission, and all of the other things that she does for our town. He sees her with scouting groups. He sees her working with kids all the time. She was raised by a set of parents who had a dedication to our community. Her mother having served as a former member of the Board of Selectmen and she served honorably and she served us well. Her father who has continued in public service and continues to this day volunteering his services and being a major contributor to our town and a connoisseur of strawberry ice cream as they all know. Selectman Coutu thought it was unfair and it discourages people to want to come and serve and volunteer to serve our town when some people have a little less to do than to make fun of the way a person may comb their hair, or their manner of dress. He doesn't always agree with Ms. Seabury but he will say this, he applauded her for what she had done for our community, and he encouraged her to continue. He knows she will because that's the kind of person she is. Please if you have anything to say, there's 5 of us big boys here, come and attack them. They can take it. They got elected by the people. You can shoot them down. These people donate their time and they're great public servants. It sickens him to pick up the paper and see them being criticized that way. Thank you Mr. Chairman.

To that not, Chairman Massey thought the Letter to the Editor that Ms. Seabury wrote was a beautiful letter. It reiterated many of the points that Selectman Coutu just made. He was asked by somebody - gee that letter exceeds the paper's policy on words. Chairman Massey said when you own the paper you get to make your policy and you get to do it. He said in that particular case, he thought the letter was not only well written, but it covered the points very well without really being negative. Again, he thought all the comments Selectman Coutu made are very apropos of Ms. Seabury. Ms. Seabury was right; the kids should be in bed at night.

To Selectman Nadeau, he only regret that he had previously made a commitment for Saturday and was not able to judge that Chili Fest. He had so been looking forward to it this year. He had to forego it. Selectman Jasper when they're thinking about the paint for the barn and all of those facilities, if its possible, there is now a coating that you can put on painted surfaces that discourages graffiti and it makes it very easy to remove it when its put there. You see a lot of it now on public right of ways. If you're coming down southbound and you're taking the Sagamore exit, you'll see all of those bridge abutments that have the painted surfaces where the graffiti has been washed out. It really is something that the committee might want to take a look at.

Selectman Jasper said if they could get him some information on that because he hasn't a clue. Chairman Massey will see what he can do.

Chairman Massey - Finally you have in front of you a letter from the VFW. The VFW has agreed to provide for the Senior summer program on Thursdays for 9 weeks at the VFW. The cost will be \$1,000. That will include the use of their facilities for the kitchen, which was important because the Seniors wanted to be able to have at least one hot meal out of the 2 days. They're not going to be able to have a hot meal at Oakwood. It will be basically a box lunch. It will also pay for the janitor and all the costs of earning the facility. As part of that, he stopped by to see Mr. Yates today and asked him to coordinate with the Seniors and with the Quartermaster Russell Gora to work out the logistics. They have to bring the Seniors materials all Thursday mornings to get it started. Then at the end of the day, they will pick the stuff up and bring it back to the Community Center. Dave has agreed to do that. He's going to work on those logistics. The first date they



will be in there is June 24<sup>th</sup>. The last date will be August 19<sup>th</sup>. They have a solution for the summer program for the Seniors. God willing and the people of the town are amenable, they'll hopefully be able to put a permanent solution before the voters next year.

10. NONPUBLIC SESSION

Chairman Massey declared a 5 minute recess.

RSA 91-A:3 II

(a) The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, unless the employee affected (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted.

(e) Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed against the public body or any subdivision thereof, or against any member thereof because of his or her membership in such public body, until the claim or litigation has been fully adjudicated or otherwise settled. Any application filed for tax abatement, pursuant to law, with any body or board shall not constitute a threatened or filed litigation against any public body for the purposes of this subparagraph.

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

Nonpublic session was entered into at 9:41 p.m., thus ending the televised portion of the meeting. Any votes taken upon exiting nonpublic session will be listed on the Board's next agenda. Open session was entered into at 10:25 p.m.

Motion by Selectman Coutu, seconded by Selectman Jasper, to change Blake Miller's hours from 24 hours to 32 hours per week according to the Zoning Administrator's memo dated June 2, 2010, carried 5-0.

Motion to exit nonpublic session.

11. ADJOURNMENT

Motion to adjourn at 10:26 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**

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Kenneth J. Massey, Chairman

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Richard J. Maddox, Vice-Chairman

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Roger E. Coutu, Selectman

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Benjamin J. Nadeau, Selectman

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Shawn N. Jasper, Selectman