

HUDSON, NH BOARD OF SELECTMEN  
Minutes of the May 11, 2010 Meeting

1. CALL TO ORDER by Chairman Massey the meeting of May 11, 2010 at 7:00 p.m. in the Selectmen's Meeting Room at Town Hall.

2. PLEDGE OF ALLEGIANCE, led by Harry Schibanoff.

3. ATTENDANCE

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

Staff/Others: Steve Malizia, Town Administrator; Donna Graham, Executive Assistant; Jim Michaud, Assessor; Chief Jason Lavoie; Recreation Director David Yates; members of Benson Park Committee; HLN Report Doug Robinson

4. PUBLIC INPUT

Chairman Massey asked if anyone in the audience wished to address the Board on any issue 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.

Selectman Coutu asked to remove Items 6. A 2), 6. A 3), and 6. D 2). Chairman Massey indicated that the items being removed were charitable exemptions for 6. A 2), 6. A 3), and Board of Selectmen minutes of April 27<sup>th</sup>. He asked if there were any other members wished to take anything else for separate consideration.

Motion by Selectman Coutu, seconded by Selectman Nadeau to approve consent items 6. A. 1), 4), 5), 6), 7), 8), 6. C. 1) and 6. E., carried 5-0.

Selectman Coutu said in regards to 6. A. 2), he thought Mr. Michaud was...Chairman Massey said he is here and if they needed him, he said he could come down.

Chairman Massey greeted Mr. Michaud and asked him to come forward. For the record, Mr. Jim Michaud the Assistant Assessor for the town.

Selectman Coutu said under 6. A. 2) - charitable exemption, Map 105, Lot 007 with recommendation to deny. He knows that Mr. Michaud had done some research and his decision was based on what was pursuing in RSA 72:23 V. He asked if he could have a little more information so he could make an intelligent decision on this one. Mr. Michaud asked if it was specific to one of the charitables. Selectman Coutu said it was specific to Dartmouth-Hitchcock.

Mr. Michaud said in years past, the Board has denied the charitable exemption on this property. Based on his recommendation that he didn't feel that the qualified to receive a charitable exemption. More importantly in the last 2 years when they had sent them a request for some detailed documentation as they did with the Southern New Hampshire Medical Center. They did not comply with our requests for detailed information. For this year's denial, they've acknowledged in the letter that's attached that they've ceased using the property as of February 19<sup>th</sup>. On e of the requirements in order to receive an exemption was that you're actually using and occupying it directly for the exemption under which you are applying. That adds even more reason to deny their request for an exemption. They're not using the proper the charitable purposes.

Selectman Coutu said that Mr. Michaud had alluded to it, but he wanted to hear it again. Did he state that other clinics in the community have asked for a charitable exemption and they were denied? Mr. Michaud said no. Selectman Coutu asked if they were approved. Mr. Michaud said yes. Southern New Hampshire Medical Center has been approved and at least the past 2 years St. Joseph Medical Center did not apply for a charitable exemption for this year - the brand new facility. So in terms of medical facilities right now, they just have 1 for his recommendation to receive a charitable exemption.

For Selectman Coutu's own edification, he's going to support this. He was concerned that others might have been approved. He was not sure if that were the case. Why would one clinic be approved and another clinic not be? He understood this one, but on the whole aren't they really for profit? Mr. Michaud said they were not set up legally as for profit corporations. They were set up under what's known as IRS 501 Form C-3 nonprofit corporations. That doesn't necessarily mean they should get a property tax exemption for charitable. That's one check box he'll say. The other checkboxes are do they conform with the case law as it addresses charitable exemptions. Are they performing a charitable purpose? A charitable purpose for the Plus Company and how they meet that would be different than how a medical center was meeting it. They're not set up as for profit companies. At least the ownership of the building. Parts of the building there may be leases. He didn't know about the new St. Joseph's facility. He's heard allusion that they have leases within that building to other corporations. They didn't apply for this year.

Chairman Massey wanted to give an example. Several years ago when St. Kathryn's was located at the corner of Wason Road and Lowell Road, they had a residential unit sitting on the corner. At one point in time, they rented that out. When they were renting it out, they were subject to taxation on that piece of their property. Even though St. Kathryn's was recognized as a charitable organization under the IRS, that portion of their operation was a profit making sort to speak. So there's one example where charitable organization's business did not rise to an exemption.

Motion by Selectman Coutu, seconded by Selectman Jasper, to approve consent items 6. A. 2) and 6. A. 3).

Selectman Jasper had a question under the religious exemptions on the United Pentecostal Church/Parsonage. His understanding was that the minister was no longer residing there. The Reverend bought his own house and was living elsewhere. He wasn't sure how they could be giving an exemption for the Parsonage if the minister was not in resident. Mr. Michaud wanted to defer that so that he could look at it further if it would please the Board.

Motion by Selectman Coutu, seconded by Selectman Jasper, to approve consent item 6. A. 2) and defer 6. A. 3) Map 156, Lots 032 and 035, carried 5-0.

Selectman Coutu referred to the acceptance of Board of Selectmen minutes of April 27, 2010. He asked Donna Graham to refer to page 22. The first motion, and he was sure Selectman Massey would remember - Motion by Selectman Coutu, seconded by Selectman Nadeau, to approve and transfer \$1,000 plus accumulated interest of \$75.85. Selectman Coutu had asked that the \$75.85 be stricken and that any accumulated interest from account #2060-214. Selectman Jasper said that that might amount to another \$.02. Just remove the \$75.85 please and amend it by striking "of \$75.85".

Motion by Selectman Coutu, seconded by Selectman Maddox, to accept item 6. D. 2) as amended, carried 5-0.

A. Assessing Items

- 1) Elderly Exemption Application - Map 165, Lot 141-136, w/recommendation to deny.
- 2) Charitable Exemption - Map 105, Lot 007, w/recommendation to deny.
- 3) Institutional Exemptions - Charitable Exemptions - Map 183, Lot 100 and Map 190, Lot 015; Map 242, Lot 058; Map 109, Lot 010; Map 147, Lot 027; Map 237, Lot 057; Veterans Organization Exemptions - Map 182, Lot 022 and Lot 030; Map 136, Lot 036; Religious Exemptions - Map 140, Lot 047; Map 228, Lot 054; Map 166, Lot 001; Map 166, Lots 011 and 017; Map 182, Lot 129; Map 235, Lot 009; Map 210, Lot 010; Map 176, Lot 034; Map 128, Lot 005; Map 156, Lots 032 and 035, Map 182, Lots 049 and 052; Exempt by Specific Statute - Map 168, Lot 122, w/recommendation to approve.
- 4) Current Use Lien Releases - Map 140, Lot 1; Map 123, Lot 1, w/recommendation to approve.
- 5) Abatement Application - Map 106, Lot 45, w/recommendation to deny.
- 6) Abatement Application - Map 129, Lot 76, w/recommendation to approve.
- 7) Disabled Veteran Tax Credit - Map 148, Lot 017; and Veteran Tax Credit Application - Map 204, Lot 006, Sub 923; Map 204, Lot 006, Sub 923; Map 105, Lot 022, Sub 001; Map 150, Lot 015; Map 190, Lot 049; Map 147, Lot 022, Sub. 006, w/recommendation to approve.
- 8) Multiple Exemption Applications: Disabled Exemption (New) - Map 148, Lot 069; Map 156, Lot 040; Map 190, Lot 049; Map 148, Lot 017; Elderly Exemption (New) - Map 160, Lot 021; Map 148, Lot 040, Sub 059; Map 167, Lot 005; Map 183, Lot 125; Disabled Exemptions - Map 197, Lot 041; Map 178, Lot 013, Sub 063; Map 190, Lot 110; Map 174, Lot 145; Map 234, Lot 043; Map 178, Lot 013, Sub 001; Map 253, Lot 024; Elderly

Exemptions - Map 168, Lot 002, Sub 021; Map 191, Lot 099; Map 229, Lot 012; Map 147, Lot 029, Sub 009; Map 204, Lot 006, Sub 327; Map 131, Lot 042; Map 157, Lot 066, Sub 089; Map 148, Lot 017; Map 157, Lot 037; Map 156, Lot 008, Sub 026; Map 191, Lot 032; Map 191, Lot 187, Sub 052; Map 177, Lot 005, Sub 090, w/recommendation to approve.

B. Water/Sewer Items - None.

C. Licenses & Permits

1) Request to solicit funds by Special Olympics-New Hampshire

D. Acceptance of Minutes

- 1) Action Report - Board of Selectmen Meeting of April 13, 2010
- 2) Board of Selectmen minutes of April 27, 2010
- 3) Action Report - Board of Selectmen Workshop of May 4, 2010

E. Calendar

05/12 7:00 Planning Board - Community Development Meeting Room  
05/13 5:30 Sewer Utility Committee - BOS Meeting Room  
05/17 6:30 Hudson School Board - BOS Meeting Room  
05/17 7:00 Energy Committee - Community Development Meeting Room  
05/18 7:00 Cable Utility Committee - BOS Meeting Room  
05/19 5:00 Water Utility Committee - Community Development Meeting Room  
05/19 7:00 Seniors - Community Development Meeting Room  
05/19 7:00 Library Board of Trustees - BOS Meeting Room  
05/20 7:00 Benson Park Committee - BOS Meeting Room  
05/20 7:30 Budget Committee - Community Development Meeting Room  
05/24 6:00 Recycling Committee - BOS Meeting Room  
05/25 7:00 Board of Selectmen - BOS Meeting Room  
05/25 7:00 Conservation Commission - Community Development Meeting Room  
05/26 7:00 Planning Board - Community Development Meeting Room  
05/27 3:00 Trustees of the Trust Funds - Community Development Meeting Room  
05/27 7:30 Zoning Board of Adjustment - Community Development Meeting Room

7. OLD BUSINESS

A. Votes taken after Nonpublic Session

Motion by Selectman Coutu, seconded by Selectman Maddox, to enter nonpublic session under 91-A:3 II (b) the hiring of any person as a public employee; and RSA 91-A:2 (a) Strategy or negotiations with respect to collective bargaining, carried 5-0 by roll call.

Nonpublic Session is being entered at 10:25 p.m., thus ending the televised portion of the meeting. Any votes taken upon entering open session will be listed on the Board's next agenda. The public was asked to leave the room.

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

Selectman Jasper interrupted and said that maybe he never noticed this before but since the motion to exit nonpublic session was in nonpublic, it's not normally listed and it's not a vote taken after nonpublic. He wasn't sure if it should be there. It may just be noted perhaps that they exited at a specific time. He didn't think the motion should properly be listed there. Chairman Massey thought he was right. So we'll note that.

Motion by Selectman Coutu, seconded by Selectman Maddox, to hire Lisa Terwilliger @ \$13.00 per hour; Kayla Belanger and Britney Allison @ \$10.50 per hour as the 2010 Tennis Instructors, effective June 1, 2010, carried 5-0.

Motion by Selectman Coutu, seconded by Selectman Jasper, to hire 2010 Summer Counselors In Training, effective June 1, 2010: Jorge Alvayero, Nicholas Bunker, Courtney Clark, Turner Home @ \$7.25 per hour, and Christopher Brownrigg and Kevin Kauffman @ \$7.25 per hour as Substitutes effective June 1, 2010, carried 5-0.

Motion by Selectman Coutu, seconded by Selectman Jasper, to hire Brandon Doyle as Substitute Counselor/Robinson Pond Counselor I @ \$9.25 per hour effective May 22, 2010, carried 5-0.

Motion to adjourn at 11:29 p.m. by Selectman Jasper, seconded by Selectman Maddox, carried 5-0.

Selectman Jasper said on the same vane as he had before, and he didn't know why he didn't focus on it them. The motion to enter nonpublic should have been listed in the minutes and not repeated here. That motion would have been taken in open session when they were actually still being televised. Just for future reference. It's not really necessary to have that.

With the Board's indulgence, Chairman Massey asked if they could take out of order Item 8. A., which was the new business - the Jarry Subdivision. They have the representative from that division here. Given the issue involved, he thought it would be important to get them when they were fresh and could think clearly on the 2 issues that were going to come before the Board tonight. Again, if he had no objections, he'd like to bring that item first. Seeing none, Chairman Massey invited the representatives of the Jarry site plan subdivision to come forward.

A. Jarry Subdivision - Proposed Alterations to Bush Hill Road

Brad Westgate. He's a lawyer with Winer and Bennett in Nashua. He's been representing Mr. Jarry on this project before the Planning Board. With him was Tony Basso of Keach-Nordstrom Associates. They are the project engineers. Sitting behind them in the audience Mr. Chairman were Mike Jarry, who's the property owner, Jeff Merritt of Keach-Nordstrom, and Mike Jarry's brother, Richard Jarry. Thank you very much for taking the time to let them speak with the Board tonight. Also thanked him for advancing them on the agenda. He would note that the Board's thinking was clear whether it be early in the evening or late in the evening. Mr. Westgate said he'd be brief, and then he was going to turn this over to Mr. Basso to explain the road improvements in detail. In their packets, he believed there was a letter from Jeff Merritt of Keach-Nordstrom Associations dated May 5, 2010 attached to which was a one-sheet plan showing the proposed land dedication and relocation of a portion of Bush Hill Road. That plan was the same that they could see on the easel in front of them, except the easel plan of course had some colored layout to it.

[Attorney Westgate] The area of Bush Hill Road shown in blue was what exists. The area somewhat colored in red on the west outlined the inside of that. The location of the new pavement. In short, this was a re-alignment if you would of a portion of the travel way of Bush Hill Road solely on land owned by Mr. Jarry, which will be part of his development. He would dedicate all of the land between the red and the blue to the Town and construct the new paved semi-circle section of Bush Hill Road in place of the existing section. The Town would not be asked to convey any land to Mr. Jarry. It would be solely land dedicated from Mr. Jarry to the Town. He was going to let Mr. Basso give them a little bit of background of how this design developed and why they thought it was of significant benefit to the public and the traveling ability on Bush Hill Road.

Before he did that, Chairman Massey asked that just for the Board's perspective, the reason this item was before the Board was the Board of Selectmen is the approving authority for a road layout. So the Planning Board asked the Jarry Subdivision applicant to come before the Board of Selectmen so that they could get the Board of Selectmen's input as to whether or not this was an acceptable road re-alignment for the town so that they could go back to the Planning Board and do the final subdivision work there. It's here tonight because of the fact that they were proposing a new road layout that would require the Board of Selectmen's approval.

Attorney Westgate thanked the Chairman and said that of course road improvements would be undertaken at Mr. Jarry's cost that's being proposed.

Tony Basso said sometime around September of 2009 they submitted a set of plans to the Planning Board for a 39 lot subdivision located on Bush Hill Road. During that process, the review process through the Town the Planner, John Cashell, as well as the Road Agent asked that they look at making some improvements to Bush Hill Road in the area of their north driveway. The location of this was, as some of them were aware, very near the top of the hill. After you crest the very peak of Bush Hill Road and you start to go down the other side and before you get to the sharp curve near the bottom of the first descent was where the proposed north intersection was. The concern was the steepness in that location which varied from 9 to 14 percent was too steep to have an intersection off of and would be difficult for Mr. Burns to maintain. They had their first meeting with the Planning Board and threw out a few options and went back to the drawing board to see what they could do. They came back a couple of weeks ago with this option to the Planning Board after having visited the Highway Safety Committee and got their (HSC) support behind this.

This improvement would lessen the severity of the slope of the road anywhere from 9 to 14 to 8 percent for the whole length of their improvement. It would also eliminate the hairpin turn at the bottom of the hill and also improve site distance of driveways at the bottom of the hill that didn't have it when they looked around the corner now.

[Tony Basso] As part of this improvement, they'd be doing a sign package on this stretch of Bush Hill Road to properly sign these curves and recommended speeds around them. They'll be part of the improvement. As he said, the Highway Safety Committee - he thought they met with them about a month ago, supported this action and sent their support to the Planning Board. So they're here now to get permission to be able to do work within a public right of way and expand the public right of way. It's a geometry improvement as well as vertical improvement. They'll also be some associated drainage improvements. There was quite a bit scouring from the steepness of the hill that occurred right now. They'll be collecting that in a storm water system and piping that through their site to help alleviate some of the problem as you get further down stream. Again, this would be borne by Mr. Jarry with his subdivision to do this. They're just looking for permission to be able to work in the right of way and to lay out this additional right of way.

Chairman Massey asked if any Board members had any questions. Selectman Jasper's only real question here was on the 400 foot site distance. He was assuming that in order to maintain that in the inside area of that new dedicated area, they'd have to keep a fairly substantial area mowed back from the edge of the road and cleared to meet the site distance. Selectman Maddox thought that would probably be a correct statement. Selectman Jasper asked if that had been looked at.

Mr. Basso said it dropped off quite a bit there. It's not flat. It's actually going to drop 10 to 12 feet in there. So grass and normal kind of stuff like that was not going to be an issue but certainly they weren't going to want trees and all their vegetation to grow up in there. With that drop off, they weren't concerned with seeing site distance across there because it's not at the surface. So you're not looking through shrub and grasses height. Selectman Jasper said they would have to keep that mowed though. It looked like they could probably do that. His only concern would be how far back they're going to need to do that and was that going to create some manual labor beyond the reach of the mower that they have. Was there a guard rail on the inside? Mr. Basso said there wasn't a guard rail on the inside because it's a flat enough slope to not meet the guard rail warrant. So they wouldn't have to do the inside and further obscure. The site distance line would cross part of that and then get close to the right of way on the other side as you get toward the top of the hill. It's not way down into that like you'd think. It's down a little ways. It's not like they'd have to maintain way down into that low area there. It would be just side slope. Selectman Jasper said it may be as much as 25 feet heading north to south. It looked like that area was going to have the more difficulty. That's a more severe area and he was wondering if the Road Agent had looked at it in terms of the maintenance of the site distance.

Selectman Maddox said it hadn't gotten to that point yet. He did know that there was a - and they probably hadn't seen it from CLD that just came in today with some questions about that. He thought that still needed to be worked out by the departments and the Planning Board. This was really coming before the Selectmen to say if that was something they wished to go forward with. He was sure that at some point the Planning Board would require - they're probably going to put some riprap or something because of that slope and put some geotech underneath it so that stuff shouldn't grow for a number of years. Selectman Jasper said that trees will grow anywhere eventually. Selectman Maddox understood. He thought that was something they needed to take a look at. They're not going to get into that detail probably here. Its more is the road dedication something that was beneficial to both sides.

Selectman Jasper said in general he was in favor of it. He wanted to make sure that they didn't cause themselves some problems in the future with maintaining site distance. Mr. Basso indicated as Selectman Maddox said, he was sure the talks with people weren't finalized. They did actually meet with the Road Agent on this very matter. He asked them to create the storm water area in there to help mitigate a problem. He actually wanted to help (inaudible) to take care of that - us to build that in order to help with the downstream problem. So there was maintenance associated with that but he wanted that to save problems down stream. So you're going to be there maintaining that anyway. Those were discussions they had and they talked about what they could do to help with storm water and stuff. They proposed that to him and he thought that would be a better alternative than letting what's going on down stream. That kind of required that little bit of maintenance they're talking about anyway. It was certainly part of their discussions with him on a separate meeting outside from the Highway Safety Committee meeting.

Selectman Maddox stated that the other reason this was here gentlemen was the Planning Board was tasked with looking at the subdivision as it was presented to them. This road, as they probably all know, was a quirky road at best. It is probably one of the few roads still left that was designed by cows. It meanders. It

turns, has elevations, and it is a road that very few people live off of at this point because of the road conditions. This will improve the roadway. They (applicant) didn't say but they told them at the Planning Board that this would be built to town road standards. So this would be wide, it will be the crown; it will be all the things that a present road would do. It will also allow them to put in a number of homes off of this new roadway system. He thought that was also a consideration they had to take a look at. As they did that to this section of the road, what will then happen as they improve this road? Selectman Maddox would kind of try to balance this Mr. Chairman as they found out at a Planning Board meeting the other night that the Jarry parcel abuts a section of what is affectionately known as the "Maddox Madness Parkway". The old circumferential route that they're trying to get a roadway through. At that particular point has a wetlands crossing that was one of the ones that the Conservation Commission was bringing forward as far as prime wetlands. So one of the things he would like to see them take a look at gentlemen was as they were doing this, take a look at possibly getting a 7 acre parcel on the back side that abuts the circumferential land to be able to skirt the wetlands. That's open space on their property at this point, try to balance the needs of the town as they take and put 30 some odd houses into this property. So he hasn't heard this statement before. The other night they heard that their property just so happens to abut right there. Selectman Maddox was saying as a way to try to balance the needs of the traffic that will come with X amount more of lots, that's something they can do to avail to them the ability to not cross a prime wetland with that roadway to go from 111 to Lowell Road.

Chairman Massey said that because that was something new to them, he wouldn't expect them to have an answer on that piece of it tonight. Certainly so that they understood what Selectman Maddox was referring to Mr. Basso, its known as the "Miles Swamp Parcel 17b" on the Conservation Commission's list of proposed prime wetlands. Mr. Basso said he has looked at and he knew right where they meant. He knows where the piece he was talking about is. As Mr. Maddox knows but the other members don't know, this is an open space development. They have nearly 100 acres of land that would be protected as part of this. That's far in excess of what the ordinance required. It's certainly something they can look at and try to work with. They obviously just heard it and it's something they'll talk about. He'll get with John (Cashell) and find out what it is they're looking for exactly. If it takes away from their open space a little bit, it certainly didn't do anything to their calculations or anything like that. They have more than double of the required open space for this type of a development.

Chairman Massey said on the original issue about the Board agreeing to the proposed road realignment, were there any other questions that members had?

Selectman Jasper said his question had to do with the overhead utilities. If he was reading it right, it looked like the overhead utilities would continue to follow the old Bush Hill Road alignment. Selectman Maddox said that they were going to go underground at some point. Selectman Jasper said if they saw the note, it said OHU proposed overhead utilities. Then if you followed the line from Bush Hill Road, it cuts across and goes to a corner and continues to go along the existing right of way and come back out. It does not follow the new Bush Hill Road. Mr. Basso said that was existing. Selectman Jasper understood, but he was concerned about that that in doing that they now created another area that had to be maintained through the netherlands for the utilities to run. It wasn't going to be accessible to the utilities in the winter for repairs or anything like that. He didn't like that idea. He thought the utilities ought to follow the road and should be relocated to the new section of the road rather than being out through the netherlands.

Mr. Basso said the utilities and the utility maintenance share a right with the Town within the right of way. It's their responsibility to maintain their access and that for their lines. That does not belong to the Town. It's not something that they've asked to relocate. They share a spot in there with them. He understood their concern. Selectman Jasper said that he wouldn't be the one here in the middle of December when there are 3 or 4 feet of snow and the utilities are down and nobody can get cross country there to make the repairs. His feeling was that unless the utilities, and he didn't care whose responsibility it was, but when they move the road, the utilities ought to go along with that. Utilities should not be going cross country. They have an obligation to the residents to make sure that they can be adequately serviced and not essentially have to maintain another road through the middle of the pucker brush to get to the wires. Selectman Maddox said they're going to be removed and loamed and seeded. So you're not going to get a utility vehicle in there. Selectman Jasper said he didn't know how that was solved but he was not in favor of the road relocation if the utilities stay where they are.

Selectman Coutu told Mr. Basso that he understood the road realignment because it was going to make it a lot more accessible to the subdivision. When he thinks of Bush Hill Road, yes he does think of an old horse and buggy road. When he looks at their realignment, it looks like an even worse horse and buggy road than exists. Other than easier accessibility to the Jarry property, can you explain to him why they road realignment? He's heard it, but he wanted the public to know why this was being recommended.

Mr. Basso said a couple of reasons. He knows they put an extra curve in there. The reason for that was to get some distance to run out grade. What happens right now was as you drive down that hill it slowly increases in pitch until you get to the bottom, which isn't technically the bottom of the hill, but the bottom of that first run out where there's a curve that is significantly sharper than the minimum standards that the town has and sharper than ASHTO standards for roads. What they're doing to get the distance to get rid of that 14 percent section which they approach a really sharp curve as they come down the hill, they're getting some distance hill - lengthening the road so that way they can get that to 8 percent. Also the curves they're doing meet the Town's and ASHTO's standards for radii. So they're not as sharp as what was there. So yes they are going out a little bit further but they meet the minimum radii where this one didn't. They're having significantly less grade. There's a big difference between 8 and 14. Anything over 10 starts to become challenging. Where 14 is, is right when you hit that curve right now. They're getting rid of a bad section in there and that's why they're doing it and why it gets that extra switch to it, which was to get the length in order to drop it at 8 percent. They have a fixed point at the top and a fixed point at the bottom that they have to tie into with elevation. So in order to get that to be 8 percent, they needed more road.

Selectman Coutu asked if Mr. Basso was saying, and he didn't mean this to be disrespectful in any way or to harbor any ill feelings, but are you saying to him that when this subdivision was proposed one of the primary concerns was - gee this is very bad for the townspeople. Let's straighten that out.

If Chairman Massey might interject Mr. Basso. When Mr. Burns looked at the original proposal, he was concerned that his trucks would have a difficult egressing from the property especially making a left hand turn going north on Bush Hill. He was not favorably disposed. His understanding is when they came back with this revised layout; he now believes that he will be able to adequately manage. He's also mindful of the fact that he now, if he gets this, would wind up with his trucks coming down an 8 percent grade as opposed to a 14 percent grade and not having to make that left-hand turn down at the bottom of the hill. That was the reason why the road was relayed out was because primarily he thought Mr. Burns in particular having concerns about being able to manage the road maintenance on the proposed Moose Hill Road and being able to come out especially in the winter time and make a left turn. If Selectman Maddox has anything else to add to that.

Selectman Maddox said they've seen half a dozen iterations of this. The first one the Planning Board didn't like, and Mr. Burns didn't like, and they've come back with a number of different options. They came in with a T stop and a number of different things. This is the one that, again, was the balance of trying to make the road safer but make it developable. So that was the challenge that they have was this roadway was the right thing to do in this location.

Chairman Massey asked if there was anything further. Selectman Coutu asked Mr. Basso if he could tell him in the realignment looking at the old Bush Hill Road from the point where it tees off onto the new road to the point where it rejoins Bush Hill Road what the difference is in length of pavement that they're adding as a result of the realignment. How many additional feet was that road realignment compared to the small section that was going to be removed? Jeff Merritt said he would tell them in a minute as he was scaling it. Mr. Merritt said 150 feet or so longer. Selectman Coutu asked if he could tell him the difference in the width between old Bush Hill Road and the alignment section.

Mr. Basso said the old Bush Hill Road varied from 22 to 24 feet wide. The new section was going to be 28, which was the town standard. Selectman Coutu asked if it was 28 constant from beginning to end. Mr. Basso said yes. Selectman Coutu asked if there was going to a point upon the entry of the Jarry property where there's a break off point where cars could enter by pulling into a turn lane. Was there a turn lane design there? Mr. Basso said they didn't propose one because the transportation and traffic people said it did not meet the warrant for the amount of volume on the road for turn lanes in either direction. Selectman Coutu said that they were going from a 14 grade to an 8 grade. Mr. Basso said yes. A maximum of 14. It ranges from 9 to 14.

Selectman Maddox thought that they did themselves a disservice without showing that on the drawing. He thought it would have made it a lot easier for all of them to see the difference in the proposed grade and what's there. You can say 14 percent, but it doesn't mean anything to even Planning Board members most times without Mr. Hall there. It was a significant decrease especially as you make that turn. Again, it was changing that road from its rural, narrow, winding character to make it to town standards. He thought that was really the crux of this. Now whether the utilities were an issue, they could certainly have them come back and take a look at that issue, and take a look at the issue with the parcel on the open space side. Again they've seen it at the Planning Board level. Of all the iterations, one of them had Bush Hill Road actually becoming Moose Hill and going out and around for 4,700 feet and loop back around. That made no

sense. If you added another mile onto emergency services and everything else within the parameters of 194 acres, that this will affect that balance.

Selectman Coutu does have a major concern and it was raised by Selectman Jasper in that there are no guarantees that the utilities were going to be aligned with the new road. He would find it extremely difficult to vote in support of this without some sort of a guarantee. For them to say tonight that they agreed in principle with the realignment without that guarantee, he didn't see how he could vote for it either this evening.

Chairman Massey said there were 2 things, and he was going to look for the consensus. If the Board's consensus was that they're favorably inclined to move forward on this, they would have to hold a public hearing at which time they would take public input onto the road. Tonight they do not have to make a final decision as to whether they accept the road realignment. He certainly was persuaded by Selectman Jasper. He thought that if they were going to have to make a final decision, he would want the utility poles relocated as well. That might be something that the applicant's engineering, Mr. Basso, would have to look into. He thought all they were looking for tonight was whether there was a consensus that this realignment made sense subject to several things. The first one was they'd have to have a public hearing. The second one was the Planning Board has ultimate final decision on what the road would look like, including the issues that Selectman had already raised. No? Who does?

Selectman Maddox said as Selectman Jasper had pointed out on numerous occasions, the Planning Board was in charge of all new roads. The old ones the Planning Board can't touch. They are the Selectmen. Chairman Massey said it would be on the basis of after the public hearings that they then made a final determination as to whether they wanted to accept this plan.

Mr. Basso said as far as the utilities, no one had pointed that out. He didn't have a chance to discuss it with his client. Obviously they've heard them tonight. They will come back to them when they have the public hearing with what they can do there. By then, he will have had a chance to meet with John Cashell and see what it was that they needed for land.

Chairman Massey asked if it would be the will of the body to move forward with a public hearing. The Selectmen said yes.

Just to talk about the process a little bit, Mr. Westgate would like to speak with the Town Attorney on the exact manner in which they should proceed from this point forward. There are sort of 2 schools of thought to how this worked, and he didn't want to get into this in too great detail tonight and take the Board's time. One school of thought was whether the creation of the new paved area for Bush Hill Road was no different than dedicating a road on a subdivision plan as was done very commonly in which the Board of Selectmen was not a party to that process other than accepting the road upon its completion. Chairman Massey said that except what they were looking at was based on their attorney's input that because it's a change in the layout for an existing town-owned right of way under RSA 231:8. So he thought it would be appropriate if they could talk to Attorney Buckley. Attorney Westgate said he had a preliminary discussion with him and that was, of course, the other school of thought. Obviously they'd figure out the appropriate way and process it the appropriate way. Mr. Basso said that RSA speaks to if you're laying out a roadway that's not part of a subdivision plat. This one was. So he thought that's why there was two different ways to handle it. They didn't dispute they needed to be there to discuss where the public right of way that existed portion. It's whether they needed to have a public hearing to dedicate additional right of way. When its part of a subdivision plat, the RSA that belongs to the Planning Board that's applied, the RSA that Mr. Buckley's referring to was when its not part of a subdivision plat there's a hearing process.

Selectman Jasper thought that would be a very slippery slope because then the Planning Board could say any time they wanted to mess with any road in town - oh well its part of a subdivision. He thought since they were changing the layout of an existing road, this Board needs to take a very firm stand that any portion of Bush Hill Road which is being changed is solely within the purview of the Board of Selectmen. That needs to be their stance regardless of what their attorney may be convinced of.

Attorney Westgate said that they've always known that even if it went to "subdivision or Planning Board dedication route", that they could not undue the existing pavement of Bush Hill Road without coming to this Board. Clearly the off site improvement aspect of this project needed this Board's consent and approval. He wanted the Board to know. It was never their intention to never come before this Board. Mr. Basso said that the RSA only speaks to the dedication of the right of way. That's what they're talking about with that. It doesn't mean that it's taking away anyone's authority. It's only because there is a public hearing mechanism with the Planning Board RSA for the dedication of a right of way on a plat. No one was arguing that they need to get approve from the Board to work with an existing public layout. That's different than having a



public hearing and going through a petition article to do it, which that specific RSA is when you're platting a road that was not part of a subdivision plat. It didn't change what's always been the case at this Board. They've know that. They've been there a bunch of times for that kind of stuff. It's never been any different. A way they can look at it is a lot of times the Planning Board asks them for additional right of way to be dedicated for the future. That gets dedicated on the face of that plat and doesn't come here because there's no improvement. It's just dedicated land. That's what this whole RSA was about. It's dedicating it on the face of a plat and not talking about working within a public right of way. That's an approval they need to get there and they understood that. It's only whether you need to have a public hearing and a petition to dedicate a right of way versus dedicating it with the RSA for subdivision platting. That's the only difference.

Chairman Massey's thinking was that rather than trying to rush into this and set a date for the public hearing tonight, that they should at least have the discussion with their attorney especially since he's been talking with Attorney Westgate, and then they could set the public hearing. Attorney Westgate said if it goes the route of RSA 231-A, which is the lay out process; they would have to file a petition to induce the public hearing anyway. They understood. Mr. Basso said if it didn't, they'd go back to the Selectmen for another meeting to get their approval to work within the public right of way like their discussing.

If Select Jasper was understanding, he certainly didn't disagree on the issue of the dedication of the right of way, but he did feel strongly that the layout plan, the actual layout of the road - the current layout to a new layout, should be subject to a public hearing here so that the Board could hear from the people. They are the elected representatives of the people. Normally when there's a new plan that comes in as approved by the Planning Board, the actual road way does not affect per say the residents.

Chairman Massey thought that in this case, they are acknowledged. One way or another, there's going to be a public hearing on this proposal. What Selectman Jasper said he's hearing was public hearing Planning Board versus here. He wanted to make sure that there was a public hearing on the layout of the road. That as the terminology that's going back and forth. Chairman Massey said that was what they were going to work out with their attorney too. Selectman Jasper felt strongly that they needed a public hearing for a lay out of that road.

As Selectman Jasper just alluded to, Selectman Coutu said the reconfiguration of the old road versus the new was significant. He was wondering, Tony for the public hearing, if they could access an aerial view of the existing road, blow up the picture, and draw in the reconfiguration so that the public has a clear view. The general public doesn't understand these things. He has a hard enough time deciphering them. Selectman Maddox and Selectman Massey have been doing this a long time and they understand it. This was all new to him. He's a layman when it comes time to engineering development. He's not a layman. He's stupid. He doesn't know any of this stuff. He has enough common sense to understand how some of this was going to impact the neighborhood. As Selectman Jasper stated, this may or may not affect people - people may not feel affected that daily users of Bush Hill Road and residents of that neighborhood and yet others may feel that it might impact them. He didn't think they'd have a clear view or understanding of what was transpiring here without a clear picture. He thought an aerial view. If it's not available, it's not available. He would think it was available. Mr. Basso said the GIS was available. They have other means to do it as well. They can produce some clearer pictures also along the lines of what Mr. Maddox said. They can also depict the difference between 8 percent and 14 percent so that way there they could actually see that in a profile view so they could see what kind of slope they're talking about. They can definitely bring some additional boards to make it clearer of what they're doing.

Chairman Massey said there was one final issue that the Board needed to consider and it was something that Selectman Maddox asked the Planning Board that he wanted to get input from this Board before he cast the Board's vote. As Selectman Maddox has indicated before, this is a proposed 38 lot subdivision on a road that's as they all know a windy, curvy, rural road. Once this was open, his understanding was there's at least 2 other potential parcels that may or may not be coming forward. The discussion at the Planning Board was basically 2 camps. One camp wants to cut back the size of the number of lots and not exact any additional road improvements. The other point of view was to leave the number of units there but exact some additional road improvements. So that's what was before the Board tonight relative to the density issue. He asked Selectman Maddox if he wanted to elaborate any further.

Yes Mr. Chairman. Selectman Maddox said, again, this was one of those calls where he felt it was important to come back to this Board. He knew that he thought it was going to be 4 to 3 one way or the other. If it was going to be 3 to 3 and he was the tie breaker, he wanted some guidance from the Board. He understood the economics that Mr. Basso put forth. He thought that they had to look at the weighing of that. The exact number of what that off site improvement number was going to be had not yet been determined. He guessed that this personal feeling was that reducing this development by 3 takes that many more cars off of

Bush Hill Road. He would rather see that than getting X number, and the number has varied somewhere around 100,000 to plus for more improvements to Bush Hill Road will cause the infamous if you build it they will come. He's just looking for what the Board would like their vote to be when that comes up before the Planning Board.

Selectman Jasper said the reality was that they will come if there's a demand. So cutting back on the number of lots here and taking money out of Bush Hill Road in the long term would be a fool's errand. Some of them will remember when they had these great big wide streets which they're still cutting down today. The feeling was if they made 50 feet of pavement, there would be fewer houses. People came in and still built the 50 foot roads because the economics allowed for it. That was a Mr. Bednar scheme. The other one was that when they did apartment buildings, they'd make them all brick façade because nobody would build brick apartment buildings. Well, they still did that. The economics is that when there's a demand regardless of what road blocks they put up, they will come. If you think that by not putting more improvements into Bush Hill Road the other parcels of land won't be improved, that won't happen. When there's the demand, it will happen. They would be much better to say here's what this type of subdivision required for improvement and Bush Hill Road was their fair share. Ultimately he thought that to some degree that should be the landowner's decision if that's what the Planning Board wanted to do. He still thought that was a fool's errand. If he would rather reduce his number of lots versus putting money into the road, then so be it.

Chairman Massey wanted to be clear on what the Board was being asked to look at tonight. The developer has not made that either or. It was the Planning Board's discussions, and it was pretty clear that night that it was a divided Board as to which way to go. Selectman Jasper understood. He was saying from the town's point of view, they were better off to get the money for road improvements. This is a bad road. It will be built. The rest of Sky Farm will be developed at some point and the other land around there. Everybody should put in their fair share in his opinion, and that should be figured out what that would be. Simply saying you have 3 less lots and you don't have to put money into the road, ultimately somebody, and that somebody will probably be the taxpayer who's going to have to ante up that difference, because the road will be developed.

Selectman Nadeau said he was on the same idea as Selectman Jasper. Looking at the roadway improvements traveling the road quite a bit over the years, he thought it was a good roadway improvement. When they do build this like they've heard in the past, there are other parcels that will be opened up to the same thing. He'd rather not cut out 3 house lots and say don't do any more roadway improvements and don't put any money into the off sight improvements because whatever money they do put in, he thought they should be proactive and work on the other side of - he wasn't sure how much further down Bush Hill Road they own, he didn't think it was too much after that second curve. Mr. Basso said quite a ways. Selectman Nadeau thought they should work on fixing the other curve and use that money into fixing the curves. In the winter, you do hear a lot of accidents in this section of the roadway. When they had the ice storms and they had the bad snow storms and even during the bad rains that they had, there was still a lot of accidents over there. One because of people with the road pitch and second, water on the roads creating accidents. So he did see the roadway improvements with the drainage and everything as a plus for them. The road would definitely give better sight distance there. All in all, he thought it was a pretty good idea for the most part and he didn't want to see them cutting out house lots just to save a few bucks.

Selectman Coutu had a couple of questions for Mr. Basso. The total acreage of the parcel? Mr. Basso said 194. Open acreage? Mr. Basso said right around 119. Selectman Coutu said he knew the answer to all of these questions because he's watched all of the Planning Board meetings. They have more people watching the Selectmen's meeting than they do the Planning Board meeting. The total number of lots? Mr. Basso said 38. Selectman Coutu asked the total number proposed cut back 3. Average lot size? Mr. Basso said they range between an acre to 50 or 60. There's quite a range. He heard their arguments. They were very persuasive at the last meeting with regards to the cost impact that effectuates the construction of the units on the lots as a result of a cutback. It was a very persuasive argument and being a business man, he didn't buy it hook, line and sinker. It was an intelligently presented argument and he certainly wouldn't support at this time he didn't see the value in cutting back on the size of the lots.

Being an alternate to the Planning Board, Chairman Massey said he would not weigh in because he may be required to vote. He thought the consensus of the Board 3 votes that Selectman Maddox has his input from the Board at the Planning Board.

Attorney Westgate wanted to note for the record that even though the Board has had this discussion, and he didn't mean to rain on its results, really the determination of the number of lots is ultimately a Planning Board decision based on the zoning ordinance and the subdivision regulations. Chairman Massey said that was absolutely correct. Attorney Westgate said it was not a Board of Selectmen level determination. It's

fundamental for them just to note that for the record. Chairman Massey said they were perfectly aware of that. He's just asking for direction when he votes on the Planning Board on the issue of...Selectman Maddox said his one vote was now where it is.

Chairman Massey said if there was nothing else, they'll take it to the next step. We'll take a couple of minutes, and then revert back to the order of business.

B. Benson Park - Rules and Regulations and Opening Plan

Chairman Massey recognized Harry Schibanoff, Sandra Rumbaugh and Recreation Director David Yates.

Mr. Schibanoff said that the Benson Park Committee has been working very diligently towards the May 29<sup>th</sup> opening date. They've been holding cleanups every Saturday when weather permits. They've also been having weekly meetings. At their last meeting, they went over the opening plan that was presented to them previously. There's one clarification that he'd like to make on the agenda. He believed Item 7. D. was the same as Item D. The punch list was the same as the opening plan. Chairman Massey said when looking at that, consider that item D was part of it so the piece on there that had the punch list would be part of Sandra's presentation.

Mr. Schibanoff said the first item was the change in the rules and regulations. They have 2 changes that were voted by the committee. One was to specify the park hours based upon the time of year and a virtual memo that the Police Chief asked them to do. A better definition than definition than dawn to dusk as to when the park would be open. The second part was to not permit the feeding of wildlife within the park. They thought that would create a possible problem with people in the lake area. It also could be a problem out in the trails area with the deer and so forth. So he's seeking the Board's approval of those 2 changes.

*Motion by Selectman Coutu, seconded by Selectman Maddox, to accept the change to the opening hours of the park and the addition of the wildlife feeding (Version 5 - 4/17/2010).*

Selectman Jasper said unfortunately he was not at the meeting when the hours were adopted. He had a real problem with them. This was the first time he's seen them. He had a real problem with closing at 8 p.m. on October 31<sup>st</sup>. If you all think to trick or treat, it's pretty much pitch black by 6 p.m. on October 31<sup>st</sup>. He did not like the hour. The idea of having this park open 2 hours in the park - he was hoping they were going to be looking at a 3-tiered so that every 4 months it would change. Also by March 31<sup>st</sup> it's still pretty light at 5 p.m. He knew there were some other options that were given; he just thought having the park open after dark was asking for trouble. He cannot support having the park open that far after dark.

Selectman Coutu had 2 things. He asked the Chief what time was the shift change in the evening. Chief Lavoie said 3 p.m. Selectman Coutu asked at this point, this was certainly an oversight on his part; he probably should have caught that. Selectman Jasper was right. Would you make a recommendation for them to consider please.

Selectman Jasper knew that the Committee looked at some other hours. He didn't know if they had...Mr. Schibanoff said he didn't have those with him. Selectman Jasper didn't really have a good period in his mind and he apologized for not having more thoroughly looked into this. It just never occurred to him that the committee would have had the park after dark because everything they talked about was doing things so that the hours were such that the park would be closing at least close to dusk.

Selectman Coutu had a suggestion. Another factor that he wanted to take into consideration was the fact that school begins usually the latter part of the last week of August or the first week of September. More often than not now, it's the last week of August. He suggested to Selectman Jasper that they may be able to do this in 3 rather than 4, which would be May 1 to August 31<sup>st</sup> would be the maximum period that the park would be open, which was aligned here which was 5 a.m. to 8 p.m. That would be, again, May 1<sup>st</sup> to August 31<sup>st</sup>. They can actually still do it in 2 periods. They could do September 1<sup>st</sup> to April 30<sup>th</sup>. They didn't need a 5 a.m. opening September to April. He would say 8 a.m. to 5 p.m. Selectman Jasper said they did the 5 a.m. at the request of the Police Chief because that's generally a very light time. They didn't anticipate that people were going to be going in there too early in the morning. That's not when you're going to have problems. Selectman Coutu said from 5 a.m. to 5 p.m. September 1 to April 30<sup>th</sup>.

Selectman Maddox said it was dark at 5 a.m. in December and January. It's dark then as it is at 5 p.m. Benson's Park Committee came up with these. He knows that Selectman Jasper wasn't happy but if they're the ones that are, again, the people that they want to keep control of this, why wasn't this good enough. If it doesn't work and Selectman Jasper is proven to be correct, they fix it later. This was what the Committee

came up with. Now they're going to get into making their own numbers here. Selectman Jasper indicated that those weren't their rules and regulations, they're a recommendation. Again, he apologized to the committee. At 5 a.m. you don't have kids getting up and going out and causing problems in the dark as a general matter. He was concerned that in October the weather could still be nice, but you have a couple of hours where it is dark. It's not going to be as easy for the police to close the park. Obviously at 5 a.m. all you have to do is open the gates and the park was open. The problem was at the other end they needed to be able to close the park and be fairly certain that no one was in the park. That's much more difficult to do when it was dark out. In all the discussions that he had with the committee, they had talked about making sure that the park was closed at dusk. The only reason that they didn't go with dusk was because the Police Chief said that was a nebulous term on what dusk was. It never occurred to him that the committee was going to go the other way and leave it open well into darkness. He didn't know how well the committee considered that. He thought that was asking for problems and he didn't think they ought to go into asking for problems. He'd be glad to hear what the Chair and the Vice Chair had to say about that and how much they considered the effect of keeping it well after dark.

Mr. Schibanoff said the first proposal was 4 time periods. They felt that that was too confusing because you stand there studying the sign trying to figure out when the park was open. You'd have to figure out what day it was and then what time you could leave, come in, and so on. So they narrowed it down to 2 to be easier to understand. They knew that it was going to be dark at that part of October. They tried to keep it simplistic in keeping it to the months. They could expend it to 3 periods, but they'd hate to see 4 on there because it's getting too complicated.

Sandra Rumbaugh said initially her thought was that's a good point and they'll take it back to the committee. However, they only had one meeting left. So they kind of have to make a determination tonight on what the hours were going to be and if they were going to put the information on signs, brochures, and everything. She'll be honest, she kind of liked Selectman Maddox's idea. If it didn't work they fix it. Again, ultimately they gave them the responsibility to make recommendations and they did.

Selectman Nadeau said keeping it open until October 31<sup>st</sup> until 8 p.m.; you have some nice nights in October. He thought that was about when the season started to change and getting cold. He thought the hours that they had listed there were good hours to maintain. Like they said, if you put 3 times a year you have all those hour changes, you're going to end up with people stuck in the park and confused. Until 8 o'clock until October 31<sup>st</sup> was a reasonable time. He'd like to see the park open as much as they can. Yes it is getting in the fall at that hour, but he didn't think it was a problem.

Selectman Jasper suggested one simple compromise, make it April 1<sup>st</sup> to September 30<sup>th</sup> to 8 p.m. and close it at 5 p.m. as of October 1<sup>st</sup>. He was really concerned. Selectman Nadeau said they still have nice nights in the fall in October. Chairman Massey said it would appear that he was the deciding vote and they have said all along that they did not want to micromanage the Benson Park Committee. He's sorry if a member was not present to make their decisions and all. The committee has made a recommendation and he agreed with Selectman Maddox. If it becomes a problem, they can fix it. He didn't want to second guess the committee every time they come with a decision, especially if a member wasn't present and all of a sudden objects to it. They voted and this is what they had. He's going to support the motion as is.

Selectman Jasper thought that was sort of a dangerous precedent to make a blanket statement like that. They are a committee that makes recommendations. If all they're going to do as a Board is just rubber stamp it, then they didn't need to deal with any of it. They just say to the Benson's Committee whatever they want to do was fine. He guessed he was probably okay with that. Don't pick and chose later. Either this was a committee that makes recommendations and they were okay to modify that, or they just say hands off entirely. Those are their rules that ultimately were going to become an ordinance. They're right. He wasn't at the meeting. It's been well known that he cannot make the third Thursday; it's a fact, through June. He has another obligation that he had to be at. So the committee said they would go ahead without a Selectman's representative on the third Thursday. That was also their decision knowing that he couldn't be there. Never in his wildest dreams in any of the discussions that they ever had at any point did anybody voice to him or to this Board that they thought that it was a good idea to keep the park open after dark. What they sent out was to look at the various times on how to do that. He agreed that 4 was too many. He thought 3 could have worked very well. He was sorry that was not there. The problem was if it didn't work, they're ordering signs, doing an ordinance, and there's a lot of work to do. He didn't think there was any good reason to have the park open after dark. Just as they know they've had problems in other areas in the evening places are open after dark. It's just a known fact to be a problem.

Selectman Coutu wanted to make one final comment. He knew where the votes were, and he knew apparently Selectman Jasper and he were going to lose this one. He wanted to make one more observation.

Selectman Jasper just eluded it but didn't quite get into it. One of the statements that was made was that signs were going to be made, brochures were going to be printed, and they're going to go through all of that expense and then they may, may find out 2 or 3 months down the road that this didn't work. They're going to go back to press, redo all the brochures, redo all the signs at the kiosks, and whatever other signs were out there and incur this added expense. He thought once they establish that, it's going to be a no fix situation. He would not support this recommendation. He would prefer to have it amended. He knew where the votes were, so that was his final say on the subject.

Selectman Jasper indicated that since the Chief of Police was present, he would like to have his input on the issue of having the park opened after dark and what issues that may present to the Chief. He and Harry met with the Chief and they talked about dusk. He didn't know that the committee talked with the Chief about extending beyond dark. If he had any input, he would like to hear it before they voted.

Chairman Massey asked Chief Lavoie if he wanted to weigh in on this subject. Let the record show Chief Lavoie. Chief Lavoie said obviously they'd support whatever the Board tells them to do. There were some issues with trying to get them down there around a 5 p.m. time frame. That's usually peak traffic hours. It's a busy time and they like to be very visible. He can't guarantee that they'll always be able to get there at 5 p.m. He can't guarantee that they'll get there all the time no matter what the designated time was at that time to close up the park. He did have some concerns with the dark hours coming into play. As far as activity and he sending officers in there to try and find people with flashlights to see if there was anyone else in the park. It does make their job a lot more time consuming if that's what the expectation was going to be. If their expectation is just that they have to go down there and lock the gate, that's not an issue for him. If they're expected to go and walk all around the park to try and find out if anyone was in the park, then that's going to be at nighttime obviously very time consuming for him.

Selectman Maddox said he was confused. He guessed it came with the job. These were times that the park was going to be open. They're not expecting, or he guessed he wasn't, the Police Department to sweep through and make sure there was nobody there. They're going to close the gates and right now people are walking through the park with the gates closed. They're going to leave through however whatever means. The only real question would be the parking lot. Again, if the sign says it closes at 8 p.m. if they're not out, that's their problem. He guessed they were making a mountain out of a something hill here. He just didn't see them in a year's time maybe; again, they've found that there were issues. It's going to have to go at least one cycle to see where this all sat. He just didn't see the consternation Mr. Chairman.

Selectman Jasper wanted to address what Selectman Maddox said. The issue is that if you have cars in the parking lot, the expectation is there are 2 passage gates that need to be locked. There's the lock at Kimball Hill, the big swinging gate. So what do you do? The idea was if there were cars in there at that time, the police can go up to the new gate, which was not operational, and they could drive through and pretty easily observe if there were people there and tell them to get out. That's a little bit more difficult to do if they're there after dark. The idea was the park would be closing. It would still be light. They would be able to make the sweep through. If there are people there, and he'll tell them what their expectation was, if they they're there and the park closes at 6 p.m., 8 p.m., or 5 p.m. and there were people there, those people were then going to be in violation of the Town Ordinance and would be cited. Hopefully very quickly they would not have people doing that. It was going to be a lot more difficult to do if they're driving through at night looking for people. He's sorry that this has happened, but there was never expectation on his part that it would be open at night. The 5 p.m. the Chief makes a good point. Again, they recognized that there were going to be times when he's not going to be able to close it right at 5 p.m. That may be true of 8 p.m. depending on what goes on. That's the hope eventually of having a caretaker in there who most of the time will be able to open and close the park.

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

The document Sandra Rumbaugh was working off of was called "Benson Park Progress Report - Phase 1" updated May 6, 2010. In the interest of time, Ms. Rumbaugh indicated that the majority of the items were either completed or on task for the 5/29 opening. She wanted to highlight a couple of the items that they may have questions or if they needed to take a vote on any of them.

Item 3. which was establishing the handicapped parking area at the upper entrance on the Kimball Hill Road. They found in their last meeting that they had overlooked putting a sign there. They're recommending to take one of the left over signs and reconfigure it to put it up at that parking lot in that area. That's not going to be done quite yet, but Pat Nichols was going to make a temporary sign.

Selectman Coutu offered an official sign that was made by the State that he bought and he didn't need. It was an extra sign. It was a handicapped parking sign. He'll donate it to Bensons.

Mr. Schibanoff said it was a park entrance sign indicating its handicapped parking and not for individual spots. Selectman Coutu asked if they needed an enormous sign. Ms. Rumbaugh said that the original signs that were bought years ago, they're going to take the one that was the old animal farm orchard view and they're going to make it work. That's what she meant by that additional sign. Thank you for the offer. That was very kind of you.

Item 10. Chairman Massey thought they were on 4. Ms. Rumbaugh said she was trying to save them time. She apologized. She meant to go to 5 regarding the gorilla house and the elephant barn. The gorilla house is secure. There was extensive discussion regarding the elephant barn. What came up was that people were entering the elephant barn by climbing the cage and going through the windows at the top of the cage. It was felt by some members to remove the cage to the right of the elephant barn. They felt that would give them more security to that area. In addition, it's not set yet; Mr. Jasper was looking at an alarm system in the future. She asked if they needed to get approval for the removal of the cage. Chairman Massey said if they could get the labor donated, he would think as long as the Board says yes, they can do it. Ms. Rumbaugh said it was their intent to do it by volunteers. She wanted them to be aware that that was a significant change from the first plan. Chairman Massey asked what the Board's pleasure was. Selectman Coutu said he was fine with that. Ms. Rumbaugh said to the right as you're looking at the front, to the right. Selectman Nadeau asked if that was the one in the rear of the building. Ms. Rumbaugh said yes. Chairman Massey said as you're coming into the gate, the office is on your left, the elephant barn is right behind it. There is a cage that's between the barn and the office depot. Is that the one they're talking about? Selectman Coutu said it was the other one. Chairman Massey said it was on the back side of the property.

Selectman Maddox asked if that was something that had to go to DOT. Chairman Massey said no because that wasn't one of the structures that they were required to maintain. Selectman Nadeau said just like taking down the chain link fence that they took out. Selectman Maddox said he was just asking. They're going to get touchy. Selectman Jasper said they could have taken that whole thing down.

Selectman Jasper said he was the one who actually suggested that the one cage come down. It was really a mess anyhow. There was really nothing they could do to make that thing look attractive. Chairman Massey said they had the Board's approval to go forward with that piece of it. So that takes care of 5.

If they could go to number 10. Develop security measures to protect the park property and buildings during closed hours. Ms. Rumbaugh said there has been a review and she was going to turn this over to Dave Yates to talk about the situation and the details.

Dave Yates said he met with ADT a couple weeks ago. They made a few recommendations. The biggest one was that the buildings needed to be secured before they could put any alarm systems in there. Also, the buildings needed to be above 32 degrees to work properly, and they would have to run electrical wiring over to the elephant barn. Based on what he was told, they need to do a lot more work before they waste their money and put any alarm systems in there. That's in the case with the office building. That also should be maintained at 32 degrees and that hasn't been. That's probably why it didn't work properly. That was before his time.

As a point though, Selectman Jasper thought what he said was the control panel itself was what needed to be maintained. Mr. Yates said the control panel and the environment. He said also. Chairman Massey asked why that was. Mr. Yates said he received a quote from an electrician for a heater box for the control panel. That doesn't do much good if the building in the middle of the winter was below 32.

Selectman Maddox said he would get back to Mr. Yates. There is a company that they have done business with; they put a system in Concord that monitors via camera. He thought that might be a solution putting 1 or 2 cameras - again that's for them to decide, but then they are actually motion sensors. They can see the people and say you in the yellow tie, what are you doing on the property. He thought the problem they're always going to have with the alarm systems was that it required somebody to see them and set them correctly. He thought that was going to be problematic as you ask volunteers to go work on this thing and then go turn on the alarm. They're just not getting it done right. He will get him that information tomorrow or Thursday and let's take a look at what that cost will be. He thought the alarm systems would be problematic. Those buildings weren't heated. They're going to be a problem to alarm. This is not a bank vault. Equally important, Chairman Massey said they have other buildings in town that were not heated that have control systems in them. A couple of the water pumping houses doesn't have heaters in them as far as he knew. They just run and run. There's one in particular that just has a control unit in it.

Mr. Yates said if you just have the touch points, you don't need to keep it at 32 degrees. This was for motion detectors. The touch points, the motor of the (inaudible) would have to be kept at 32 with a heater box. If you're using just touch points at the doors, windows, or whatever, then it doesn't have to be kept at 32 degrees. They're talking motion detectors.

Chairman Massey thought that they should follow up on Selectman Maddox's suggestion and see if that was a viable solution. Selectman Maddox said to see what the price was. Selectman Coutu also suggested the exploration, and they could bring it back to the committee and talk about it, of putting in flood lights on those buildings. If the cruiser was going up the hill and they see that the place was lit, it might alert them that there's probably somebody on the property. They don't stay on a long period of time, but you can adjust the timers on those. He has some of those on his home and in the back of his business so the neighbors can see if the lights were on. He's just asking them to explore the possibility. He knows that they'd have to bring electricity to the barn, but they're going to have to do it eventually anyway.

Chairman Massey said there was one consideration. That is when you have no lights. When you see a light in a building that's supposed to be empty, you know that something is wrong. If you have the lights lit up, you're not always sure. It's something that the committee could look at.

Ms. Rumbaugh asked to go down to Item 17, which was planning the park opening event. I have been assigned to the communications subcommittee. Harry is a representative of that subcommittee and is going to talk about it.

Mr. Schibanoff said their focus right now on the May 29<sup>th</sup> opening date. The other one is under planning and in September. He knew that an outline had been done of things that can be accomplished. He wasn't sure if the Governor's office had been contacted yet. Chairman Massey said they were and he'll cover that in a minute. Mr. Schibanoff said that was basically a future event. The 29<sup>th</sup> they had a discussion at their last meeting and basically decided that it was just going to be the opening of the park. There was not going to be any events of any sort. The committee members will be there. Their only concern was that they monitor sites on Face book and various websites about Benson's and there seemed to be a growing interest. One of them was doing a count down to the opening day at Benson's. So they're anticipating perhaps a lot of people if it's a nice day. That they may need some sort of control of traffic or parking because the parking lot only holds about 60 cars. They had the same problem when they had the soft opening when it was nice day and there were 1,000 people. Kimball Hill Road was a mess. Chairman Massey asked if the committee had a proposal. Mr. Schibanoff said no they didn't. They're asking the town. Chairman Massey asked when they next meet. Ms. Rumbaugh said the 27<sup>th</sup>.

Selectman Jasper said that this flies in the face of what he said a couple of minutes ago. The committee made a recommendation on the opening date, and this Board changed the date. The committee's job was not traffic control. They picked the holiday to open this, and the committee now thinks there's going to be a lot. So the Board needs to deal with the consequences of your action and not the Benson's Committee. Chairman Massey said he would hope he would think it was their action and not your action. Selectman Jasper said he was the one vote against it. It was not his action because he thought and more and more...Chairman Massey said on that same token, he should always oppose everything that had to do with the Haselton Barn because he voted against it. You'll notice he's not ever done it. They used to work as a Board Selectman Jasper once...Selectman Jasper said that he had the floor. Chairman Massey told him to speak.

Selectman Jasper said he had done everything that he could to meet the Board's opening deadline. He respectfully disagreed with opening it on a holiday weekend for the first time. That was a decision that the Board made. He's doing everything that he could to do that. At the same token the Benson Committee, as he had pointed out, was not the committee that then just goes and does everything the Board says. The Board made a decision. The Board was now going to have to not say to the Benson's Committee well you figure out what to do with their decision. The Board needs to figure out how to handle its decision. Ultimately, these things were going to be the Board's responsibility. He thought that it was the responsibility of the Board to say well they're either going to just things go as they may, or they have a contingency plan to deal with traffic. That was not something they could throw back on the Benson Committee was all he was saying.

To that end Mr. Chairman, Selectman Maddox thought that for the May 29<sup>th</sup> opening they ask Mr. Burns to take the rocks from the driveway where the parking lot was and then rope off or block off - so you could put more cars down in that bottom slope. Selectman Jasper said it was full of brush. Selectman Maddox thought that was where they drove all that asbestos pile. All he was saying was you could park twice as

many cars down there for this and would take care of some of the overflow. Then when the parking lot was full, people will wait for another weekend to come. If you think there's going to be that many people was that a viable option Mr. Chairman. He was looking for a solution here and having Mr. Burns move those rocks, he saw pretty clear hard pack going down that slope. Rope it off and say there's another parking for another 100 cars. It's temporary for this time for the opening and maybe when you do the grand opening they'd have to look at something similar. There's a solution Mr. Chairman.

Selectman Coutu said he might also recommend Mr. Chairman another avenue they might want to explore would be to ask Mr. Rowell if he could assimilate a group from the CB Patrol to help them that day. He has always been very generous with his time and with providing for the town. They do it during their parade. He certainly wouldn't be adverse, again it's a decision of the Board, and the Chief of Police is certainly not going to take action without getting some direction from them. He would not be adverse on that particular occasion especially the first day of having a police officer there to direct traffic of what they think might be four peak hours 10 to 2 or something like that.

Chairman Massey asked Chief Lavoie to come forward. Would there be any problem with assigning an officer that day. Obviously it would probably be overtime. Chief Lavoie said he could do whatever they wanted. If they wanted them there, they'd have them there. Chairman Massey thanked him.

Chairman Massey asked if that was Selectman Coutu's proposal that they have an officer present. Selectman Coutu thought it would be beneficial to have somebody there. It's a long holiday weekend. He didn't know if one day was going to be more active than the other or whether they were going to require somebody there for 3 days. If it's raining, they won't need it. He still thought they were going to have people go to the park even if it rained. Even on volunteer days, they had people there during rain periods. He just didn't know how far they wanted to extend it. Chairman Massey said he wanted to leave it to the Chief's discretion that if he assigns the person, if there's nobody there he can decide when and how to curtail the detail. If he doesn't need it the next day, he just doesn't assign the person to it. He thought the only fair thing was if they were to indicate to an individual that they were going to pull the detail on Sunday and the Chief in his decision process decided that they didn't need the detail, that individual should be compensated. They're going to wind up being asked to reserve a block of time, and then they're going to say at the last minute oops, you're not needed. He thought the fairness would be that if the Chief asked somebody to be present on any one of those days that they are compensated for it. Selectman Coutu thought that based on union contract, he thought that was mandatory. What's the minimum, four hours? Chief Lavoie said that was correct. Selectman Coutu said if he assigned somebody and then it pours, they had to pay him the 4 hours. Chairman Massey was thinking more on Saturday based on his experience he's really not going to have the person that he assigned on Friday come, so he doesn't work any time. Chief Lavoie said he was required to give them a 24 hour notice for a cancellation. He'll put it up for overtime to try and seek some volunteers first. Again holiday weekend, he didn't know if anyone was going away or not. If he couldn't get someone to volunteer to work the 4 hours, then he'll have to order somebody in from second shift and have them come in early to cover that overtime. Chairman Massey asked if the Board was okay with authorizing the Chief for those 3 days to use overtime if necessary. Selectman Coutu said it was just a suggestion. If they had something better, go ahead. He was trying to help them. He didn't expect them to be there doing traffic. Chairman Massey thought he saw Selectman Nadeau shaking his head yes.

Selectman Nadeau said if that's what they needed, then that's what they needed. Selectman Maddox thought that once the parking lot was full, people would go somewhere else. He didn't see the need to tie up overtime for...Chairman Massey said when they first opened the park; they were out on Bush Hill and Kimball Hill parking. It does create some traffic issues. Selectman Jasper said he didn't know. He wasn't so sure they needed somebody on the road as much as they may need somebody in the parking area. He wasn't really sure what the solution was there. Certainly if the Board wants him to, he could look with Kevin and see if there was any area down there was open or parking to move those things. His sense was that it was pretty well grown up and that you've got sort of meandering areas. He wasn't sure if there was a vast open area except way down where the asbestos pile was. Again, Selectman Maddox said that would be parking for a good number of cars for that weekend.

Chairman Massey said that there were 3 things. They could ask Kevin if it was possible to provide more parking spots. The Chief can assign overtime, and at the same time could ask the CB Patrol if they would assist the police. That would take care of both the parking lots and the highway. He thought that would be an appropriate way to handle the opening.

Ms. Rumbaugh asked Mr. Schibanoff if he was all set with his opening. Mr. Schibanoff said he thought so. Their next meeting was May 20<sup>th</sup>. Ms. Rumbaugh said she liked the way he resolved it. It was great. Chairman Massey asked to stay with the opening for a minute. They did have response from the Governor's



office today about an opening. He sent them a letter in April suggesting 4 days - September 4, 5, 11 and 12. His secretary has come back and told them that he didn't schedule his events more than 3 weeks out. He would be willing to maybe look at it more if they could tell him who else they would be inviting. There would be no guarantees. The only date that he absolutely has already committed to was September 11<sup>th</sup>. In his thinking, and he offered this out for the Board for their consideration, he thought that they were just going to have to pick a date and a Saturday or Sunday was more optimal than weekdays if they wanted to have a lot of people there and if he could come, he could come. If they wait until the second or third week in August to get a commitment from the Governor, they're really hamstrung as to their planning. He thought if they wanted as a town to have a really good grand opening, a lot of thought and process has to go into it. He didn't think they could do that at the last minute. The committee's thoughts on that about them fixing a date and if the Governor could make it fine. If he couldn't, so be it. It's something that maybe that they could bring back to the Committee to think about at their 20<sup>th</sup> meeting and then they could have again another discussion on the 25<sup>th</sup>. If any other members of the Board had any thoughts on it, he thought they should put them here now.

Selectman Coutu agreed with him. He thought they should just pick a date. It facilitates their job because they're going to have to book the band from Alvirne because they wanted to have them there, and if they're going to need to rent a tent and have light refreshments, he thought they needed to set a date regardless of what the Governor can or can't do.

Selectman Maddox would offer Mr. Chairman that they set it for September 18<sup>th</sup>. The reason being was the first week was right after Labor Day. September 11<sup>th</sup> was going to be a challenging day for whoever they invite. The 18<sup>th</sup> was the following Saturday. It's the middle of the month. It will be a little cooler. It gives them plenty of time and that's the date. It could rain, it could snow. At least it's a date that he thought was more usable if you would Sir. Chairman Massey said to let the Benson's Committee take that and come up with the best thing that they could put forward a proposal.

Selectman Jasper thought he was in agreement with Selectman Maddox. He thought the 18<sup>th</sup> when you look at everything particularly with the Alvirne band, it gives them the opportunity to get back to school, do some practicing, and it's not tied in with the holiday. Chairman Massey thought it may also be possible that if you talk with the band director, he might suggest maybe even the 25<sup>th</sup>. If they could come back on the 25<sup>th</sup> with a recommendation for them. He recognized that they meet on Thursdays so they won't meet the agenda submission, but they'll just put an item on the agenda and they could take care of it at that point.

Mr. Schibanoff asked if the Board had a preference for Saturday or Sunday. Selectman Jasper said they do Saturday with a Sunday rain date. If it's pouring, they didn't want to do it. It gives them the opportunity to just move it to the next day. Selectman Coutu said he didn't want them to leave without saying that this was a tremendous document. They really appreciated the amount of effort and work that went in it and not just the preparation of the document. Obviously all of the work that was done to accommodate all of the needs of the park to get it prepared for the opening was apparent that an awful lot of work was done and accomplished in a very short period of time. There were still a few things that needed to be done. He was sure that he spoke on behalf of the entire Board when they tell them how appreciative they were to all of the volunteers who accomplished those tasks. Thank you. That would echo Chairman Massey. He was going to say the same thing. He thought that this was a tremendous help and he thought the Committee was to be applauded for tackling it. He can't tell them all the people that told him when they walked through the park now and see what it really is that they really are getting excited about what the park can become. Thank you and thank all your members of your committee.

Before they move on, Selectman Jasper said they needed to have a certain number of signs made up. They just sort of left that hanging. Mark seemed to be the person who was very good at contacting the State Prison to have signs made up. His recommendation was that they really probably ought to have 5 made up initially. One for each of the two gates and then there was essentially the 2 back ways in. They should be posted there and then one in reserve in case a sign was damaged. He would move that they direct the Assistant Town Administrator to have 5 - he knows that one of the rules was going to be put on the kiosk, but he thought there ought to be 5 of the large signs - 2 to go on the fence and 2 to go on...

*Motion by Selectman Jasper to direct the Assistant Town Administrator to have 5 large signs made up for the rules and regulations at Benson's Park.*

Chairman Massey asked for a consensus to do that. Selectman Coutu said no. Chairman Massey said not to have the signs made. Selectman Coutu said he was all in favor of the signs. He thought that Mr. Yates was the liaison for the Benson's Committee. He thought Mr. Yates could get a hold of Mr. Pearson and Mr. Pearson could direct him on who the person was. He can make the contact and familiarize himself with it so

that they have one focus point for Benson's. He is their liaison. They appointed him to do that. They're trying to alleviate Mr. Pearson from this task so he can spend more time on community development. He didn't disagree with the signs. Selectman Jasper said he made a valid point. He was thinking his Point A to Point B and that's how to get there the quickest. Selectman Coutu said he understood why he proposed it. Selectman Jasper would modify it to direct Mr. Yates to have 5 suitably sized rules and regulation signs made up.

*Motion by Selectman Jasper to direct Mr. Yates to have 5 suitably sized rules and regulation signs made up for Benson's Park.*

Chairman Massey told Mr. Yates that the easiest way to get to that solution was to talk to Mr. Pearson and ask him how to get the present system to create the signs for him. Mr. Yates thought that Kevin Burns was familiar with that also. He'll meet with Kevin also.

It did occur to Chairman Massey on part of the discussion. He asked Chief Lavoie to come forward to a moment. Chairman Massey was reflecting on something that Selectman Maddox said. They need people in this country to take responsibility for their actions. It would be his proposal to the Board that when they craft the ordinance for the hours of operation, that they make it clear that if somebody was in that park after it closed and they had to go either rescue them or whatever to get them out of the park because it was locked, that they had to pay for the cost of that effort. Much the same way as if you go out hiking and you get lost and did something stupid to get lost, you have to pay for the cost of that rescue effort. The reason he was bringing that to the Board's attention was he didn't think that he ever envisioned that the police were going to have to run through that entire park to find out if anybody was there after it closed. If somebody sees the signs that are posted, they ought to be responsible if they're there after and they can't get out. So he left it for the Board's discussion.

Selectman Jasper said it wasn't exactly going to be a rescue; it was going to be a police action if they make that a violation that they will be subject to fine. They probably ought to add something, although they haven't adopted the ordinance yet, they can certainly get that done. It probably ought to have a section that says "violations subject to Town of Hudson Code". Chairman Massey asked the Chief if it was something that would help him in this whole effort. Chief Lavoie said absolutely. They could work on writing something up with Mr. Pearson. Chairman Massey said they had to have the ordinance anyway that has the hours of opening right? Selectman Jasper said and all the rules. Chairman Massey said that they were going to have to have a public hearing anyway.

*Motion by Selectman Jasper to direct Mr. Yates to have 5 suitably sized rules and regulation signs made up for Benson's Park and to include the verbiage at the bottom of the signs to say "violations of these rules are subject to penalties established by Town Ordinance".*

Chief Lavoie said to have a motion to define what those penalties were in that ordinance. First offense, second offense, etc. Selectman Jasper said that didn't need to be on the sign if they just make it clear. Chairman Massey asked who should be responsible for working on the ordinance. Selectman Jasper said probably the Chief and Mr. Pearson could do a quick job with that. Mr. Malizia said it was just the rules. You just put those on an ordinance form. Chairman Massey said they had to put the penalties on it. The Chief can include what he thought were appropriate penalties and bring it to the Board for the public hearing. Thank you.

Selectman Coutu asked if they were sure that Mr. Yates understood what needed to be put on the signs. Chairman Massey asked if it was clear enough that at the bottom of the sign would be a statement that read something like "violations are subject to".

*Motion by Selectman Jasper, seconded by Selectman Coutu, to direct Mr. Yates to have 5 suitably sized rules and regulation signs made up for Benson's Park and to include the verbiage at the bottom of the signs to say "violations of these rules are subject to penalties established by Town Ordinance", carried 5-0.*

*Motion by Selectman Coutu, seconded by Selectman Nadeau, for a 5 minute recess at 8:58 p.m., carried 5-0.*

Chairman Massey stated that the Board was back in session at 9:05 p.m. Without objection, he would like to change the order of business again. They have the Business Manager for the School District who has a long way to go home tonight. Also, the folks that are here for the Zach Attack. He's like to first of all without objection, have Item 8. C. Request for release of Impact Fees - Hudson School Board.

8. B. Request for release of Impact Fees - Hudson School Board

Chairman Massey recognized Norm Sanborn from the School District. Good evening Norm.

[Mr. Sanborn] Good evening. Glad to be here. For the record, Chairman Massey indicated it was Norm Sanborn from the SAU 81. Mr. Sanborn said he was the Business Administrator for the School District. What he's there for tonight was to request that the Board of Selectmen release the current balance of the impact fees, which right now was in the amount of \$95,209.84. They've gotten that figure through Kathy Carpenter.

As some background and for the people watching, Mr. Sanborn put this out in a memo to the Board. Last year the Board of Selectmen released \$1.229 million to the School Board from impact fees from developers. They used that money in conjunction with refinancing of bonds. They were able to reduce their outstanding bonds from approximately \$10 million down to almost \$8 million. What that does was save the amount of their debt each year for approximately \$180,000 through the duration that the bonds were out. They anticipated until 2021 when the bonds were finally ended that the Town and the School will see a savings of over \$2 million. He thought that impact fees were being applied to the bonds. It really does save the school and ultimately the taxpayer a lot of money.

Mr. Sanborn said the \$95,000 that they're requesting right now will be applied to this year's bond of \$1.2 million. It will reduce, again, by approximately 8 percent. If they look at that over the year as the bonds payments go down similar to your mortgage at home, towards the end of the years they'll be over 10 percent. Assuming the same development goes on. This is \$95,000 over the last year and it wasn't a big building year. So they anticipated that the impact fees would continue to grow. The intent of the School District was to apply those to outstanding bonds.

Chairman Massey asked if there were any questions from the Board.

Just to be clear, and he thought he understood, Selectman Jasper said that this was being applied to the principle to reduce the principle. Mr. Sanborn said yes.

*Motion by Selectman Jasper, seconded by Selectman Maddox, to release \$95,209.84 from the Hudson School Impact Fee Account, in accordance with the written request for same from the Hudson School Board District Business Administrator, Normand Sanborn, dated May 2, 2010 to assist in paying off this year's bond payment and the memo dated May 10, 2010 from the Town Planner John Cashell indicating that the Planning Board voted to recommend to the Board to release the funds.*

Selectman Maddox had two things. Number one was the Planning Board has the cap fees and it does add up - \$1.2 million last year and only \$95,000 this year. You're right; very few building permits because those were collected at certificate of occupancy. They were raising those fees. He did have a question. Mr. Sanborn said that this was going towards the principle. No, this was just to make the bond payment, correct? Mr. Sanborn said the bond payment, right. They were not reducing the principle. They were making the payment. Selectman Jasper said to offset the...Mr. Sanborn said the bond payment which included principle and interest. Selectman Jasper said the taxpayers have budgeted a certain amount of money. The amount doesn't change just how much tax effort goes into it does change. Mr. Sanborn said any money they get from the impact fees obviously was money they'd have to raise in addition to that if they weren't collecting the impact fees. If Selectman Jasper may, when he said \$1.2 million last year, that wasn't collected last year. That had been accumulated over a number years. Chairman Massey said it was 6 years. This was another reason why Selectman Maddox suggestion last meeting that every May take a look at all of the impact fees and determine whether they could encumber the monies. They almost didn't get this \$1.2 million. It was at the end of the 6 years, etc., etc. You're right; it was over a period of years.

*Vote: Motion carried 5-0.*

Now without objection Chairman Massey stated that they would take up Item 8. B. the Zach Attack 5K Fun Run.

8. B. Zach Attack 5K Fun Run

Chairman Massey recognized Gayellen Silva.

I'm Gayellen Silva. A friend of Necole and Mike Tompkins. Necole Tompkins and Doug Robinson of Cardinal Drive.

Doug Robinson said he was there with Necole and Gayellen today to first say thank you to the Board of Selectmen and to the Town of Hudson. The response since Len Lathrop first story that came out about the efforts to construct a football stadium in Zach's name has been overwhelming. Gayellen has come up with the idea to bring forth to the Town of Hudson a fundraising event for that stadium, which was being built at no cost to the taxpayers at all. They're looking for permission to hold a Zach Attack 5K Run which will be held the last Friday in August. It will be starting and ending at the Alvirne High School.

[Doug Robinson] In your packets, you'll have a route of the run, a copy of the insurance forms with the \$2 million liability, assumption of risk, as well as the volunteers. He didn't know if they had that or not, but over 25 people have already signed up to assist in the event. Gayellen and Necole have been working with the Police Department and with the Recreation Department and have their full support. Police officers have already lined up to volunteer their time to assist with the event. They'll be no cost to the town for the holding of this event on August 27<sup>th</sup>. Necole has also created a letter which will go to all the homes on the run so that they will be notified. If they have any questions about the run, Necole and Gayellen have submitted and offered their phone numbers to the homeowners should they have any questions. Mr. Robinson said they were before the Board to ask for permission to hold the 5K run as well as answer any questions that they may have on this event.

To Selectman Coutu's surprise, Doug you mentioned that police officers have volunteered. He and the Chief have had extensive discussion today specifically about that. Have any police officers contacted the Chief? Are they going to be in uniform? Necole said they discussed the CB Patrol. Chief Lavoie said they had talked about it when he met earlier with Mr. Yates. They thought about utilizing the CB Patrol, but they also felt that along Derry Road and officer would be needed on that route. His suggestion in talking with his liaison was they have 2 runs that are going to be taking place during the summer. Not only the Zach Attack Run, but also Mr. Hergenhan's race. In these unique situations, all the money that's being collected or raised was coming back to the Town of Hudson. It's coming back to their community. If it's the purview of the Board, Chief Lavoie's suggestion was to see if the Board would want to instruct him - normally it would cost \$45 per hour with a 4 hour minimum is what the town would charge. So for about \$190. Selectman Coutu said \$360 for the 2 races. Mr. Robinson said the funding for the officers would be coming from the proceeds.

What Chief Lavoie was suggesting to the Board was does the Board want him to just go ahead and assign an officer there and absorb the cost out of his budget. It's also possible come that time of year when he has school resource officers that are out of the schools, he may be able to if their schedule works out well, he could have them assigned to that. They'd be on the road, and he'd be able to use them or a mountain bike officer assigned to that area to handle both of those runs.

Chairman Massey asked what the Board's pleasure was on that.

Selectman Nadeau would be amendable to letting the Chief do that. He asked them to do that for the Benson's opening. So if he thinks that he could do it, he thought it was a great idea.

Selectman Coutu reiterated what the Chief said. He and the Chief had some discussion today. He had called him and they discussed this. The most convincing argument because there's always the question and he probably raised it more than anybody else Mr. Chairman was opening a Pandora's Box and creating something going forward may come back and haunt them. In this particular case, they have committed themselves, and he'll deal with the Tompkins and then he'll deal with Hergenhan. They had committed themselves to doing whatever they could to see Zach's dream realized, and that is the Zach Tompkins Memorial Field. In that process when you listened to Mr. Lathrop's presentation, they saw first hand that this was not going to be for the exclusive use of a nonprofit agency - the Hudson/Litchfield Bears Organization, but the creation of this park was going to afford an opportunity for recreational activity for their entire community. The Hergenhan Road Race all of the proceeds were going to benefit the scholarship program that he's establishing in his son's name. He felt that for them to expend a total of \$360 of town resources in order to enable both of those races to come to fruition and be successful was an investment well worth the \$360. If it's going to be made in the form of a motion, he'll support the motion. If its just consensus, he joined Selectman Nadeau in supporting it.

*Motion by Selectman Coutu, seconded by Selectman Nadeau, to authorize the expenditure of \$360 out of the police department's operating budget to fund the police detail for the Zach Attack 5K Fun Run and the Hergenhan charitable 5K Run/Walk.*

Selectman Jasper said his intent was not to be a stick in the mud and he wasn't sure even of how he was going to vote. Certainly on the requests for the road race to benefit the stadium, Zach's Field, he agreed with his logic and could justify that in his own mind. He gets a little fuzzier when they talk about scholarships because then he immediately goes to Old Home Days and the fact that the Kiwanis park cars and all their money goes toward scholarships. So he should apply the same logic there and say that at Old Home Days they should be providing the traffic detail there as well. That's apples to apples. This was where the Pandora's Box comes in. Is the Board going to be consistent and say yes but that's a 3 day event and it's a lot of money so they can't do it. This is a one afternoon event for the same purpose and they can do it even though when they look at the amount of money that the Kiwanis raises, it's probably hour for hour a greater fund raiser. He didn't know. Certainly there's a greater dollar value there. He just wanted to warn the Board that they needed to think about consistency in comparing apples to apples. Selectman Jasper said he'd like to split the baby because in this case, he'd like to vote for what's being proposed here tonight but probably not for the scholarship because he saw an inconsistency when it comes to Old Home Days.

Point of inquiry. Selectman Coutu said that they provide a police detail at Old Home Days for Old Home Days. Selectman Jasper said no. Selectman Coutu said they provide a police detail for parking. Selectman Jasper said no. Selectman Coutu wanted to know how the police detail affected the Kiwanis. Selectman Jasper said they were paid out of the proceeds of the parking. Chairman Massey said the detail was there but it's paid for by the Kiwanis parking fees and not be the town operating budget. Selectman Coutu asked who benefited as a result of Old Home Days.

Selectman Nadeau wanted to clarify. It's the Lions Club that actually does the parking now. Selectman Jasper apologized. The money was split between the Lions Club and the Historical Society. What happens was the detail is paid out of that money for the detail officer out at the road. The Police Chief might have a detail officer on the fairgrounds as a separate item as far as public safety. That did not come out of that money from the parking. Selectman Coutu understood that but he didn't see the logic in Selectman Jasper's argument. Whether or not they had somebody parking cars there, they're going to have a police detail there anyway because of the volume of traffic that comes in and out of there. If they had nobody collecting fees and they offered free parking, so be it. At some point he was sure in this history of the town, and Selectman Jasper may have been on one of those boards, allowed them to go in there and collect money for whatever purpose. In this case, he said some of it goes to scholarships and another portion goes to the Historical Society. Selectman Nadeau said their money does go towards a scholarship also. Selectman Coutu said if they weren't there and they weren't collecting the money, it would just be a free for all in the parking lot, but we'd still have the traffic detail officer out in the street directing traffic in he would think.

Chairman Massey's experience has been that if it's a private organization sponsoring an event that requires any kind of police, fire, or emergency services, that that private organization has paid for those services. That was Selectman Jasper's point. Where do they draw the line because if he was a member of the Lions and he goes back to the Kiwanis, he would say we're providing a scholarship. They could be providing more of scholarship if they weren't paying for the police detail, which was the same logic that they're applying to the Hergenbahn run. If he has to pay the detail, he can't provide as much scholarship. He thought it was a very slippery slope when they get into things that were not quite as direct. Those were scholarships going to individuals whereas the proposal before them tonight was something that was going to benefit potentially all of the youth in town who choose to use that facility. It's available there for them whereas the scholarships were only to those who happen to win them. He was not in favor of waiving for scholarships because he thought it was a slippery slope. He thought this was clearly defined. He can justify. If the motion stays as one motion, then he will have to regrettably vote against it.

Selectman Maddox said he was going to agree with Selectman Jasper. He thought that they were going to have a list of worthy causes. He thought they needed to have a procedure. He agreed that the Zach Run would benefit the stadium which would benefit all of Hudson. Once they start, again, they all are worthy. It's just how much money does the police department put out - the fire department, the highway supporting these events. Again, how much were they willing to put in there and where are the defining lines. Again, he will vote the same as Selectman Jasper at this point. We should probably look at a procedure Mr. Chairman.

Selectman Coutu said having spoken to Selectman Nadeau, they were amenable to removing the Hergenbahn Run from their motion and they'll deal with the Zach Tompkins strictly.

*Motion by Selectman Coutu, seconded by Selectman Nadeau, to authorize the expenditure of \$360 out of the police department's operating budget to fund the police detail for the Zach Attack 5K Fun Run.*

Chairman Massey said he was reluctantly was not going to vote for it for precisely that reason. You can't draw lines in the sand like this. They've always said that if it was a private organization, they pay for it. He's

not at all disputing the fact that this program would benefit ultimately the town. It's still a personal project that's underway. On that basis, he wanted to believe that rather than trying to figure out where that line gets drawn, the easiest way not to draw it was just to adhere to the principle that if it was a private organization requesting to use town resources that they should pay for them. On that basis, he's going to be voting no.

To that end Mr. Chairman, Selectman Coutu said he wanted him to know that he respected his opinion. He's been very consistent. That's why he said initially that he brazed this consistently. He was being very consistent and he knows deep down in his heart of hearts how he felt about the Tompkins memorial. He hoped Nikki and Gayellen understood it. That's a position he has taken very firmly. In his heart of hearts, he'll get him to buy a bracelet besides the one they gave him.

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

Chairman Massey said he had one last question. It has to do with the actual hours of operation. Chief Lavoie 6:30 Friday night in August, does that present any kind of a problem for traffic or would it be better to start it later? Selectman Maddox said it was going to be too dark. Chairman Massey indicated that it wouldn't be dark until 9:00 p.m.

Chief Lavoie said 6:30 was the gathering time. He thought they were going to kick it off at 7 p.m.

Motion by Selectman Nadeau, seconded by Selectman Coutu, to approve Gayellen Silva's proposal to conduct a charitable 5K Run on Friday, August 27, 2010, starting at 6:30 p.m. per her proposal dated May 6, 2010.

Chairman Massey thought it was absolutely a great idea. This was one that he would be able to vote for.

Vote: Motion carried 5-0.

C. Benson's Property - Historic Structures Existing Conditions Report

Chairman Massey recognized the Town Administrator Steve Malizia.

Mr. Malizia said he was recommending that they terminate the contract with Quid Tum Historic Structures Consulting for the condition assessment for the historic structures at Benson Park for failure to provide a complete condition assessment. They've been contacted. He's spoken to them back when the Board initially rejected or asked for more information. They sent follow up letters with a letter from the Chairman giving them a very date specific. There's been no response. At this point in time, it was encumbered funds. They're not getting the product they asked for, and he recommended that they terminate and keep the money.

Motion by Selectman Maddox, seconded by Selectman Jasper, to terminate the contract with Quid Tum Historic Structures Consulting for the condition assessment of the historic structures at Benson Park for failure to provide a complete condition assessment of the historic structures at the Benson Park property effective May 11, 2010, carried 5-0.

Chairman Massey believed they had some follow up that they may have to take care of. This money if they did nothing with it that was allocated for this project would now revert to the general fund unless they decided to do some additional work on the structures. His understanding was what they didn't have was an interior assessment. So the Board's pleasure about hiring somebody to at least go in and make a photographic record that they could reserve.

Selectman Jasper thought if the Board wanted to do that, the only one that that would really make any sense to do would be the Haselton Barn. The train station was going to be rehabbed. They know they're working on that. The same was true of the office building. They're going to be working on that. The only reason to do that was if the State were to come along and say they've let it deteriorate. The Haselton Barn it might make some sense to have complete photography of the inside of that done. That would be the only one that Selectman Jasper would recommend.

With that being said, Selectman Nadeau said that there were quite a few people that were on the Benson's volunteer committee that did photography work. He thought that was something that they could get one of the volunteers that would be happy to do that at one of their first cleanups. There were a couple of people that had volunteered to do that and they said no. They had people on board. He could give either

Selectman Jasper or the Benson's Committee a name of 2 of the people that were interested in doing some of the photography work and have them be contacted if that's the pleasure of the Board.

Chairman Massey thought maybe he was reflecting on something that Selectman Jasper said. This was something he thought that the Board of Selectmen was responsible for. So it may be that they should be the ones that follow up on it. Selectman Jasper said if he knew somebody. Chairman Massey said if Selectman Nadeau had them, he'd be glad to contact them. Selectman Nadeau said he would give him the numbers. The conversation that Chairman Massey did have with Mr. Malizia was in fact that. If they could find somebody that was willing to volunteer for it, then they wouldn't have to worry about encumbering the money and spending the money. So he'll make the contacts on behalf of the Board. Selectman Coutu said he might also consider utilizing the services of HCTV to go in there and do a documentary on film of the interior of the building. Chairman Massey said they could do that but the piece he was really wanted to do were specific shots that identified what they were looking at. Very good. That's how they will proceed with that.

8. NEW BUSINESS

- D. Acceptance of State of New Hampshire Highway Safety "Join the NH Clique" grant in the amount of \$3,750

Chairman Massey recognized Chief Jason Lavoie.

Chief Lavoie back tracked a little bit regarding the August 27<sup>th</sup> date. That number was selected because that was the number that Zach wore playing football, hence kind of a tough time of day. But that time wasn't that bad overall.

A while back, Chief Lavoie came before the Board asking for permission to apply for the "Join the NH Clique". It's a seat belt campaign. They've been doing it for a number of years now. They've been awarded the amount of \$3,750 for this grant. He's here to ask the Board's acceptance of it. This was a grant that has come to them, and this was the one where the officers will go out and try to enforce seat belt laws by making sure the kids are in the proper car seats as well as depending upon the age of the child, that they're properly seat belted, etc.

*Motion by Selectman Coutu, seconded by Selectman Nadeau, to authorize the Hudson Police Department to enter into the "Join the NH Clique" seat belt enforcement campaign with the New Hampshire Highway Safety Agency in the amount of \$3,750 beginning May 1, 2010 through June 30, 2010.*

Selectman Maddox asked what their percentage was. Did he know what the percentage of seat belt use was and if not Hudson, the State, or wherever. Again, just a percent. What percentage does the State say they're at with this campaign? Do they track? Chief Lavoie said he didn't have those numbers.

*Vote: Motion carried 5-0.*

- E. U.S. Department of Justice Office of Community Oriented Policing Services (COPS) reapplication grant

*Motion by Selectman Coutu, seconded by Selectman Jasper, to defer authorizing the Police Department to reapply for a grant with the U.S. Department of Justice Office of Community Oriented Policing Services to increase their capacity to engage in community policing until the May 25, 2010 meeting.*

Chairman Massey said the purpose was the Chief wanted to spend a little bit more time getting the grant application just right so when he actually has to present it in early June it had all the i's dotted and the t's crossed.

*Vote: Motion carried 5-0.*

- F. Use of Hudson Community Center for semi-annual blood drive on March 29, 2011

Chairman Massey recognized Chief Jason Lavoie.

Chief Lavoie said, again, the Board was well familiar with this charity event if you will that they do. They work in conjunction with the Red Cross. They've been doing this for a number of years and they're just asking the Board's permission again to be able to use the Hudson Community Center to run this event.

Motion by Selectman Coutu, seconded by Selectman Nadeau, to allow the Hudson Police Department and the American Red Cross to hold their semi-annual Blood Drive on Tuesday, March 29, 2011, at the Hudson Community Center from the hours of 12:00 p.m. until 7:00 p.m., carried 5-0.

As always Chief, Chairman Massey knows that the Police Department will do an excellent job. He knows that they always consistently meet their quotas. That's a real attribute to the work that everybody in his department does. Thank you for that. Chief Lavoie said he will certainly share that with the department.

- G. GFWC Hudson Community Club and GFWC Hudson Junior Woman's Club - planters and plants on medians at Central Street and Lowell Road

Chairman Massey recognized Linda Kipnes.

Good evening. Ms. Kipnes said they've done this for several years. There's a planter on the median just over the Sagamore Bridge, and there's one just over the Taylor Falls Bridge. On the medians, they would like to plant plants there again this year. It has become a project for some of the biology students who need volunteer hours. They're helping them out with it and are sons and daughters of club members as well as club members.

Motion by Selectman Coutu, seconded by Selectman Nadeau, to allow the GFWC Hudson Community Club and GFWC Hudson Junior Woman's Club to locate two barrels of plants at the medians on Central Street near Taylor Falls Bridge and on Lowell Road opposite the Sagamore Bridge.

Selectman Maddox thought they had been doing this. Ms. Kipnes said they have been. She asked if they needed to come every year to ask permission. Selectman Maddox thought if they amended the motion to say in future years that could be done by the Town Administrator. Selectman Jasper would suggest that all they needed was a letter from them each year letting the Board know that they're going to do that at those 2 locations. Selectman Maddox said it's already been approved. Selectman Jasper said if they decide not to do it, they'd like to know.

Vote: Motion carried 5-0.

Chairman Massey said they always look beautiful. He always looks forward to them. Ms. Kipnes said it's a chore to water them. It's sometimes a challenge to get across the street with your buckets of water. Chairman Massey said especially the one at Lowell Road and Sagamore.

- H. GFWC Hudson Community Club and GFWC Hudson Junior Woman's Club - request to adopt a parcel of Benson Park land

Chairman Massey recognized Linda Kipnes.

Ms. Kipnes thought that they all have packets that show where the parcel was. It's the parcel with the duck pond. Their original plan was to take part of the parcel that goes up to the water. Recently they were thinking that they may want to adopt the whole area within the asphalt pathways not to make it all a garden, but to clean up some and leave whatever was there. Just to be responsible for that whole area as far as clearing out brush, weeds, and encouraging some natural plantings to grow there.

Selectman Maddox wanted to know the recommendation of the Benson Park Committee. Mr. Schibanoff said they were in favor of it.

Which brings up an interesting question. Chairman Massey thought that this was an appropriate time. He's in favor of doing this but he was in Concord this week on Friday. He stopped by to visit with Nancy Mayville and Bill Oldenburg. The issue arises of what are the projects that they undertake at Benson Park that require at the very minimum notifying DOT that they're doing it and what projects require not only that they notify them that they're doing it, but that require their approval to do it. Their concerns were largely centered around 3 issues. The first one was their need to create wetland mitigation areas, which they have not yet done. One of them that they have to create was as best as he could tell them right now if you looked at the map, it's somewhere bounded by 1, 2, 5 and the dotted line that they see on the map. That was a mitigation area for the F.E. Everett Turnpike, which was completed as near as he could tell some time in the early 2000. The second area of concern for them was access to the parcels where they were going to do the wetlands mitigation. So clearly if anything they're going to do on the park impacts their ability to access the areas that they need to access, they need to know so that they can decide whether or not it's going to have a problem for them. The third one, which he thought was kind of interesting, was any areas where they're



going to excavate or more appropriately put conduit in for either sewer, water, or electrical. It was those 3 areas where they felt that they needed to know what the Town was planning on doing. Again in some areas it was just going to be a courtesy. They were going to tell them they were going to go do this because it didn't really impact any structures by putting more structures on the property nor does it interfere with the areas that they want to do. He thought that this was one of those that rise to those occasions where they just let them know they're going to create this, but it has no impact on them.

Selectman Jasper didn't think they needed to let them know anything. This was less than what they've done in the amphitheater area. He thought it was a dangerous precedent if they started notifying them of every time they put a shovel in the ground. There's really nothing going on there than clearing brush and new plantings. He agreed with the Chairman on the other 3 issues. The Benson Committee was well aware of where the wetland mitigation area was, and they're staying away from that with the exception of trails at this point.

Chairman Massey thought in this particular case the concern that was expressed to him was that they have all these projects in front of them and the only one that he thought they absolutely know has the Board of Selectmen's approval was the Senior Center. There are a couple of others that he was going to talk about a little later. This was one of the ones as he understood in his conversations with Selectman Coutu that the Governor's attorney was concerned about all of these projects that were being brought before the DOT. Their primary concern at the time was getting the Governor's attorney to do the Senior Center issue. Right now he was just bringing to the Board's attention that the DOT does have some concerns about who speaks for the Town and how they did it. Chairman Massey pointed to them on Friday was at the moment the person that speaks for this Board was Selectman Jasper because he's the liaison to the committee and he's also the liaison to the State. In his mind if they do a project that they believed needed to have input from the State, that should be a formal submission by the Board to the DOT and the contact point would be Nancy Mayville, and it would be Selectman Jasper that would make that. If at that point they decide that they want to have a different person be a contact with let's say Dave Yates, then the contacts have been made and the work then goes. They're doing that much the way they're doing now with the train station. Bernie and Gary are the ones that are working with the State to make that happen. He's bringing it to the Board's attention right now that there was this concern about when should the DOT be operating on anything having to do with the park.

Selectman Jasper thought Chairman Massey laid those out, and he thought that was what they should go by. Obviously the dog park was not something that was envisioned when they did this because of the location. This type of thing was something that was always envisioned that the whole interior of the area was going to be landscaped. He didn't see any reason to bother them. He thought they were aware of it if he got his facts straight merely because there were people on site and it was mentioned to them. Chairman Massey said it came about when the train station was being looked at, they then did a walk around the park and it was mentioned to them. Oh this is where we're going to do a butterfly park. Selectman Jasper said he would just let that sleeping dog by. It didn't meet the criteria that he mentioned. He thought that they approve it tonight and go along their merry way.

The second thing Chairman Massey said was he had a conversation with Harry Schibanoff when he saw this article in the paper because it was a surprise to him that this was being proposed. It was a surprise because this does involve the donation of materials to the Town, which requires that the Board accept that. He mentioned to Harry that he felt they needed to first know that Benson Park was recommending that the Board of Selectmen approve this project but equally important that they're going to have to at some point in time understand what the value of the donated materials were so that they could accept them.

Ms. Kipnes asked a question as far as the value of the donations. Some of the things they will be paying for, but they will be accepting donations of plants from people. He didn't know how to value a plant. Selectman Jasper thought pretty much what they have said was if it was something that somebody has purchased, like the park benches. If somebody was building them, he didn't see that as an issue except if there were materials involved. If it was somebody's digging up a plant from their back yard and moving it there, he didn't think that was something they cared about. Selectman Coutu asked even if they went to the greenhouse and bought half a dozen plants and handed it to the Greater Woman's Club and said here go plant those, he didn't think that was necessary for them to accept a donation. They're given to the Woman's Club to do with what they wish and they decided to put them in Benson's. It would be no different than as Selectman Jasper just stated that if he took a couple of Geraniums out of his back yard, if he had any, and go plant them at Benson's. He's talking if they had a green house come down and do \$4,000 - \$5,000 worth of shrubs and whatever.

Chairman Massey said that there was this consideration that the Board should keep in mind. The deed clearly says that if any point in the future for whatever reason the Town or the State decides that they need to take the property back, they will pay the Town for all of the capital improvements that we've made to that property. He believed it would be incumbent upon the Town to keep track of all of the capital improvements. So the question was then at what point do you have capital improvements. He didn't think a bench or a plant rises to that occasion.

Selectman Jasper thought what they actually established was that they would come in and value it. He didn't think they would say because you spent \$2,500 on this, we're going to give you \$2,500. It would be a case like when they bought it from Arthur that it would be valued and that would be it. They have to make sure that they don't run afoul of State law because they're accepting donations. He thought if they kept it clearly where people buy materials and brings them to the park and says here, then they do that labor, using their gas lawn mower, using a little bit of gasoline. That's a consumable type of thing. They can't get bogged down in this, and they're just going to have to be aware that if they're going out and buying things at some point they need to come in and say the value of what they've placed in there was X number of dollars and they'll accept it. They didn't need to do it before hand because that could tie up their meetings. Chairman Massey said at some point when they know what the value was you just make the donation to the Town.

Ms. Kipnes said they were planning that this would be a multi-year project because they can't because of the labor and the costs, they can't do it all. Would you like something in the fall? Would you like them to wait until their done? Chairman Massey said whatever worked best for them. Selectman Jasper said it probably would be easier to do it on an annual basis.

*Motion by Selectman Coutu, seconded by Selectman Jasper, to allow the GFWC Hudson Community Club and GFWC Hudson Junior Woman's Club to adopt a parcel of land at Benson Park for a butterfly garden and seating area for the public per the memo from the Club dated May 11, 2010, carried 5-0.*

Chairman Massey said it was a great idea and he loved it.

9. OTHER BUSINESS/REMARKS BY THE SELECTMEN

Selectman Maddox - As he looked at the drawing (color coded Map of Benson Park), it should be required to have copies of this in this room at all times so when they talk about Benson's those of them that haven't memorized the entire layout would have something to go by. This is a great map. At least it gave them some design. This map made it a lot easier to understand what they were talking about. He noticed that Selectman Jasper had it all memorized and several of the others, but he didn't have it. It was a helpful tool. Chairman Massey said it was helpful to see where the actual and in relation to the entire park where this way. Selectman Maddox said if they were really going to do that maybe put in an overlay kind of hash marks to where the State was going to do their mitigation. Chairman Massey said that was on the original map that they gave the. It's literally where that yellow line is - it's to the right of the yellow line, a 5 acre parcel. It looks like a circular parcel but he was sure it wasn't. It's about 5 acres that they're going to mitigate there. Selectman Maddox said it was just an idea.

Selectman Maddox thought again, the Planning Board agendas were picking up. So there was more interest. There were a number of things coming before the Planning Board with new development. Hopefully July 1<sup>st</sup> they'll turn the corner on some of those numbers going up at the income issue. That's all he has this evening.

Selectman Nadeau - Had quite a few things this evening. The first one he'd like to thank the residents of the Town of Hudson and the postal carriers in Hudson who did the food drive this past weekend. Even though it was very rainy, there was a very good response from the residents of the Town. The postal carriers on Saturday in the rain came over to St. Vincent's Food Pantry and with the help of a couple of members and a few postal carriers, they brought the food in and put it downstairs on the shelves. He'd like to thank Frank Maglio for helping out, organizing the food drives, which he does them twice a year, and he thought it was a great opportunity for the residents to help other residents in town.

The other one way the Boy Scouts who were at the Hills House this weekend. They were a little wet but they all had a good time from the ones he talked to.

The other one was something that they talked about at their last meeting, which was to ask the Road Agent how much it would be to bond the entire paving project. They talked about it back in the early 90s, and it was about \$15 million back then. It could be easily \$20 to \$30 million. It's a much easier process just to

maintain what we have and put the money into their paving they way they were doing it. If they were to bond it, it would be a ridiculous bond.

Selectman Jasper - The first thing just to say that perhaps next year they can get the Boy Scouts to have their jamboree at Benson Park. Mr. Malizia said no fires. Selectman Jasper thought they could probably get an exemption on that. Rather than tramping down the hay field at Alvirne, just a thought there. He thought that could work out very well.

The Chairman has a letter, but the Jasper family through the family business, Jasper Corporation, would like to donate to the Benson project 10 picnic tables for use on the property. The only stipulation they would have was they would just ask that in the fall they be put under cover so that they would last a longer period of time. He looked on line to see what a new picnic table - these were old picnic tables, probably \$60 a piece but they really don't have any particular value at this time. They're in pretty good shape. A lot of people had talked about getting some picnic tables built, and none of that has happened. He thought it was pretty important to have some picnic tables out there for their opening. So if the Board would accept those.

Motion by Selectman Maddox, seconded by Selectman Nadeau, to accept from Jasper Corporation the donation of 10 picnic tables for Benson Park with the Board's thanks and appreciation, carried 4-0-1. Selectman Jasper abstaining.

Chairman Massey thanked Selectman Jasper very much for the contribution.

Selectman Jasper said that things were really coming along out at the park. The Highway Department has just done a fantastic job. The amphitheater was now seeded. Hopefully they'll get some rain otherwise he'll have to get out there. He probably should have been out there today. It's just a matter of trying to find the people to get it done and find the time. They're pretty much done he thought after today. He thought they were done with the rest of the loaming for the area that's going to get done this year. Of course they could go on for a long period of time. He thought the last thing they had to do now when they get that done was just to finish ripping up Benson Boulevard and putting down the wrap there. They've done a great job repairing all the asphalt that had breaks in it. There's one other area where there's a section of fence that needs to go in, and they have to do that. That's probably going to be it pretty much until the fall. They may have a project here or there. It's going to be difficult particularly during the summer to get any equipment in there. They all envision that there's going to be lots of children in there with their families in the park while school is out. He looks at the park and says that it has really come a long way. They're going to be in there for a long time. It probably won't be what they would consider done probably for 10 or 15 years depending on the volunteer effort and the Town's effort.

As far as the Benson Park Committee, they have 2 more weekends to get in there and clean up. Right now, they're shifting gears in terms of not trying to take down more brush just to literally clean up the areas that they have now. Then once it's open, they're going to shift gears into working on the building. Probably the gorilla house first - getting that scraped down, cleaned up, and painted so that the graffiti was gone and continuing along there. A lot of good things were happening. The Old Woman in the Shoe the woodworking is pretty much done there. They've got the area cleaned out for the water course and trying to figure out if they can get water flowing back to that from the pond. It would be sort of a long-term effort that would be nice to see that going by the grand opening. He thought everyone was pretty pleased with what's happening in there. He can't thank the volunteers enough for the effort that they have put in there and he knows will continue to put into it. That's all he had at the present time.

Selectman Coutu - Thank you Mr. Chairman. He accepted Selectman Jasper's presentation as a segway to what he was about to say. He only had two things this evening. The first thing was he had extensive discussions this past week with the Commissioner of Trails Bill Yaggis and he was going to go on line and research the grant application form. With his help, it was determined that they would qualify for a grant of \$25,000 for trail. The bad news was that there's a 20 percent match. The good news was that volunteers' time spent in the park their value would certainly exceed the 20 percent and that's acceptable. He's going to research the grant and he's going to try and write the grant. He's written a few before, and he'll present it to the Board of Selectmen prior to their application process. He'll go through the process whatever it was.

The second thing, Selectman Coutu said he knows that Chairman Massey was on a restricted diet. His wife was very careful. She didn't make them by the way. It's the Chairman's birthday Sir. He wanted to wish him a happy 97<sup>th</sup> birthday. (passed out cupcakes to the Board). Selectman Coutu wished Chairman Massey a happy birthday. Chairman Massey thanked him.

Selectman Massey - He's got a lot of stuff to deal with tonight. They have several members of the Conservation Commission here, so he'll deal with them first. Robinson Pond. They have been approved for a grant to treat Robinson Pond for Milfoil and Fanwort aquatic invasive species. The company that has been authorized to do that has schedule May 18<sup>th</sup>, June 14<sup>th</sup> and July 19<sup>th</sup> as the dates to do the treatment. They are sending - he invited Tim Quinn from the Conservation Commission to join the Board - they are notifying all of the pond abutters that they're recommending that they don't swim on the days they apply. The Conservation Commission last night recommended to the Board of Selectmen that they close the ramps to the boat launch for 2 days on those 3 application dates. In talking with the Town Administrator this morning, it would appear that that's not a very realistic option for the Town to do. First of all, there's not enough agreement on the part of the homeowners that live on the pond to take their boats off the water. In the absence of not being able to have them take their boats off the water, because we don't control that pond the State does, it seems unlikely that it would work the other way. It was possible to post that no aquatic activities could occur for the day of the treatment and the day after for those 3 treatment periods. He talked with Mr. Yates this morning, and he would be agreeable to if he had plans scheduled down at Robinson Pond during those 3 days - by the way, all 3 of them would be Monday and Tuesday of the week - that he would not have any aquatic activities. He's asking the Board to consider was that they post "no aquatic activities due to the herbicides that were being sprayed on the pond. Among other things that they could in fact padlock the entrance to the beach on those 6 days. He opened it up for the Board's discussion and if they had any questions for Tim, Chairman, or even Linda, Vice-Chairman, of the Conservation Commission.

Selectman Coutu had one quick question. He happened to watch the Conservation Commission meeting. He knows that the representative from Robinson Pond area was going to solicit and get a consensus from the residents of Robinson Pond about keeping their boats out of the water. He knows that there had been some extensive discussion about closing it down for the summer, which would be the best way to do it. Apparently there was dissention and a lot of people didn't want to keep their boats out of the water apparently. Mr. Quinn said that there would be no necessity to pull the boats out of the water. What it would be would not use any boats particularly propeller driven because you don't want to chop up the weeds when they're dying and spread them all over the pond. The information that they have was within 48 hours they'll fall. Then it doesn't become a problem any more to have propeller boats go by. Selectman Coutu said the 2 days would be sufficient. Did he get a consensus that they would agree to the dates that were...Mr. Quinn said frankly he didn't hear from Jim Kegley on that. Chairman Massey said he did see the aquatic control ACT Company. There was a mixed bag. People said yes they would support it under any circumstances. Some people said maybe, and other people flat said no under no circumstances would they take their boats out of use for those days. Selectman Coutu said unbelievable. Mr. Quinn said it's the quality of their water that they're dealing with. Chairman Massey said he understood. Remember it's the State that controls the use of the pond. The only thing they could do was for non pond owners, and he had talked with Kevin Burns, he could put jersey barriers up on that boat launch area. So you could prevent people from using it. That would mean for at least 4 days he'd have to go out on Sunday or early Monday morning, and then Wednesday morning to remove them. Mr. Quinn said the other issue with that was that the people who are going to do the aquatic treatment will need access to the boat ramp.

Selectman Maddox asked where the State sat in on this. If they controlled the pond, would they have a problem if it was closed? Chairman Massey said the answer was the State would have no problem but they say that they have not in any other pond taken that action to close it. In their minds, it was a great idea, but they don't enforce it.

It was Ms. Kipnes understanding that the company that does the treatments notifies every abutter when it's going to happen and they also tell them what the restrictions were as far as using the water. Their restriction was there was no swimming for those there. Chairman Massey said it didn't say anything about boating. Ms. Kipnes said and no using the water for irrigation for 30 days after each treatment. So she thought that they also posted some kind of signs around the pond that the treatment was done. People are advised of it and will know. It will be obvious all the way around the pond. Chairman Massey said that was just the pond owners. It wouldn't take care of the people that come in from off the pond to use the beach. Ms. Kipnes thought it was posted along the beach too. If we chose to, Chairman Massey said they could enforce it even stronger by physically posting it for the 2 days. They're only recommending the day of the treatment and if they so chose, they could shut the gates for those 2 days up to the beach. His recommendation to the Board, and they could take it and decide which way they wanted to go, was that the in fact post for the 6 days that no aquatic activities were permitted per the application of the herbicides, and that they also consider locking the gates for those 2 days. Again, the Board's pleasure.

*Motion by Selectman Coutu, seconded by Selectman, to post no aquatic activities for May 18 19, June 14, 15, and July 19, and 20 and to lock the gates.*

Mr. Quinn said that the July treatment was still optional. It may not happen. Chairman Massey said the June 14th date was also optional. Mr. Quinn said they had to have 2 treatments. They weren't certain about the third.

Selectman Jasper was confused by locking the gates. Mr. Malizia said they were locked. They just wouldn't unlock them. Selectman Jasper's question was the boat ramp. Selectman Coutu said that they needed the boat ramp. Selectman Jasper assumed what Kevin was going to do was put a couple of jersey barriers with a cable across that could be unlocked. They could unlock it to do it. It seemed to be somewhat defeating the purpose if they're going to let every Tom, Dick and Harry in with their boats. They may not be able to control too well those who were already on the pond but would certainly be able to keep a number of boats from coming into the pond during that period of time. He thought if they were going to do this, it would be best to place the jersey barriers and a cable and post that as no boating. The only question Chairman Massey had and he yielded to the Town Administrator was last year when they did this at Ottarnic Pond they actually enacted an ordinance to shut Claveau Landing down. Selectman Nadeau said that was a little different. Selectman Jasper said that was a permanent ordinance. Chairman Massey and Mr. Malizia said it ended December 31<sup>st</sup>. Mr. Malizia said they certainly do whatever they like. He was saying that was how they did that one and they did it by ordinance because it was a boat ramp; they closed it by ordinance to December 31<sup>st</sup>. Selectman Jasper said they could close it by ordinance. Mr. Malizia said they wouldn't have enough time for May. Chairman Massey said the only question was do they want to - and again, he talked with Kevin and he could do it if they asked him to do it. Selectmen Jasper and Nadeau said they'd do it. Chairman Massey said that they add to secure the boat ramp at the same time for those 2 days.

*Motion by Selectman Coutu, seconded by Selectman, to post no aquatic activities for May 18, 19, June 14, 15, and July 19, and 20 and to lock the gates and to secure the boat ramp at the same time for those 2 days, carried 5-0.*

Mr. Quinn thanked the Board for their support. Chairman Massey told the Board that the Conservation Commission has done an awful lot of work in the background that they often times don't see. They really are to be commended he thought for what they do to help preserve the areas of town that need to be preserved. Again, thank you. Mr. Quinn said over his years in management, he had never worked for a better group of people. Their enthusiastic, informed, intelligent. They're great to work with. Thank you.

Some unfinished business from the earlier part of the meeting. The Assistant Assessor did some due diligence for them and in point of fact, he determined that the Parsonage was on there by mistake.

*Motion by Selectman Jasper, seconded by Selectman Coutu, to accept the religious exemption request for United Pentecostal Church, Map 156, Lot 35, carried 5-0.*

Chairman Massey wanted to remind people out there who were watching that beginning on May 1<sup>st</sup> and no later than June 30<sup>th</sup>, if you meet the requirements for low and moderate income homeowners property tax relief, they can fill out the request for relief and the forms were available in the Assessor's office for the necessary work and will be taken care of.

Chairman Massey also had a letter from Lisa Nute, the Friends of Music of Alvirne High School. She's requesting permission to post a sign at the 2 bridges coming into town. One at the Sagamore Bridge, and one at Taylor Falls/Memorial Bridge to advertise the June 5<sup>th</sup> Bronco Belly Busting Chili Fest.

*Motion by Selectman Coutu, seconded by Selectman Jasper to grant permission to the Friends of Music of Alvirne High School to post a sign at the 2 bridges coming into town. One at the Sagamore Bridge, and one at Taylor Falls/Memorial Bridge to advertise the June 5<sup>th</sup> Bronco Belly Busting Chili Fest.*

Chairman Massey had another comment. The Zoning Department has determined that they are exempt from a permit. It's only required for Board of Selectmen approval to do this.

*Vote: Motion carried 5-0.*

If any of you have seen the requests, Chairman Massey indicated that if anyone wanted to be a judge for the chili festival, they're welcome to sign up. He had other plans unfortunately. He always looked forward to that.

Chairman Massey did on the Board's behalf send a letter to Green Meadow this week requesting that they come to the Board on June 22 for a discussion on what their plans were for their property. It may or may not be really pertinent given that there's now another bill floating in the Senate to provide gambling in the State.

He didn't know where it was going to go. The Chairman of that committee said he had 13 votes in the Senate. He's got a pretty high hurdle to reach in the House where he thought there was something that was attached to that bill when they inexpedient to legislate that makes it very difficult to come before the House. Selectman Jasper said not on that one. It was another bill. Chairman Massey said that was the pole tax. Stay tuned. June 3<sup>rd</sup> was the last date that the legislature was in session. Selectman Jasper thought June 2<sup>nd</sup> they were done.

Just to let everybody know out there, Chairman Massey said that they really did have a great time he thought on Thursday night last. There were about 120 people that showed up. He reflected on the first night. He thought there were maybe 25. It's really great that they're able to say thank you in a very small way to all the countless hours that the volunteers do for the Town. Again, on behalf of the Board, he thanked them all.

Lastly based on what Chairman Massey was talking about earlier, the State received a letter from the 9/11 Memorial Committee requesting permission to put the 9/11 memorial in Benson Park. He thought what Nancy Mayville basically told him was they were kind of confused. Why was it coming to them in the first place? Where was the Board of Selectmen's imprint on it? And more importantly, what kind of precedent was that going to set for any other memorials? That was when the conversation turned into the way that they want to really move forward with the Town was they wanted to know if a project was being proposed for Bensons that they needed to be involved in, they would like the Board of Selectmen to formally notify them and that the first contact be in this case Selectman Jasper because he is their representative for this. He didn't know where they stood with 9/11. He went back and looked at the minutes of the meeting for Benson's Park and as near as he could tell, they've got a study committee going to determine what the policy would be for memorials. He didn't recall that when they met with them that they gave them permission to use Benson's Park. He may not be recollecting correct. He thought that the State was not going to do anything with that until they know that the Board of Selectmen wants them to go forward with it. Given that the Benson Park Committee hasn't made a recommendation yet to the Board, he's reluctant to ask the Board to endorse it.

Again Selectman Jasper didn't think this was something that rises to the level of needing to go to the State for approval. He thought they had to get out of this mindset that every time they want to put a shovel in the ground, they have to go to the State. This was not something that was prohibited by the deed. Chairman Massey said that they seemed to think that it did require their approval. One of the things that Nancy Mayville mentioned to him was those columns were going to require some significant foundation work. Even the perimeter was probably going to require some foundation. They were concerned about that and the construction of it. Selectman Jasper said he stood corrected on that. Chairman Massey believed that they do have approval oversight on any structure that gets built. He would consider that a structure. Selectman Jasper said that was a fair point. The last point that they made to Chairman Massey was that both she and Bill made to him on that was if they were going to want to set up a memorial, that they designate a single spot in the park where any future memorials would also be. That was their suggestion. Right now the submission that was given to the State had 3 recommended sites all along Kimball Hill and Bush Hill. If you're looking at your map and you look at the v, that's where the winter crypt is. There's one to the left of that right as you're looking at the crypt. There was one site to the left and two sites to the right of that. Again, Chairman Massey thought that the Board needed to really be thinking about how that was going to go. He thought they were going to have to wait until the Benson's Committee makes a recommendation to the Board of what they think it ought to be.

Selectman Maddox said he was going to predict the weather on June 17, 2027. How would they know this Board would ever be able to predict that someone adopts the Haselton Barn why wouldn't they put a memorial to that person? How do they know where they're going to be tied into? If it's a one central place for all the memorials, he thought it kind of takes away from one of them. He thought it would be nice that they make the State happy. He thought it was going to be by a case by case basis. What this Board votes whenever was going to certainly change in X years when somebody is sitting at that table making a fabulous presentation that they should put a memorial out by number 11. He just didn't see how they wanted to get into that rat hole. Chairman Massey didn't think that they were saying that was their hard fast position. They were just saying that might be one way to resolve the issue. He thought Selectman Maddox had a much better take on what it would be because who knows. You're right. If somebody adopted the Haselton Barn and the condition of adopting it was that they have a statute in front of it...Selectman Maddox said they'd be making that statute big time. Again, he just didn't see how they could firm this today.

Selectman Jasper agreed again with Selectman Maddox. He just didn't see that this was going to be this suddenly an overwhelming desire to put memorials up all over town. He thought this would be the second one in his lifetime. He's not terribly worried about it. Looking at that park going wouldn't it be nice there's a nice memorial here. You go another few thousand feet and there's another nice tasteful memorial. What's

wrong with that? He thought it added to things and not detracts from it. If you have a cluster of them, it'll look awful. He didn't really care. He was sort of looking forward to something away from the traffic so that when they have speeches, they could hear every word instead of every third word. When they're out here, they get drowned out by motorcycles and other vehicles. If you do the same thing right out by the receiving tomb, it's the same exact thing as being at Library Park. He was thinking having a memorial where you could have speeches and hear what was being said would be awfully nice. He guessed they'd have to look at what was recommended. He wasn't really sure that they should be looking to the Benson Committee to come up with a town policy like this. He thought they're really starting to go a little astray from what the committee is. This is a policy of what the Board of Selectmen want for this park. They're really asking this committee to do that, he thought really wasn't what was what they had in mind when they formed the Benson Committee. It was to develop the park. These are other volunteer groups that were coming in and saying that they wanted to do something. If this Board wants a policy and Selectman Jasper frankly thought the policy ought to be they'll look at everything on a case by case basis and consider all requests. He'd like to see the 9/11 Committee come back with specifics to this committee and let's not create a whole bureaucracy to get to one point.

Selectman Coutu said they had this conversation Mr. Chairman some time ago. Mr. Morin had proposed the 9/11 idea to him and asked him to serve on the committee and he did. They had looked at several sites. They had considered an extension of the existing Firemen's Memorial as a potential place. They had looked at the Hills Memorial Library property and several other parcels. They came upon the parcel next to the crypt on both sides and suggested to him that they kind of liked that area. He said to Dave, because he wasn't going to let him take the fall for this because he's had some experience erecting a memorial, so he wanted to do this. Selectman Coutu said to him, "Dave, you might want to check with the Department of Transportation whether or not you can put that on the park." So he went to the Department of Transportation at Selectman Coutu's behest, and in his conversation with you, he told him that he had done that. He wouldn't do it again. It was an error on his part. He thought that what he suggested Selectman Jasper was a better approach for them. They're going to have to fine tune. They know what the design is going to be. They're going to have to just keep looking for a parcel of land that was suitable. They're trying to do exactly that - find a location where it's away from the traffic, provides adequate parking, and a place where they can have a solemn ceremony for the dedication each year. He can assure him and his fellow Board members that he won't be sending people to DOT any more. Especially after the Governor's attorney said to him that they were being inundated with all the requests. It was a faux pas on his part to have sent Dave there. They'll fine tune it and get it back in here. Hopefully you'll all give it some thought and if you can come up with a parcel of land and some ideas, they've looked at a lot of things that would help. Please let him know and he'll bring it to the 9/11 Committee at their next meeting. Thank you.

In this particular case, Chairman Massey said there's no harm, no fowl because the State really isn't going to do anything until they hear from the Board of Selectmen. They're sitting there with that request from the 9/11 Committee. That was brought up in the minutes of the Benson's Committee and he was surprised they hadn't seen anything. The dog park - the request to do the dog park was sent to the DOT in November and they've yet to come back to the Town with any comments. Both Nancy and Bill didn't say much about it. They just said yes they had this request. His original concern was, and he was looking at something that he was doing with Selectman Jasper, he couldn't understand why they had to go to the State anyway. It was because of the fence. He didn't know where they were on that. Chairman Massey's guess was if they're going to go forward with that and unless they did it already and he's not aware that they did Selectman Coutu, the Board needs to send them a letter that says the dog park was something that they wanted to move forward with and they'd like input back from the State. The real problem was there's no enforcement mechanism on the 30 day response. In the deed it says that if the Town makes a request of the State, they will respond within 30 days and they will not withhold their approvals unreasonably. Well this has been in front of them. Again, he thought a little bit because it didn't have the Board of Selectmen's...Mr. Malizia said it was in their files. Selectman Jasper said it was sent by the Board. Chairman Massey thought it would be appropriate for them to respond back to them and say they'd appreciate an answer.

Selectman Maddox told the Chairman he was too nice of a person. You send them a letter saying that if they do not hear anything from them by June 11<sup>th</sup>, they will start construction of the dog park. Don't leave it open ended. It's NH DOT. They never have done on time. If it's 30 days, you say at day 31 you're going to start the work. That gives them a time to say yes or no. If you just say what do you think, it's just going to go in the what do you think pile. Selectman Coutu said good point. Selectman Jasper would agree with that at this point. He's talked with Nancy Mayville about it and other people have talked. Just point out that we haven't received anything one way or another and they'll take their silence as approval for the project. That will get them to do something. Chairman Massey said he would send the letter.

Lastly because Chairman Massey didn't want to keep Jim Michaud too much longer. The one last issue he talked with him about was the Senior Center. They're not doing anything until the Attorney General's office changes the deed. They're not going to give them any indications of what they want to do. He did tell them what they were thinking about and based on the conversations that Selectman Jasper's had, he didn't get any sense that they were going to be having heartburn if they put it on another location as if it looked like the red barn.

Selectman Jasper thought there was a little confusion at least on his part. His conversation with the Governor's attorney and what he's talked with the Board he thought was they now needed to make a proposal. What he meant by that was to get an architect's rendering of the building and probably spend a little bit of money in addition to specifically cite it and go up based on the deed and say here's the piece of land that they want to put it on. Here's what the building will look like, and put a specific proposal before them. Maybe somebody got a different read than that, but that was the read that he had that that's what they needed to do to advance this.

Selectman Coutu's understanding was similar to the Chairman's. In his conversation with the attorney, he had said to them because he thought there was some sort of a consensus here that they wanted to place it where they had cited it off the parking lot and that they were not willing to do a trade off on the money. There were 3 options presented. He said to them that they had 2 options. One they could put it there, and they could build it to look like the old red barn or some barn type design that looked like some historical nature. If they were going to assess them the value of the land in order to do that, then they had the option of 1) either going to the Governor's counsel and asking him to forgive it, which he said to him that he could secure 3 votes from the Governor's council because he knows at least 3 of them that he was sure he could approach. The other thing was that the deed could be rewritten. He would rather have avoided the conflict. He said to let him go to the Attorney General's office and see if he could get that portion of the deed rewritten and signed off. He thought that might be where the confusion was. Now they're waiting for the Attorney General's office. He liked Selectman Jasper's suggestion because they had talked about this before, and he believed the Chairman had said to him in his conversations with the Seniors that they would be willing to expend some monies to...Chairman Massey said that they voted unanimously at their last meeting to donate the money to the town to hire an architect to do a conceptual rendering and an estimate of engineering and construction costs. Selectman Coutu thought that would perhaps be their best bet at this point. He thought at that point if they got that if he or Selectman Coutu and he, however he wanted to do it if he wanted to go in that was fine, go in and present that to DOT and see if they could set up a meeting between the Governor's office and DOT and say this is what we want to do. Time was of the essence. They'd like to get this done. These people have waited a long time. We're not ready to go yet because we'd have to figure out the finances of it, but they'd work out the details.

Chairman Massey said if he did it, the assumption he thought was if they did it this summer and fall, they could put it on the warrant based on the cost estimates before next March. He thought that might be the right way to do it. He'll be meeting with the seniors next week and he'll ask them. One recommendation he would make to the Board was since they've already spent a lot of time with the Town, they kind of understood what they wanted and what their thinking was relative to costs that they hire the same firm to do this, which was Martel & Bernard out of Manchester. If that's something that was doable, then he would contact the architectural firm and get a cost estimate of what they would charge to do such a drawing. They may not be able to do a barn type structure anyway. That would be the first thing.

Selectman Maddox said in that vane Mr. Chairman, didn't the deed also say that they could erect a structure such as a museum. Was that another option? Selectman Jasper said they had talked about that way back about putting it there but he thought it said something such as a museum. Its bath houses. That wouldn't qualify. They'd be just playing games with that. This is a senior center, and he wasn't interested in playing a game saying that the senior center was a museum anyhow. He thought this was going to be straight forward. It's should be relatively easy to do. If they waited for the Attorney General to do something based on no formal request, hell may freeze over first. He thought they had to go forward with a formal proposal and say here is the site and have a conceptual site plan done. Here's what the building was going to look like, and do the whole nine yards, and put that forward. Otherwise they're just talking off the top of their heads to everybody. That's not going to work.

What Chairman Massey proposed for the Board then, it's a late hour, and he didn't want them to do something that - he'd like to put this on the agenda for the 25<sup>th</sup> to put together 2 things. Basically a request for a proposal and a creation of a building committee that would oversee - much the same way they did with the original building. In the meantime, he will talk to the seniors at their meeting next week and get the go ahead that they could do the money. They could then decide on the 25<sup>th</sup> how to go about engaging a firm. If



that's the consensus, that's what they'll do. That's what they will put on the agenda Donna for the 25<sup>th</sup>. He and Roger were meeting with the seniors on the deferred issue of the senior summer program.

10. NONPUBLIC SESSION

Motion by Selectman Jasper, seconded by Selectman Coutu, to enter nonpublic session under 91-A:3 II (b) the hiring of any person as a public employee, by roll call, carried 5-0.

After a brief intersession, the Board of Selectmen will enter nonpublic session at 10:45 p.m., thus ending the televised portion of the meeting. Any votes taken upon entering open session will be listed on the Board's next agenda.

The public is asked to leave the room.

Open session is being entered at 10:53 p.m.

Motion by Selectman Jasper, seconded by Selectman Maddox, to hire Anthony Coculo for Appraisal Technician (part time) within the Assessing Department at \$18.24 per hour, effective May 24, 2010, in accordance with Step 1 of that position classification within the AFSCME Local #1801 Contract. The new Appraisal Technician shall obtain approval through the State of New Hampshire DRA as a Certified Property Assessor Assistant by the end of the 6-month probationary period, carried 5-0.

Motion by Selectman Coutu, seconded by Selectman Jasper to allow posting of the Chili Fest, carried 5-0.

Motion by Selectman Jasper, seconded by Selectman Nadeau, to accept the donation of ice cream for the Volunteer Ice Cream Social (valued at \$229.00) from Country Brook Farms with the Boards thanks and sincere appreciation, carried 5-0.

11. ADJOURNMENT

Motion to adjourn at 10:55 p.m. by Selectman Jasper, seconded by Selectman Maddox, carried 5-0.

Recorded by HGTV and transcribed by Donna Graham, Recorder.

**HUDSON BOARD OF SELECTMEN**

\_\_\_\_\_  
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