

**HUDSON, NH BOARD OF SELECTMEN**  
**Workshop Meeting Minutes of September 1, 2009**

1. **CALL TO ORDER** by Chairman Coutu at 7:01 p.m. in the Selectmen's Meeting Room at Town Hall.
2. **PLEDGE OF ALLEGIANCE** was led by Selectman Massey.

3. **ATTENDANCE**

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

**Staff/Others:** Steve Malizia, Town Administrator; Mark Pearson, Assistant Town Administrator; Gina Votour, HLN

4. **OLD BUSINESS**

A. **Fiscal Year 2011 Budget** (deferred from August 25, 2009)

Town Administrator Steve Malizia said this is traditionally the time to set parameters to give direction to department heads as to what the Board would like for a budget for FY 2011, which will run from July 1, 2010 through June 30, 2011. In past years, the Board has asked for level funding, no increase, but with things they need on a separate sheet for separate consideration. The agenda packet contains items the Board has been given in the past that shows what various costs would do to the tax rate. He provided some historical information as to where they've been, what kind of money they are talking, property valuation, along with minutes from the last seven or eight years. The last two, three years, the parameter has been zero increase, level funding, other than contractual items, with any particular needs over and above that listed separately for separate consideration, as well as any warrant articles.

Chairman Coutu said, speaking as a businessman, costs have increased in the past year 5-10%--insurance costs, utility costs, etc. and they might have to take that into consideration this year.

Selectman Jasper said yes, but unfortunately, there are a lot of people who are out of work and struggling to make ends meet. Were it not for the fact they are on a default budget, he might suggest to go less than level funded, but considering they are already negative, as it were, from what was approved, level-funding is appropriate. Essentially, the same parameters they set last year. Thankfully, there are fewer contracts that are in play. Mr. Malizia said there's only one; the others are being negotiated. Selectman Jasper said everything else can be prioritized so they can see where they are at. It's going to be very difficult to hold the taxes down. They are taking the main hit this year from what the state has done, but there are additional costs because the retirement is doubling in the next year, so they will take the same hit as they did in the budget this year, but at least they will be able to budget for it.

*Motion by Selectman Jasper to set the same parameters as last year, seconded by Selectman Massey.*

Selectman Massey said they have a large population in town who just received word this month that there will be no COLA for any Social Security benefits and those on Medicare Part D, prescriptions, they will see a decrease in their paycheck. Medicare B, which is the doctor's piece, they won't see a decrease, but it will increase by the amount of Medicare B increase, but the net take home is the same as this year. A lot of people are unemployed, or partially unemployed so this is the year they need to do the same thing, so he will support the motion.

Chairman Coutu said he'll be getting his first Social Security check on September 17, so he could sympathize with others. He asked if the intent of the motion was to level fund the default budget or the budget that was proposed last year. Selectman Jasper said the default budget, the one that is currently in place. Chairman Coutu said that would mean they are at a \$300,000... Mr. Malizia interjected, saying that budget was \$300,000 less for the general fund than the proposed budget for the general fund. Chairman Coutu asked how much more the increase in the retirement would cost this year. Mr. Malizia said it will essentially double, so it'll be another 60k on top of what they are doing now. Selectman Jasper said they are already going to have to figure that extra into this year's budget, and another 60-70 that will have to be funded again. This is where they put in their priorities and the Selectmen will deal with that at the time. He assumed the 2686 was the gross appropriation, so that was a 1.63% increase, so they didn't reach their target, even with the default, so he didn't expect they will get to zero.

Chairman Coutu said they were not binding themselves to level funding, they are binding the department heads to level funding and if they have a difficult time, the axe will fall by the Board because it will come back to them.

Selectman Maddox hoped they are not setting themselves up for what they did last year. Department heads were coming in with a \$300 item that they wanted to add to the budget to bring it up. The Board needs to say level funded and no more than two per department. In department heads' minds, it was a good thing to do, but that's why they pay department heads to prioritize their budgets. He didn't want to get into that level, "Can we add \$300 to my budget." They need to stress the fact it's zero. If there is a critical need they can't get in the budget...again, that's what a budget is supposed to do, live within it--just like the Senior citizens with no increase.

Chairman Coutu asked if the "two per" that Selectman Maddox referred to meant two additional requests over and above their budget. Selectman Maddox said again, what he saw last year was level funded, but then there was a myriad of lists of, "This, we really need." That needs to fit within the budget. They have to prioritize within the monies

they have. Once the Board gets into that, it's difficult to stay within because they are all good ideas. The department heads need to stay within their budget parameters. He hoped they didn't get into that this year.

Selectman Jasper disagreed, saying the Board has been asking the department heads to go with zero for a number of years. They come in where they are told to and then the Board looks at it. If nobody on the Board makes a motion to fund it, it goes away. He hoped they didn't come in with \$300 items, but if they do, so be it. It's the department heads' job to tell the Board what they think they need to operate their department and if they feel they need a \$300 item, the Board ought to be aware of that and shouldn't tell them they can't ask for the items. The Board can simply say no. Department heads have to do their due diligence and the Board can make the decisions politically. He had a problem with limiting them to what they could ask for outside their budgets.

Selectman Massey agreed with Selectman Jasper. They are effectively asking department heads to hold the line on the operations side of the budget, which is where the expenses are, so it's unrealistic not to expect things are going to fall beyond the budget, given the inherent nature of what things are costing. He didn't want to see them not mow the lawn next summer because that's where they are going to cut the budget. They need to understand what is not going to be done with level funding the budget. You get that by them showing you what they are going to do beyond that.

Selectman Nadeau asked how many contracts were being negotiated this year. Mr. Malizia said four out of five. One contract for the Supervisors Association has one more year to go. The Fire Department is without a contract, so they are negotiating that. If they reach a successful negotiation, that would show up as a separate warrant article on the ballot. Essentially, no numbers are getting carried forward for salaries for the units that don't have a successor contract, with the exception of the Supervisors Association.

Chairman Coutu said if a department heads comes in with an addendum to their budget with requisites that they feel are somewhat of a priority to them, and the Board feels they should be funded to arrive at a level funding, the Board will have to make cuts somewhere else. Selectman Maddox said the department heads should come in with line items they can cut to be able to accomplish something outside the budget right now. If department heads want to put something in, they should be able to indicate what they are willing to take out. Selectman Jasper said that's essentially what they are being asked to do, but the Board got elected to make the hard decisions. The department heads are prioritizing. "Give me the budget; this is how I will operate, but I'd really like to have these other things."

Selectman Massey said it's not any different than the default budget. The department heads came in with a list of things they were not going to do. If department heads go beyond their level funding, the Board can make the final decision on whether or not to add it or look at something else in the budget and make a swap. The Board owns that problem, not the department heads. Chairman Coutu said it gets vetted twice, once by the Board and then by the Budget Committee.

Selectman Jasper said there better not be anything on the outside priority list of things they absolutely have to do, such as crossing guards or fuel for the vehicles. Selectman Maddox said that's where he was coming from. Chairman Coutu said in all fairness to the Chief, it was his first budget, but hoped it was a lesson well learned.

*Vote: Motion passed 5-0.*

**B. Benson's Roofing Issues**

Chairman Coutu asked if they've heard any more from the contractor. Assistant Town Administrator Mark Pearson said he provided the Board with copies to update them on some of the things that he's been working on. He arranged for the contractor to get his belongings off the site. Along with the help of the Hudson Police Department, he removed the last of what was believed to be his equipment today. He received an invoice by certified mail today. It's another bill, asking for more money. Chairman Coutu believed it was a matter to be handled legally. Mr. Malizia said they have two bills. One was for the board footage KSL claims they expended and a subsequent bill, which he assumes was for a portion of the Office Building. Mr. Pearson said the Board has the list of back-charges to date, which shows the steps he has taken to finish up some of the outstanding projects. One of them was to clean up the significant amount of debris material around the Office Building area, so he contracted with a contractor to pick up all of the material and put it in a dumpster, so another whole dumpster of material was hauled away that was material that was hauled around the site from the Gorilla House and A-frame. Significant piles of stuff were never put in dumpsters. Chairman Coutu asked if the cost before them was the rental of the dumpster, or if it included the dumping, too. Mr. Pearson said the company the previous contractor used, they took that dumpster out and he contracted with the same company because his rates were good. He estimates will be a total of \$350 for the dumpster and the removal of material, but he hasn't got the invoice back yet because he needed to know the tonnage. The cleanup of the demolition was what he contracted with the people that are on the site (Shadan Construction), to go around and pick up everything and put it in the dumpster—that's a \$200 charge. Chairman Coutu asked if volunteers couldn't have done that. Mr. Pearson said they could have volunteers for a lot of things, but he was trying to get the material off the site quickly.

Selectman Jasper said in this case, no because people should not be volunteering to do KSL's work. Chairman Coutu said that was absolutely right. They did say they were going to pay to get this cleaned up and would back-charge KSL because they left the mess.

Mr. Pearson said above that the Office Building was abandoned and he had to subcontract with somebody to cover it with a tarp and lock the door because of the weather. Chairman Coutu said the tarp was well done and he was very impressed. Mr. Pearson said the scope of the work on the Gorilla House wasn't completed and he asked Shadan for an estimate to finish that.

Chairman Coutu said so they have the back-charges with the costs or estimates. They still have the removal of the dumped material in the woods. Mr. Pearson agreed, saying that could be done by the Lull that's on site, or by the Highway Department, and then it needs to be hauled out. The cost to pull it out should be back-charged. The actual weight of the material is not something they back-charge for; that's the subject of part of the controversy. That should be restitution through the courts because that amount was already paid for. The contractor was paid to dispose of that, but he didn't do that. Chairman Coutu said it was the contractor's contractual obligation to get rid of it. Obviously, it wasn't paid for because the tonnage is sitting on the property. Mr. Pearson said but he also accepted the money. Chairman Coutu agreed, saying the contractor accepted the money, part of which was for the removal of the material. The recourse there will be through the courts.

Selectman Jasper said another thing on the Gorilla House, they were talking about some more posts. What he wasn't realizing, 'he' was talking about the pieces that lay flat on the foundation between the posts, there was another portion of that on the two corners and on each end, he believed there were 45's, or six additional pieces of lumber that should have been installed. The two front corners had a 45. There may have been one on either side of the door. They'd have to look at pictures. Mr. Pearson said he didn't have the benefit of pictures, but he's sure he could find some. Selectman Jasper said there's a little more that should have been done to do it in kind.

Chairman Coutu asked if the only thing left to do, at this point, is remove the material that has been cached on the property. Mr. Pearson said yes, and the second one from the top. He was waiting for a proposal from Shadan to stain all of the boards that are at the A-frame now and when he installs the fascia there, if they move forward with his estimate. Staining the A-frame the same color was in the scope of work, the RFP, and it was not done. Chairman Coutu recalled a core group of volunteers offered to go in and stain the whole thing, at no cost to the town. Selectman Nadeau agreed that was correct. Chairman Coutu said however, if it is in the scope of work, the liability is with the contractor. Mr. Pearson said that was one of those side deals that came after the fact and he is just going by what the scope of the work is in the contract.

Chairman Coutu said that then takes care of that part. He asked if anyone has spoken to the attorney with regard to how they should proceed with, at least the Office Building, if nothing else. The Hazelton Barn stands by itself. They need to do something before the winter; they don't want any more rot in there. They have a building that they started doing work on; the kitchen is done and that's where the tarp is now. He wants to be sure they don't just make an arbitrary decision. The completion of the work, without the town's attorney reviewing the scope and/or nature of what the litigation may or may not be, with regards to the previous contractor. Mr. Malizia said he just got the DVD's today to give to the attorney. Chairman Coutu clarified that was the portion of the meeting related to this issue. They need further clarification from the attorney where they should proceed with all of them so they can get this thing done before the winter, including the Hazelton Barn. They were at a standstill; the kitchen portion is protected with the tarp, but he'd like to see it completed. The money has been encumbered, so they are all set.

Mr. Pearson said he'd contact Attorney Buckley. One of the questions would be, since the RFP's are out and they already have bids, can they just go to another bidder.

Selectman Massey said regardless of what the attorney may say about going forward, they must get an estimate from a certified bat removal exterminator and have that done out of the Benson's account. That should not wait any longer. Chairman Coutu agreed, considering what they know about bat removal. It's not a simple thing to do; they will need to secure the entire building in order for it to be a fait accompli so they don't get back in. Selectman Massey said he'd leave that to the experts, but they'd need an estimate of what it would take.

Selectman Jasper said he's not a bat expert, but he has chased a few around his house. He is not convinced at all they can properly secure that building, with the siding that has come off to keep the bats out of there. He never figured out how they got in his house, and the barn is so cavernous and you can see so much daylight out through there, it may be like trying to bail out the Titanic with a bucket, when it comes to bats. He didn't know where they should proceed on that. They can remove the ones that are in there, but if they are still around, they will come back, so they may be throwing good money after bad. He guessed they should consult with someone on that, but didn't think they'd be able to keep bats out of that building. Mr. Malizia said they may be spending more to do that than they have because it's a sieve. What they should do is make sure any residue, guano, is cleaned up so if anybody is working in that environment, they are safe. If some holes can modestly be repaired, that may help. Selectman Jasper thought they might be able to do some of that with volunteers.

Selectman Massey said his request was not to spend money to remove the bats, it was to ask qualified bat companies to come in and give an estimate of what it would cost to get rid of them. He watched a program on television where they actually put this mesh netting up, which could be put around the whole building and the bat can get out, but when they try to get in the next morning, because it's a mesh, they can't get in. When they come out, they float down the mesh until they come out from under the bottom of it.

Chairman Coutu said if there was a consensus, he'd ask the Assistant Town Administrator to look into finding two or three exterminators to give an estimate, hopefully at no cost. Selectman Maddox asked why they need to get rid of the bats; no one is working inside. They are putting on a roof. Until they are ready to secure the exterior, trying to get rid of the bats is going to be challenging. Removing the guano, without removing the bats, there will be more guano.

Chairman Coutu asked if the roof was in such a deplorable state that they would have to remove the entire roof and put on a whole new one because then that's a whole different ballgame. Selectman Jasper said after talking with Mr. Sturgis, he has concluded that what they need to do is repair the areas of trouble right now because the barn is spread out and it needs to be brought back up. In order to do that, the whole roof will have to be stripped right down to the sheathing, so doing that one side at a time won't work. They obviously don't have enough money in the \$43,000 to do that. They know they have a foundation problem and a drainage problem. They may be better off if some of that money reverts to surplus, but they should look to properly jack up that one post that has settled, put a good, firm foundation on it, see what they need to do with the foundation along the south side of the barn to keep more water from coming in, do the temporary repairs on the roof and call it a day.

Chairman Coutu asked how bad the foundation problem was. Selectman Jasper said it's been a number of years since he has been inside, but water has come in through...it's a level foundation, it probably needs to be dug down and pointed and it has undermined a post. It needs a firmer footing underneath that post and then the whole thing can be jacked back up to where it is. They may want to look at it from that standpoint, taking care of that problem completely in the right way. Some of that may be grading. At this point, over the years, the water coming off the roof has created a trench. He couldn't get in there the other day because it started pouring. If there was mortar in the joists, it is gone.

Chairman Coutu asked Mr. Pearson that in the process of bidding on the Hazelton Barn, he wasn't at liberty to discuss other than what was in the RFP with them, but did any of the bidders at any time say anything with regard to submitting their bid that they found a structural defect with the building, that that would be a problem and part of their bid, to make that correction, or did they just refer to the roof. The support just isn't there any more, so it has spread, and it needs to be shored back up to achieve the original peak. Mr. Pearson said yes, a few of them talked to him about that. Some of the bidders were willing to just strip off shingles and put shingles back on and try to level out the spots and then others who had the approach to deal with the structure, to take the weight off of the roof and deal more with getting the structure pulled in from the side and pushed up to the center and then stabilize at the bottom. Everyone had a different approach, but after talking to Arron Sturgis and to the degree he has researched that barn and identified the spreading which has pulled pins and beams apart, he now thinks they should take another approach, which is to address the structural issues first and not just throw money at shingling half of the roof. The point is to take the weight off the whole roof and then do the structural to get it back up where it needs to be and do the shoring down below, get the sides pulled in and the peak pushed up. To do half of the roof would be a waste of time and effort.

Chairman Coutu said he'd like the opportunity to go into the barn to look at it one more time before they make a final decision. If that's the case, he would suggest tabling this to the next meeting, give them a week to go look at the barn. Hopefully, they will have a response from the attorney about how they should proceed. Perhaps they should put this off for more than a week, but winter is approaching.

Mr. Pearson referred to the report from Arron Sturgis, saying there was a section in there about the Hazelton Barn which outlines his opinion on what should be done. Chairman Coutu said Arron Sturgis talked about the tie beams and roof structure itself. Mr. Pearson said that could have happened since the Historic Structures Report. Selectman Jasper said no because he [Mr. Sturgis] cabled that back together a number of years ago, so he was aware of that at that time. Chairman Coutu asked if any of that cable has let go. Selectman Jasper said no. Because of the strain and stress, he was not able to pull it back where it belongs. There was another section that was in danger of collapse and he did a temporary fix there. Chairman Coutu agreed that cabling was not a permanent fix and felt this was more complicated than he thought.

Selectman Maddox said he's always heard you need a good foundation to put up a building, so to put a roof on top of the roof that's there, the weight they're putting down on that, until you have a good foundation that will take the weight of the structure and take the roof off to take that load off and bring the building in, they need to take a look at this. He thinks the foundation is first, the beams the second and the roof isn't leaking from all they've seen. To put a nice solid roof on a building that doesn't have a solid foundation is just going in the wrong direction. They need to dig down and get a solid foundation.

Selectman Jasper said he had no problem putting this off, but they may want somebody, particularly Arron Sturgis, look at that foundation and make recommendations as to what scope of work needs to be done and he may have a list of people who he feels are qualified bidders for that foundation work. Selectman Maddox said to that end, this is one of those cases where they have to spend some money. From all he's read, Mr. Sturgis has done a fine job in guiding the town on what needs to be done. Rather than having him do that which compromises his ability to review it would be to give the Board a scope of work to do, then let it out to some contractors and he reviews their proposals. Rather than utilizing the Assistant Town Administrator, Mr. Sturgis is set up to do this, and he could review contractors' bids and can go out and inspect it rather than the other way around. He would be, if not a clerk of the works, someone who has the expertise to look at the work that's been done and tell the Board if they've gotten what

they were supposed to have gotten. Chairman Coutu said then they could get a good cost estimate of the whole package and do it however Mr. Sturgis suggests and in what format.

Selectman Jasper thought that was a good idea if what he was understanding was for Mr. Sturgis to put together an RFP for the foundation work. (Talking over each other.) Selectman Jasper thought they had enough money to do the foundation work and the temporary repairs on the roof. Hopefully, they would have some left over after that, but not enough to do anything significant.

Chairman Coutu asked if they were setting aside the bat problem for now. Selectman Jasper said years ago, it was several feet deep in that barn. There's only a scattering now and wouldn't mind, on a volunteer day, going in there himself with a shop vac. He has no problem with that.

Mr. Malizia said they might want to first get a proposal from Mr. Sturgis to find out what his cost would be to do this. He is a recognized expert. Mr. Pearson said the purpose of his memo was to follow up with the Board. The Board had stated on Mr. Shadan's contract that the Board wanted to solicit the services of Arron Sturgis for purposes of making sure the structural work of the Elephant Barn was completed and he was satisfied. When he came down on August 24, Mr. Pearson gave him that task and he supplied this report and charged at the rate of \$60 an hour.

Chairman Coutu said on the second page, third paragraph, when you look at the cost he is charging, as well as the other items he has listed, there is no question about that, and asked if Mr. Sturgis has submitted an invoice. Mr. Malizia said all Mr. Sturgis submitted was the letter; he has not seen an invoice. Selectman Jasper said it was through his request that Mr. Sturgis provided this information. He was just going to look at the barn and spent a lot more time than was anticipated. He thought this letter served as an invoice and the amount is reasonable. Chairman Coutu said the rate was fine and the amount of hours he put in was fine, but it's things like travel, etc. He's a professional and these are things that people get. He should have listed it so they'd know what the total was. If he signs a purchase order, he wants to know what he is paying for.

Motion by Selectman Jasper, seconded by Selectman Nadeau, to pay the \$360 upon receipt of an itemized invoice. Selectman Massey didn't think the motion was necessary because on August 24 said the amount requested was \$360 and as far as he is concerned, he is accepting a flat rate to do the job. (Talking over each other.) Selectman Jasper withdrew his motion. The consensus of the Board was to pay it.

Mr. Pearson asked if the Board needed to make a motion to pay Mr. Shadan, or if the Board was satisfied with the report. (Talking over each other.)

Motion by Selectman Massey, seconded by Selectman Jasper, to ask Mr. Sturgis to provide a proposal for creating an RFP to take care of the foundation and the other structural elements and the temporary roofing and then to act as the consultant when the bids come in to help select the appropriate person.

Selectman Jasper said in terms of the other structural issues, ultimately, Mr. Sturgis would like to bid on those. He's not sure he'd do the foundation work, but this is what he does, so if they are talking about putting together an RFP to how to get the building back together, that's something that he'd like to have the opportunity to bid on. He's not sure, however, Mr. Sturgis does the foundation work because they didn't talk about that. The Board ought to ask Mark to talk to Mr. Sturgis. They know what they are looking for and if they don't do it in a motion, just by consensus, have Mark talk to Arron and see what he... Chairman Coutu agreed because if they do that, they will box him in. It would present a conflict for him. He might say no, he won't submit an RFP because he wants to bid on it, let him be honest enough to tell the Board that.

Selectman Massey said there was nothing wrong with someone who helps write a bid spec to then go and bid on it, but he understood where Selectman Jasper was coming from and he was willing to go with that. Selectman Jasper said at this point, they are not in a position to do the other structural work because in order to do that, they've got to be able to do a whole roofing job. The other thing he found out is the state already approved a standing seamless roof on there, which he had either forgotten or never knew, so they could actually put a metal roof on that barn and they won't have to deal with the snow load and which would be a better and probably less expensive way to go. Chairman Coutu asked if that would be in conflict with the deed requirements. Selectman Jasper said no, the state has already approved that.

Chairman Coutu said OK, by consensus to ask Mr. Sturgis. Mr. Pearson asked if the Board approved paying Mr. Shadan. Selectman Jasper said yes. Chairman Coutu said he just needed to have the motion withdrawn. Selectman Massey withdrew his motion and the second with withdrawn. Mr. Pearson asked if the final payment to Shadan was approved, based on Arron Stugis' report. Chairman Coutu said it said final payment and wondered if he was done with the Elephant Barn. Mr. Pearson said he was asking the Board if it approved making that payment. Selectman Jasper said he has finished the job. Chairman Coutu asked if the Elephant Barn has been inspected by Arron. Mr. Pearson said yes, and him, and it's complete. Chairman Coutu said he didn't want to subject him to anything less than the other contractor, if they need to bring in an expert to tell them the work was done to completion in accordance with the RFP. Mr. Pearson said there was one concern Mr. Shadan has and that is, as he replaced and did a good job with the structural roofing and the parts they saw from the inside, the siding on the roofing on the back part of the barn and around the perimeter of that opening at the top—cupola—the wood is not in good condition. He replaced a bunch of

wood that wasn't even in the scope of the work, so there is an open section out back that Selectman Jasper was aware of and he was looking for guidance on how to close that in. The wood is so bad that as he is trying to work with it, other pieces around it are falling out. That's the only thing left undone, at this point. It has nothing to do with the roofing; it's putting on siding over that. Chairman Coutu asked if it was in the far right corner as he goes into the barn. Mr. Pearson said no, it's the left, the part facing Kimball Hill Road. Mr. Shadan was just looking for some guidance. Selectman Jasper said it's a tongue in groove siding, a double clapboard siding. The 2 x 4's themselves are fine. He's looking for guidance on how to fill that in and make it tight. His suggestion was to take out the rotted boards and put in ¾" or ½" plywood so it goes in tight where it needs to go, screw it in, so as they come along, that siding can still be milled up. Secure it with plywood. Mr. Pearson said OK, that's fine. Mr. Shadan also brought up that the new sections in the cupola that he put in where the windows once were, does the Board want him to put plywood over the outside to close it in. Selectman Jasper said yes. Mr. Pearson said it's on site and that was all Mr. Shadan was waiting for, final guidance on how they want it closed up.

Chairman Coutu said with regards to the natural lighting, which was a concern Selectman Jasper shared on one of their forced walk-throughs on the barn before any construction began, how nice it would be to have natural lighting. He can't compliment Shadan Construction enough for what they achieved on that section of the front barn for that natural light. That's gorgeous. If they don't cover it, they will get bats in there. Obviously, they will incur additional cost. Mr. Pearson said no, he will cover that up. He just wanted guidance so he could be done. Chairman Coutu said with what he's seen, he is impressed.

Selectman Maddox said just as the items of aluminum flashing and the flashing around the cricket been done. Mr. Pearson said yes. It has all been leaded into the chimney. (Talking over each other)... been up there and visually inspected it today. He's got it all leaded in, copper flashing under the shingles, yes.

Selectman Jasper said when he puts the plywood on the cupola, ventilation shaft, please have him screw it in so it can be removed, as opposed to nails.

Chairman Coutu said once that's done Mr. Pearson would go in, or somebody would go in and make sure that's done and he wants to release that check. He had not problem with that, and then Mr. Pearson wants some guidance with respect to the other charges. Selectman Massey said they need to be up front. The Board said they would get 50% to start and 50% upon completion, so until the project is completed, they should not release money. Chairman Coutu said that's what he said. Selectman Massey said he was not willing to say tonight to release it. It was going to be they would have a report when it was all done. Selectman Jasper said 'your' concern was structural. Arron Sturgis did the report on the structural work. They didn't ask for any type of inspection on the roof itself, beyond the in-house people. They have the report from Arron Sturgis on the structural integrity of the building, and he was personally there when he inspected it. As soon as that's done, they are authorizing the releasing of payment upon completion of the work because they have the report. Selectman Massey said Selectman Jasper was right. Chairman Coutu said the roof is done. This is over and above the RFP work. He could be paid and walk away, but he was saying he wants to secure and maintain the integrity of that far left corner and he'll do it at his cost. Mr. Pearson said yes; he's already got the material there. He's just waiting for guidance because he didn't want to leave it open.

Chairman Coutu said with regard to the other cost, the A-frame, \$725. Mr. Pearson said Shadan is proposing to do the work on the A-frame for \$725. Mr. Malizia said once they pay Shadan, if that was the case, they would deduct that amount of money from what is owed to KSL. Chairman Coutu asked where they wanted to go with this, if they wanted to give Shadan the authorization to go ahead with this and then he will invoice the town. Selectman Jasper said he'd like to see him go ahead, but he had a question on the A-frame. He assumed it was what they were talking about, but this includes pieces of 2 x 8 between the beams, so there is a backer to that. Mr. Pearson said yes.

*Motion by Selectman Massey, seconded by Selectman Jasper, to authorize Shadan Construction's proposal for the A-frame, the Gorilla House, the Office Building and cleanup for the amounts indicated.*

Chairman Coutu asked if it included staining the A-frame. Mr. Pearson said no, he'd come back to the Board with that.

Selectman Maddox asked how much money there was to back charge against. Mr. Malizia said one invoice was for \$4,200 for boards. Mr. Pearson had one for \$6,700 which didn't make any sense, but he received it by certified mail today. Selectman Maddox said cleaning out the building materials would cost something. (Talking back and forth.) Chairman Coutu said based on the invoicing, they have a total of \$11,000 to charge against, more than enough.

*Vote: Motion carried 5-0.*

Chairman Coutu said this was not the Benson's Committee and people have to understand they got this property for \$188,000. It's a considerable portion of land. They agreed contractually with the state. They have certain obligations, per the deed, and they are going to meet those obligations and they are well underway. He was quite impressed with the direction and the tone that the Benson's Committee of late have been taking. They are going to be entering into budget season and they won't be hearing much about Benson's in the future, he hoped.

Selectman Maddox said the three buildings they're talking about that they've done aren't the ones they were obligated to do, so they've spent \$80,000 on buildings they didn't have to in all this wrangling. The buildings they are required to maintain haven't been touched yet, so it isn't over yet.

Selectman Massey said he was one of those who didn't think they should do the Elephant Barn because when he observed it, he felt that it really was beyond salvage, but the work that the contractor Shadan did on that barn is nothing short of remarkable. They did a very good job.

Selectman Jasper said not only that, but they have a usable building now and Mr. Shadan's estimate that if it were to be demolished, with all the tonnage that is there, they probably would have been looking at \$30,000 just to demolish it. For the delta of \$13,000, they have a very nice, usable building. Selectman Maddox said there's no electricity and no running water.

Mr. Pearson said he also had handed out a memo about cleaning out the Elephant Barn. Selectman Jasper brought to his attention about the hay and straw and other flammable stuff in there. Shadan had a dumpster that was on site and he had room in it, so rather than incur the cost of a dumpster charge, he proposed he could clean it out. Mr. Pearson said he basically contracted with him to remove all the stuff from inside the Elephant Barn and all of the material outside the Elephant Barn and put it in his dumpster, so the town paid only the tonnage charges. Chairman Coutu asked if that charge was over and above what they already approved. Mr. Pearson said yes. Chairman Coutu said when Mr. Pearson presents things, to present them in total and asked if there were any more costs. Mr. Pearson said no. Chairman Coutu didn't see a lot of hay and elephant dung and whatever else was ignitable when he was in there and asked others if they had. Selectman Massey said no, but he didn't look over the whole barn. Selectman Jasper said he hadn't really noticed it until Mr. Shadan brought it to his attention, but there was a pile of hay as you walk in on the left hand side. Could it have waited for the cleanup? It's best to have it out of there; penny wise, pound foolish. The dumpster was there.

Selectman Maddox asked if that was just for the tonnage. Mr. Pearson said yes. Selectman Maddox asked why it had labor on the invoice. Mr. Pearson said the labor to put it in there. Chairman Coutu said then that's more than just tonnage. (Talking back and forth.) Mr. Pearson said it was \$190 for labor and space in the dumpster for cleaning out the whole interior of the Elephant House and \$360 for the big pile of material outside the Elephant House, in the cage. Chairman Coutu asked if this was in addition to the motion that just passed. Mr. Pearson said yes.

*Motion by Selectman Jasper, seconded by Selectman Massey, to pay the \$550 invoice for cleanup of the Elephant Barn.*

Selectman Jasper said he was probably responsible for the inside part; he didn't know anything about the outside, but what's done is done. They don't want to penalize the contractor. He was asked to do a job; he did it and did an excellent job on the building. Was it worth it on the inside? The outside could have waited until they were there on cleanup, yes, but outside, they are going to be cleaning up there forever, so it's short money. Wish it hadn't happened on the outside. Mr. Pearson said he was looking for opportunity you don't pay for a dumpster. You can get \$165 for a dumpster or you can get \$365 for a dumpster and they weren't going to pay for either. They were just going to pay for the material in. He saw it as an opportunity for a cost savings. He didn't realize it was going to happen this quick and he was going to get an invoice, and quite frankly, he thought it would be more like \$200.

Chairman Coutu said he may or may not comment. Selectman Massey said they were down into the micro-managing. The Town Administrator has signatory power for up to \$1,000. They didn't even need to bring this to the Board, and they are only doing so because of the transparency issue around Benson's. Even the whole Board doesn't get involved with purchase orders between \$1,000 and \$10,000.

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

**C. RSA 31:91 Soliciting Funds (Tag Day Form)**

Mr. Malizia said the permit included a requirement of proof the requesting organization was registered with the Charitable Trust Division. Attorney Buckley sent him a link to the state, a 400-page listing of who is eligible. Most of the ones the Board has seen is registered there. It should make staff's job easier when someone applies. He looks at the list and forward it to the Board. If they're not on the list, they have to file something.

Selectman Massey said the actual (not discernable) it should be revised to read, "submit a letter to the Board of Selectmen at 12 School Street, Hudson, NH, blah, blah, blah, at least two weeks prior to the event." Otherwise, they have the problem they've been dealing with on Saturday, they get a phone poll. It needs to be explicit they must submit their request at least two weeks prior to the event, which is what they've been doing all along, so he was surprised it wasn't fixed. Selectman Maddox said it should be 30 days because if they turned it in tomorrow for next Tuesday's meeting, two weeks have gone by and it won't get on the agenda.

Chairman Coutu said, for example, they are going to entertain one that starts today and it was submitted August 24. It's a raffle permit, but it's the same basic idea. He was under the impression that they always had a 14-day inclusion of their submittal. Selectman Jasper said people are going to come in and say they need a raffle permit within 10

days. They see this time and time again. He asked if this could just be signed off on in the office, or if they needed this as an agenda item. Mr. Malizia said it's the Mayor, the Aldermen or the Board of Selectmen, by law, of the town or city that would approve these and he wasn't aware that that responsibility could be passed on to someone else. Selectman Jasper wondered if they could put this in the red folder and sign off on it until there are three signature. Mr. Malizia said the Board has to approve it, so it would have to be a proactive approach.

Selectman Jasper agreed, adding that people are going to come in when they come in. They could recommend that the form be submitted within two or three weeks, but what are they going to do? If someone comes in the Thursday before noon, they can't get on the agenda because they didn't make the magical two-week deadline? Does the Board say, "Too bad, you can't do your good works"? Chairman Coutu said in the case of a raffle, he's sure the printer is going to want to know 30 days or 45 days ahead and they already have their raffle tickets ready to go, and if the Board says no, they've lost money in the process and the Board will look like the bad guys.

Selectman Maddox said if they know they've got to go to the printer, then why can't they come to the Board? Some day, they will have to say no. Mr. Malizia said they have already. Several other Selectmen concurred. (Talking over each other.) Chairman Coutu said it was a girl that wanted to collect money so she could travel around the country. Mr. Malizia said the Board didn't want to be in the situation where a worthwhile organization, like the Hudson Seniors, who maybe didn't observe the two week or 20-day or whatever it is and come in, then the Board won't look real good. They can get the word out to come in early, but he can't get to everyone out there. He can send this form to SAM's and Wal\*Mart, but he can't guarantee 100% compliance and, on occasion, they might get an organization that will come in in advance of their event, but may not be the exact number of days in advance. Chairman Coutu said they may have the case where someone is delegated that responsibility to get the permits, then something happens in their family and it became an oversight. Anything can happen.

Selectman Jasper didn't see the magic of anything prior to the close of the agenda. Even if they bring it in three weeks in advance, the Board won't see it until it gets in their packet, and they won't say yes or no until they vote on it. Nothing will happen in the interim, so he didn't know why they need it in advance. Steve can do his due diligence, which he can do on the computer now that he has the list from the state. Mr. Malizia agreed, saying if someone isn't listed, they will be informed that verification must be provided and if they can't, the form won't go on the agenda.

Selectman Massey said if they make the Thursday noon deadline, they will be on the agenda. The problem is people coming in on Friday, saying they were going to start their thing on Monday, so on Tuesday, they've already started the raffle. Chairman Coutu said the Board of Selectmen is the governing body. Things on the agenda have to be in by Thursday noon. If they come in after the agenda is closed, sorry. It goes on the next agenda. They've narrowed it down now to three days. Mr. Malizia said they are told that when they come in to the office. He was just trying to keep something that shouldn't be too complicated, excessively complicated. He has access to the data base so he can pretty much tell, state-wide, who is on the list. If they are not on the list, they need to come back. Chairman Coutu said that's tremendous progress in and of itself and the request tonight they all know is a legitimate organization and he would have no problem accepting it. He probably scrutinizes it too much sometimes and he didn't see a problem with it. With this change he has proposed [on the form], the Board can be sure the organizations are legitimate charities.

*Motion by Selectman Massey, seconded by Selectman Jasper, to revise the Tag Day Sales permit instructions to include verification of registration with the NH Division of Charitable Trusts, as recommended in Attorney Buckley's letter dated August 4, 2009, carried 5-0.*

## 5. NEW BUSINESS

### **Raffle Permit by Marine Corps League Det. 823 to benefit Marines Helping Marines, November 24, 2009 at VFW Post 5791**

*Motion by Selectman Massey, seconded by Selectman Jasper, to approve the raffle permit by the Marine Corps League Detachment 823 to benefit Marines Helping Marines, November 24, 2009 at the VRW Post 5791, carried 5-0.*

## 6. OTHER BUSINESS/REMARKS BY THE SELECTMEN

Selectman Jasper said the Benson Park Committee is working diligently on coming forward with a list of recommendations as to what open will mean to the Committee, with priorities. The committee understands the Board will decide what of those things are essential and what aren't and move forward from there. The one building he never understood what they were going to do with is the Gorilla House. Now they do have a vision for that, which will be bathroom facilities, which is ideally suited for. For him, it was never a high priority building and the only one there wasn't a plan for, at least in his mind. He was finding out a lot of interesting things, where pipes and conduits and things go, and there may be a number of underground utilities that may be able to be put to use, so they are looking at that. If some of that is possible with some of the underground 4" conduits, siting the train station up where John T. Benson's house is is the right decision because that's where all the conduits came in, so if they put that there on a full foundation, they'll be able to tie in for the electric.

Selectman Coutu reminded the general public that school is in session and to be mindful that a lot of younger people are out on the streets since kindergarten has been instituted this year. He hoped all drivers are respectful of the crossing guards. They are a vital link in assuring that the children and school staff are safe. God forbid that anyone is hurt in any way or fashion by careless vehicular traffic in and around the schools, or the town.

The Recreation Department's Summer Program has finished and the Seniors have moved back into the Community Center, and he wished them well. He and Selectman Massey, and others, went to the final week or two of the summer program and the kids had a cookout for them and it was a pleasure. They had the opportunity to talk to a lot of the children. The amount of emails, telephone calls and people he saw personally who have children involved in the rec program approached him in greater numbers to tell him how impressed they were with the overall program and the opportunities that were available to the youth. It's a credit to the Recreation Department and the summer staff. They did an outstanding job. As a Town Father, and speaking on behalf of all of the Town Fathers this evening, it's great to hear it and they are very pleased with the outcome.

The basketball program will be starting up very shortly. The Men's Softball championships are on-going and will conclude this week with Sousa Realty and Hershey Ice Cream combating for the championship. They will have a committee meeting Thursday evening to go over the new rules that were put together by the basketball subcommittee. One of the problems they've had with basketball is, in some instances, it was not all-inclusive. The better players got to play almost all of the time and those who were to learn the sport were given very little court time and that policy is going to change. The Recreation Department is open to all of the youth in the community and they want them all to be able to participate and part of the process is learning the sport. Always playing the A players and never playing the B, C and D players is an injustice to the youth, so compromises were made. There has been a public hearing with regards to this and it will all come to a conclusion this week.

He didn't want younger voters in the community to take government operations for granted. They can become an integral part of the government by participating. Every now and then, there are openings on various committees that are available and he'd like to see more of the younger people, 18, 19, 20. He's impressed when he sees someone like Bob Haefner's grandson, Matt, sit in on the school committee. He thinks that should participate and there are two openings. One is on the Cable Committee and one is on the Zoning Board of Adjustment and it's open to any citizen of the town of Hudson who would like to participate in their government. He invited the youth between the ages of 18 and 66 to participate in their government. Seek that opportunity by offering to serve on one of these committees. They will learn an awful lot and they will think more of the government because they are participating in it.

The Fire Chief, the Acting Chief of Police and he, last week, Thursday, August 27, were in a conference with Governor Lynch, along with the Department of Safety and Health and Human Services, in an audio webcast conference call dealing with the H1N1 virus. There were emergency management directors, fire chiefs, police chiefs and members of Boards of Selectmen around the state who participated. They learned a great deal. From his participation in this matter, the town is as prepared as it can be with the information they have to deal with an epidemic, should one occur. They are hoping for the best. Inoculations could be available by October 31, but there is no guarantee. The priority will be to the emergency personnel because they will be dealing with most of the cases, and then there will be certain parameters established nationally as to the order of priority of inoculations. There's also the question of having enough to do everyone. There is nothing to panic about, but if you come down with flu-like symptoms, don't take anything for granted; see your physician.

**7. NONPUBLIC SESSION**

*Motion by Selectman Massey, seconded by Selectman Jasper, to enter into nonpublic session under RSA 91-A:3 II (a) carried 5-0 by roll call vote.*

Nonpublic session was entered into at 8:36 p.m. and was terminated at 9:30 p.m.

*Motion by Selectman Massey, seconded by Selectman Maddox, to seal the nonpublic minutes carried 5-0.*

**8. ADJOURNMENT**

*Motion by Selectman Massey, seconded by Selectman Maddox, to adjourn at 9:31 p.m. carried 5-0.*

Recorded by HGTV and transcribed by Priscilla Boisvert.

**HUDSON BOARD OF SELECTMEN**

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Roger E. Coutu, Chairman

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Kenneth J. Massey, Vice-Chairman

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Shawn N. Jasper, Selectman

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Richard J. Maddox, Selectman

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Benjamin J. Nadeau, Selectman