

HUDSON, NH BOARD OF SELECTMEN
Minutes of the August 25, 2009 Meeting

6:30 - 7:20 91-A:2 (a), Strategy or negotiations with respect to collective bargaining

1. **CALL TO ORDER** by Chairman Roger Coutu at 7:22 p.m. in the Selectmen's meeting room at Town Hall.
2. **PLEDGE OF ALLEGIANCE**, led by Selectman Maddox.

Following the Pledge, the Chairman asked everyone to remain standing for a moment of silence in recognition of the passing of Senior Accounting Clerk Joyce Pike and Charlie O'Donoghue, who was active with town youth and in the CHIPS program.

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; Fire Chief Shawn Murray; Normand Martin; Harry Schibanoff; Pat Nichols; Mike O'Keefe; Jim McIntosh; KSL Contracting personnel; John Collins, SUN; Gina Votour, HLN; various others.

4. **PUBLIC INPUT**

No one in the audience addressed the Board when the Chairman opened the floor for public comment.

5. **CONSENT ITEMS**

Motion by Selectman Jasper, seconded by Selectman Maddox, to approve consent items A-D, carried 5-0.

A. **Assessing Items**

- 1) 2008 Abatement, Map 191/Lot 132, w/recommendation to deny.
- 2) 2008 Abatement, Map 198/Lot 25, w/recommendation to deny.
- 3) 2008 Abatement, Map 216/Lot 4, w/recommendation to deny.
- 4) 2008 Abatement, Map 216/Lot 8, w/recommendation to deny.
- 5) 2008 Abatement, Map 216/Lot 9, w/recommendation to deny.
- 6) 2008 Abatement, Map 221/Lot 8, w/recommendation to deny.
- 7) 2008 Abatement, Map 222/Lot 2, w/recommendation to deny.
- 8) 2008 Abatement, Map 222/Lot 8, w/recommendation to deny.
- 9) 2008 Abatement, Map 222/Lot 13, w/recommendation to deny.

B. **Water/Sewer Items**

- 1) Water Abatement, W-UTL-10-01, 259 A & B Webster Street, w/recommendation to deny.
- 2) Water Abatement, W-UTL-10-02, 28 Bradford Circle, w/recommendation to approve.
- 3) Water Abatement, W-UTL-10-03, 816 Elmwood Drive, w/recommendation to approve.

C. **Acceptance of Minutes**

- 1) Minutes of the Board of Selectmen's Meeting of August 4, 2009
- 2) Minutes of the Board of Selectmen's Meeting of August 11, 2009

D. **Calendar**

- 8/26 7:00 Planning Board in Community Development Meeting Room
- 8/27 3:00 Trustees of the Trust Funds in Community Development Meeting Room
- 8/27 7:00 Benson's Committee in BOS Meeting Room
- 8/27 7:30 Zoning Board of Adjustment in Community Development Meeting Room
- 9/01 7:00 Board of Selectmen's Workshop in BOS Meeting Room
- 9/02 7:00 Planning Board Workshop in Community Development Meeting Room
- 9/03 6:30 Recreation Committee in BOS Meeting Room
- 9/07 Labor Day Holiday - Town Hall Closed
- 9/08 7:00 Board of Selectmen's Meeting in BOS Meeting Room
- 9/09 7:00 Planning Board in Community Development Meeting Room
- 9/10 5:30 Sewer Utility Committee in Community Development Meeting Room
- 9/10 7:30 Zoning Board of Adjustment in Community Development Meeting Room
- 9/14 6:30 Hudson School Board in BOS Meeting Room
- 9/14 7:00 Conservation Commission in Community Development Meeting Room
- 9/15 7:00 Cable Committee in BOS Meeting Room
- 9/16 5:00 Water Utility Committee in BOS Meeting Room
- 9/16 7:00 Library Board of Trustees in BOS Meeting Room
- 9/16 7:00 Hudson Senior Council on Aging in Community Development Meeting Room
- 9/17 7:30 Budget Committee in BOS Meeting Room
- 9/19 10:00 Parade for Litchfield's 275th Anniversary
- 9/22 7:00 Board of Selectmen's Meeting in BOS Meeting Room

9/22 Noon - 7:00 Police Department sponsored Red Cross Blood Drive at the Community Center
9/23 7:00 Planning Board in Community Development Meeting Room
9/24 3:00 Trustees of the Trust Funds in Community Development Meeting Room
9/24 7:30 Zoning Board of Adjustment in Community Development Meeting Room
9/28 6:30 Hudson School Board in BOS Meeting Room
9/28 7:00 The Green Team in Community Development Meeting Room
9/28 7:00 Recycling Committee in BOS Office

6. OLD BUSINESS

A. Votes taken after Nonpublic Session on August 11, 2009:

- 1) Motion by Selectman Jasper, seconded by Selectman Maddox, to seal the nonpublic session minutes carried 5-0.
- 2) Motion to adjourn at 9:24 p.m. by Selectman Maddox, seconded by Selectman Nadeau, carried 5-0.

B. Executive Assistant Position

Motion by Selectman Massey, seconded by Selectman Jasper, to hire Donna Graham as Executive Assistant to the Board of Selectmen at \$44,000 per year, effective September 13, 2009, with an increase to \$45,500 upon the successful completion of six months of employment, carried 5-0.

C. Assistant Soccer Director Position

Motion by Selectman Jasper, seconded by Selectman Nadeau, to hire Daniel Porter as the 2009 Assistant Soccer Director for the fee of \$775, effective August 12, 2009, carried 4-1. Selectman Maddox voted in opposition.

D. Cable Committee Update

Chairman Coutu said he visited the new facility today and was quite impressed. He suggested other members do the same thing by contacting either the committee chairman or facilitator to schedule a time. The studio is ready and hoped the public would be interested in helping put together a locally produced cable program—sports, cooking, etc. They will be trained in operating a camera and will get the show on the air.

Mike O'Keefe, Chairman of the Cable Committee was recognized, along with Jim McIntosh, Cable Facilitator. Mr. O'Keefe said progress continues at the new Access Center as well as with their efforts to increase HCTV programming offerings. The following is the report he presented to the Board.

Access Center - When we leased space on Old Derry Road for use as the HCTV Access Center the Cable Utility Committee presented a plan to outfit and equip the facility. The plan included a portion to be funded from the FY09 budget and the remainder to come from FY10 funds. With the exception of a small amount of electrical work remaining, the FY09 portion is complete. The facility now has a 25' x 21' pipe lighting grid, 360-degree curtain track with 2 velour curtains, 18 lighting instruments, and a dimming system. In addition, a monitored alarm and key-fob based access control system has been installed. Phase 2 of the project, which couldn't begin until July 1, includes purchase and installation of the remaining equipment. This will primarily include control room equipment (i.e. video switcher, audio mixer, digital recorders, A/V monitors, character generator). Jim McIntosh and I have already met with one vendor and will be visiting a number of local access centers to determine an appropriate equipment list. This list will be used to generate an RFQ. We anticipate having the RFQ ready within the next two weeks. Once bids are received we will be able to proceed with purchase and installation. We believe the access center can be completed by late September or early October. The CUC is planning to coordinate an open house at that time and will invite the Hudson community to tour the new facility and encourage people to take advantage of this resource.

Revenue - As the entire CUC and HCTV budget is based on revenue received through the franchise fees collected by Comcast, the committee continually monitors the quarterly payments received. Despite the economic downturn, revenue from Comcast continues to track above projections. With the receipt of the Q2 2009 payment, the annual FY09 revenue closed out \$11,527 (6%) above our budgeted amount. This excess is returned to the town's general fund.

HCTV Programming - A major goal of the Cable Utility Committee is to increase the amount of programming available to the Hudson community (and a wider audience, via Internet streaming). We've seen growth on all three of our access channels. Attached is some numerical data related to the programming on our channels.

Government Channel 22: The bulk of programming on this channel consists of the cablecasting of the various town board and committee meetings. We have added additional meetings covering the Bensons Park Committee, Cable Utility Committee, Budget Committee (all year), and Recreation Committee. This year we have also recorded and cablecast the site visits the Budget Committee has made to the school and town facilities. The

only remaining committees not televised are the Sewer and Water Utilities, the Recycling Committee, and the Green Team. In addition to the government meetings, several town departments have produced their own informational programming including the Fire Department, the Rodgers Library, and the Recycling Committee.

Educational Channel 21: In addition to the regular School Board meetings that are cablecast, we have run various concerts and sporting events. Lee Lavoie has just joined the CUC as the School Board representative and has pledged to work with the committee to facilitate a close working relationship with the schools and the administration. We believe the schools can provide a wealth of programming that would be of great interest to the community. Jim McIntosh plans to meet with the media teacher at Alvirne High School to make sure we share resources with that specific program.

Public Access Channel 20: When the HCTV access center is completed we believe we will see a marked increase in locally produced public access programming. Having a dedicated facility available will greatly ease and facilitate the community's ability to produce the programming. Until we reach that goal we are supplementing the offerings with programs produced at other access centers and organizations. A new Internet resource, PEGMedia.org, has recently become available. This is a web site where local access stations, like HCTV, can download programs produced by both New Hampshire and national access centers. Jim McIntosh regularly reviews this site for program offerings that would be of interest to Hudson viewers. This new system is a great improvement over the former method of mailing DVD's and tapes back and forth. The CUC believes that with additional promotion and publicity we can interest local community members in producing programming.

Facilitator - In April of this year, James McIntosh rejoined us as the contracted HCTV Facilitator. Jim has been devoting the bulk of his time to managing and maintaining the new access center. Jim also has made strides towards increasing the programming available on our public access channel. A complete inventory of HCTV equipment was produced and provided to the Town Administrator. Jim spends most of his hours at the access center, which allows him to check in and out equipment and provide access to the facility for end users. He is also working closely with the CUC to specify equipment needs at the access center.

Access Users - The success and growth of locally produced programming is dependent on attracting a base of volunteer producers and technical personnel. To date we have a number of residents who have produced, or are interested in producing, programs. Jim McIntosh has trained a number of users on the proper use of the equipment we loan out. During the summer recreation program Jim held three "video camp" classes for interested youth. The CUC believes that with additional outreach and the successful completion of the equipping of the access center, we can attract additional users who will produce regular programs.

Other Activity - HCTV staff and CUC volunteers continue to keep the electronic bulletin boards updated with current information. We regularly receive 2 to 3 bulletin request submissions from the public per week. The Library, Recreation Department, Fire Department, and Police Department have all been trained and have access to post their own bulletin announcements.

DVD copies of many of the government meetings are made for the various boards, committees and the public.

We continue to make all of the locally produced programming available via Internet streaming. We have received very positive feedback regarding this feature.

HCTV Programming Statistic	
January 1, 2009 through August 24, 2009	
Overall (All Channels)	
Shows	348
Show Hours	356 hrs.
Avg. Show Length	1:01:22
Total Runs	3366
Total Run Time	4111 hrs.
Government Channel 22	
Shows	78
Show Hours	159 hrs.
Avg. Show Length	2:02:09

Total Runs	1158
Total Run Time	2093 hrs.
Education Channel 21	
Shows	33
Show Hours	53 hrs.
Avg. Show Length	1:36:30
Total Runs	608
Total Run Time	932 hrs.
Public Channel 20	
Shows	183
Show Hours	114 hrs.
<i>Locally Produced</i>	<i>35</i>
<i>Locally Produced Run Times</i>	<i>29 hrs.</i>
Avg. Show Length	0:37:20
Total Runs	1600
Total Run Time	986 hrs.

Selectman Massey said if someone forwarded to Mike something of interest to them from pegmedia.org, if that would be shown. Mr. O'Keefe said any Hudson resident can submit a program for broadcast. Selectman Massey asked when they'd do live streaming. Mr. O'Keefe said on demand was available so a program could be viewed at any time, and they've gotten a lot of positive feedback on that. Live streaming has been discussed and it's a matter of purchasing and installing the equipment, but he didn't know the cost. They also have to decide if they are going to stream all three channels, or just the government channel, and that would affect the cost. That issue is on their radar screen and he'll take it as an action item to get some more data on that and maybe move it up on the priority chain.

Selectman Massey suggested the schedules be published via hard copy at the library and Town Hall. Mr. O'Keefe said they could look at that. There is an electronic version that runs on the bulletin board in between programs. There also is an electronic version via the internet on the Hudson CTV Website. Selectman Jasper didn't think putting out a hard copy was a good use of resources. If people watch cable TV, they probably have Internet, and it's available there. It would be nice, though, if the schedule was posted at a set time and a regular basis, such as at 6:00 or at 9:00. That's what people have asked him about. Mr. O'Keefe said the schedule on the bulletin board and the Internet is automatically generated by the system they use to do their playbacks, so they are always up to date.

Chairman Coutu said what had concerned him in the past was the revenue flow decreasing significantly as a result of the popularity of satellite cable dish. However, Comcast has aggressively gone after their customers and are getting them back and, as a result, the Cable Committee was able to put \$12,000 in the general fund this year. Mr. O'Keefe said the committee tracks the payments from Comcast, which are done on a quarterly basis. The most recent one came in a few weeks ago, which closes out the FY-09 revenue stream. The total revenue from Comcast ended up \$11,527 more than they estimated in the budget, so that extra money, about a 6% overage, will go back to the town's general fund. They are not seeing a drop in the franchise fee, at this point. Chairman Coutu said he hears almost daily that people are adding or switching to Comcast in order to watch this show.

Selectman Maddox said he is now a Comcast customer... to the detriment of the Cable Committee. He sees a lot of empty space and wondered if a series of the last three Selectmen's meetings could be broadcast instead of just one meeting to fill up the dead time in the government channel. He also what was going to be used as milestones or markers for the access center to determine if the cost is justified. That's probably something the Board and Committee need to work on together. Chairman Coutu said the committee had to wait for July 1 for the fiscal year to get the funds for the lighting grid, curtains, etc. It's small and there is work still to be done, but there's no doubt it's a television studio. The owner hoped the committee would use his in-house electrician, but coordinating schedules has been difficult. If they can't connect, they will have to get another electrician.

Mr. O'Keefe said meetings are run for at least a week afterwards, usually four times a day to cover all the time periods. Some weeks there are three or four meetings, so those weeks, there is a full broadcast schedule. Other weeks, there may be only one meeting, so they will see a lot of empty space. They can look at running older meetings to fill in that space because that's very easy to schedule. In the last report the committee brought before the Board,

there were goals listed at the end of it to address the question of what success was. They listed out specific numbers of programming and access users and things like that. The Board reviewed that information at the time and agreed to it. If they are going to bring up the discussion of judging success, he hoped they would start with that document as a basis. He is confident they can meet those goals by the end of the year. Selectman Jasper hoped there weren't too many people who were looking forward to a Hudson Board of Selectmen marathon. Sitting through one meeting is more than enough of a challenge.

Selectman Nadeau asked if people were lined up for the fall when the studio opens, such as a sports talk show, etc. Mr. McIntosh said yes, they've been talking to a couple of people. They are just waiting for things to get finalized. It would be a waste of resources to just throw on a show that looks and sounds crappy. They've resolved most of the issues and when they've all been taken care of, it's a go. Selectman Nadeau complimented the committee on the look of the updated screens, upcoming events and the scroll across the bottom. Things are looking very good.

Selectman Massey said the committee and Mr. McIntosh have gotten them head and shoulders ahead of where they were even 18 months ago, which is a tribute to all of their hard work. He asked what the status was of the current franchise contract. Mr. O'Keefe said the agreement with Comcast expires in August 2011, so negotiations will be starting shortly. Comcast has already informed them they will be looking for a renewal. Selectman Massey hoped the committee uses a different communications attorney than the one the consortium used. Mr. O'Keefe said he was aware of the Board's feelings on that and they would honor those feelings.

Selectman Maddox asked what channel Alvirne Hockey would be broadcast on. Mr. O'Keefe said the sporting events that are recorded at the schools are put on 21, the education channel.

E. Bid Recommendation for Sale of Obsolete Equipment (Inflatable Rescue Boat and Outboard Motor)

Fire Chief Shawn Murray was recognized and he explained the process they went through to get them to this point.

Motion by Selectman Jasper, seconded by Selectman Nadeau, to award the sale of obsolete equipment for the Zodiac inflatable rescue boat and the Mercury 9.9 hp outboard motor to John Chandler of Sterling, MA, the only bidder, for the total sale price of \$510, as recommended by Deputy Fire Chief Carter and the Finance Director; further, these items are being sold 'as is' with no implied warranty and the Town of Hudson assumes no liability, carried 5-0.

F. Benson's

1) Memorabilia Appraisal Cost Estimates

Selectman Jasper said this was on the agenda for informational purposes only. He won't be asking the town for anything else. He was thankful for the information and they'd be acting on that accordingly.

Chairman Coutu asked if the Benson's Committee was going to assess this information, or if it was for the Selectmen to assess. Selectman Jasper said at this point, it's a private thing. The Benson Committee has endorsed going forward, so what happens is going to be a private transaction. He wasn't asking for the Board's approval because it wasn't going to involve any town funds on any level. As he committed before, he won't be asking for any money for the appraisal and he has no intention of asking the town for any money to purchase this. This was to get the ball rolling and from here on out, it will be a private venture.

Chairman Coutu asked if once the appraisal figure comes in, Selectman Jasper will advise the Benson's Committee, and through the committee, the information will come to the Board. Selectman Jasper said an appraisal will be done and paid for privately. Mr. Provencher will pay for half of it and Selectman Jasper will find the means through private donations to raise the other half. The appraisal will be done and then those who are involved will decide if this is something they want to pursue--possibly through the cooperation of the Historical Society, since they are already set up as a 501-C-3, or a new 501-C-3 would be set up to purchase it. The only matter the town would be involved in would be if it's deemed appropriate that the elephant barn would be an appropriate place to display the memorabilia, the organization would come to an agreement with the town to use that building. He doesn't anticipate asking the town for funds for the set-up of the inside. The only funds would be for volunteers and materials to finish the restoration of the outside of the building, but that would be for a future discussion. The museum and artifacts are a private, non-governmental project.

Chairman Coutu said that may be so, but it is all encompassed in the plan the Board is waiting to see. Selectman Jasper said he'd update the Board on the plan when they get to the remarks segment.

2) Roofing Projects (38:52)

Chairman Coutu said he left for Colorado last week so he and his wife could spend some time with their daughter and grandchildren. Prior to leaving, he sent his fellow Board members an email, informing them he had asked Selectman Massey to assume the responsibility of doing an assessment of the work that has

been done at Benson's Park. He and Selectman Massey have had extensive communications and he thanked him for the time and energies he put into this. While he was gone, the local weekly newspaper accused him of ethics violations. He won't get into the details, but he's read a lot of fiction in his life and that certainly went beyond some of the fiction he has read. If any one of them is going to be accused of an ethics violation because they take action which they feel is necessary to protect the interests of the townspeople, then he will continue to defy the ethics this person interprets to be violated of. Because he assigned Selectman Massey this task, he will be stepping down as Chairman at this time and ask Selectman Massey to step in.

Motion by Selectman Jasper, seconded by Selectman Massey, that the Board ratify and endorse the action taken by Chairman Coutu to protect the interest of the town prior to his leaving by putting a stop to the future work and appointing Selectman Massey to investigate.

Selectman Massey asked Selectman Jasper to include Selectman Massey in the motion because if Chairman Coutu was guilty of an ethics violation, then he was, too, because he did the very same thing the next day. Selectman Jasper said that was his intent. All of the actions that were taken by the Chairman and Vice Chairman were totally appropriate and warranted under the circumstances and he commended each of them for their efforts.

Selectman Maddox said he was going to abstain because they were being asked to look backwards. He didn't have a problem with what was done, but they would be ratifying it in reverse. Selectman Jasper said it wasn't to ratify in reverse; there has been an accusation of an ethical violation, in particular against the Chair, and he wanted to be on record that he did not feel that was the case, that the actions taken were appropriate. He hoped the Board would agree. The intent is to say the actions taken were appropriate.

Motion by Selectman Jasper, seconded by Selectman Massey, that the Board ratify and endorse the action taken by Chairman Coutu and Vice Chairman Massey to protect the interest of the town prior to his leaving by putting a stop to the future work and appointing Selectman Massey to investigate, carried 3-0. Selectmen Coutu and Maddox abstained. At this point, Selectmen Coutu and Massey changed seats. (43:50)

Vice Chair Massey asked a representative from KSL Contracting to come forward. Kevin Langill took a seat at the guest table. Vice Chair Massey stated that the purpose of this item on the agenda was to have the Board of Selectmen determine whether to continue or to terminate its contracts with KSL Contracting of Merrimack, NH. That is the sole purpose for which this is held. There are four issues, as he understands it-- 1) an allegation of unacceptable workmanship; 2) an allegation of using non-like material; 3) allegations of dumping of material; and 4) allegations of material breach of contract. The ground rules he'd like to follow in order for an expeditious hearing is to keep the discussion focused on these four issues and on KSL, as a company, and the Town of Hudson, as an entity, and not engage in any personal characterizations or descriptions so that if either the town or KSL is referred to, it is done exactly that way, not to any individual. The Board contracted on Tuesday of last week with an architectural firm from Manchester, the Amoskeag Architectural Group, to do an assessment of the Gorilla Barn and the A-frame, with the request they review the work done and provide an analytical report to the town as to the workmanship. To his knowledge and to the knowledge of the Town Administrator, this firm has not done business with the town. They were chosen because it was felt they would have no equity or interest in the outcome. The report was made available to the Board of Selectmen this afternoon around 3:00 p.m. and Mr. Langill was provided with a copy of it just prior to the start of this meeting. He asked if Mr. Langill has reviewed it.

Mr. Langill replied that yes, he had, adding that he agreed with some of it, but disagreed with some of it. On Wednesday, he also had a report done on the buildings from a structural engineer that did an assessment of what was needed. He'll get into that in a few minutes. The A-frame has timbers that stick out to the side. They have to be cut off flush. Vice Chair Massey said the structural report document Mr. Langill was referring to was in the Board's packet, Item B.

Mr. Langill said the A-frame has beams that stick out to the side that have rough edges that have to be cut flush. The problem is there have been three different attempts to put a skirt board along the side of the building, which covers over the ends. The problem they are having is he designed it the first time to cut it back, using an 8" x 1" board. The distance between the two is too great, so what happens is he puts the 1" pine board up there and after getting wet or whatever, it's going to warp. They all know that's just the way it's going to be, so that wouldn't work. He explained that and came up with another idea with a Selectman to put a cap over it. So alright, they will cut a cap, cut it back so it comes out right, they'll put a cap over it. He bought the stock to do the cap. When he was going to do the cap, he was told to hold off; they had another idea. So, alright, he held off again. A week or two went by, he discussed it with the same person what they were going to do, and then this happened. Keep in mind that anywhere in the RFP, or anything, he didn't own that--that's volunteer by him. He didn't own that. They'll never see a picture anywhere that shows that skirt board on there. Anything he does there, he's donating it, part of what makes it look good. They thought it would look better with it, and it still will, but if he cuts it back too short, and then they change their minds, he can't add back to the beam. He has to have someone saying, on a piece of paper, cut it back and do this, and then they will cut it back, but if he cuts too much off, he can't add more to it. That makes sense.

So that's the A-frame. As far as the 4" board, he thought it called for 1 x 4 board, it wasn't there. It wasn't there when they started and it's not there now. An architect can come in and say put Christmas lights around. It doesn't mean he owns the Christmas lights. It's a 1" board. They will gladly put the 1" board on there, a 1 x 4 board, no problem. They're doing the rest of the work. What is it? \$20? It doesn't make any difference. They think it looks better? They'd be happy to do that, but this is the first he's heard of it. This is from an architect that's never seen the building. It wasn't there to begin with, so why would they add it? So, that's the A-frame.

Now for the Gorilla House. The posts got clips. His structural engineer said you gotta put A-33 clips on the post. He's sure somebody was down there today. The A-33 clips are on there. You'd need a chain saw to get those posts off. You're not going to get the posts off. Keep in mind those posts have no lateral... do not give lateral support. It's the interior walls that keep the building from sliding to one side or to the other. They all know from being down there the interior walls are not in very good shape and that's why the cage is connected to the roof. The cage isn't holding up the roof; it's just keeping it...the interior...that's the lateral support for the building. That's why those posts go up top. They are saying there is a dip in the roof. There could be a dip in the roof, but it could be dip in the structure that was up there. They were told 1) to replace the rotted boards that were up there. If there are boards up there that aren't rotted, and they have a wave in them, does that mean he has to change every board? There's nothing wrong with them. It's just the way they are being used when they made the building. If you look at the RFP, you'd notice that the RFP, there's nowhere in the RFP that says he should fill in those windows. It says take the Plexiglas out of the windows, but nothing says he should fill them back in. The issue on OSB. OSB is used in roofs throughout the country. There is nothing wrong with OSB. They gave 'them' everything on OSB in the report. He didn't think that was a problem.

As far as dumping, they [KSL] talked with the Administrator and Vice Chair Massey. Somebody wanted the trash barrel. They just walked over to the side of the road. They had \$3,000 worth of dumpsters. They had one, two, three and they've all seen them, the dumpsters they had down there. They think that somebody wanted the trash barrel, couldn't lift it up to dump it over into the... and just dumped it on the side of the road and used the barrel. He's not sure that happened, but that's his assessment because he picked it up and it was mostly dirt. He thought the barrel was just too heavy for someone to empty. It couldn't have been them because they empty the barrels all day. He didn't know how it got there, but that's his thought on that. It was right off to the side of the road. They've all seen it. It's gone now. He picked it up. He still has a dumpster on site, so it's not like they were trying to get rid of anything. That's the way it was. He didn't remember what the other article was.

Selectman Massey said it was the allegations of material breaches of the contract. Mr. Langill didn't understand what that meant. Selectman Massey said after the Selectmen ask their questions, he will refer to some of them. Mr. Langill asked if there was anything else, other than that. Selectman Massey said no, not at this point, unless other Board members had something to say.

Selectman Jasper said he'd address the issue on the A-frame. While Mr. Langill was working on it, they had a conversation and Selectman Jasper asked if Mr. Langill was going to put the fascia on and he said yes, he was. Then that was done and they went on to the Gorilla House. Selectman Jasper said he went down and had a conversation [with Mr. Langill] about the caps because they talked about the fact boards would do that. Mr. Langill said right. Selectman Jasper said Mark Pearson said at the time, "This isn't a big deal. I'll pay you for the A-frame; I'll release that," and Mr. Langill had said he'd get it done by Thursday or something like that. Selectman Jasper said he went down well over a week afterwards and it wasn't there, and he had a different idea, which wasn't going to cost him [Mr. Langill] any material because there was scrap material and he [Mr. Langill] never said he already bought the material for the cap or anything like that. Had Selectman Jasper known that, he would have said OK, fine, do it that way, but nothing got done. Essentially, the ends were cut, looks like with a chain saw. Mr. Langill said they were. Selectman Jasper said not very attractive; he's been down there with other Selectmen and now it's absorbing the water right into the end, which is going to lead to rotting and that's why the fascia is important. In the Request for Proposal, it very clearly says matching soffit fascia boards and (not discernable) and that's really the only...yes, there's some fascia on the main A-frame, but that's the only place where there was really fascia, so he did disagree with him [Mr. Langill]. It was clear that it was to have fascia on it. They all know what was there originally because once side had an addition on it and the other side was completely rotted away and broken. They had no idea what was there originally, but that's a minor point. He's not going to get into the issue of (background paper shuffling). The dip in the building is primarily in the area where they [KSL] did have to do work and strip the roof down so it would have been an easy enough job if they had to sister in some joists there to take it out, but that's not a huge point. As to the dumping, he didn't think it was a barrel. He was the one who found it. The total width looked to be pretty...when you take a barrel and dump it out, you end up with a pile, but you [KSL] have a bucket with your Lull you were using, pretty much consistent with a bucket having been dumped over this berm, so he disagreed with that. He asked if it was Mr. Langill's testimony to the Board that that's the only dumping... that he [Mr. Langill] didn't dump any material. (Background talking.) Selectman Jasper said if he told him [Mr. Langill] that... he hesitated, then asked if the Board wished to have a recess because he didn't know...

Selectman Massey said one of the allegations was dumping on the property had occurred so it's an appropriate topic for conversation.

Selectman Jasper asked if it was Mr. Langill's testimony that there was no other dumping. Mr. Langill said not that he knows of; he didn't know that was there until 'you' showed him. Selectman Jasper said if he told Mr. Langill that there were three other places on that property where sections of that building that was torn down from the A-frame were dumped... Mr. Langill said Selectman Jasper would have to show him because he didn't know anything...why would they have four dumpsters? They've seen them. Selectman Jasper said he had no idea. Mr. Langill said he didn't either and why he was saying this doesn't sound too right, right here. Selectman Jasper said those are sections of the buildings, one very large pile with a number of pieces and two others, where there's just a section, where the...

Selectman Massey said there were some pictures, if Selectman Jasper wanted to refer to them. Mr. Pearson retrieved a large poster board from the side of the room and held it up, which displayed about a dozen photographs of the items that had been dumped and the locations where they were found. (Background noise.) Selectman Jasper said those were sections of the building that were there. Very clearly, they were put there recently. Mr. Langill said, "Well, we know what those are. We know what that is. And we know what that is and we know what that is." (Talking over each other.) Mr. Langill said, "You would have to show me. That looks like the pile that was up... we had a staging area which is that pile, that pile." Selectman Jasper said one of them is behind the A-frame, over the fence. Somebody extended the arm of the Lull, dumped it out. Mr. Langill said they would have to look at that. Selectman Jasper said two others are up the road, they go off to the side of the Gorilla House and they were again, extension of the Lull's arm and dumped over an embankment. Mr. Langill said he didn't know anything about them. Selectman Jasper said, "We do," adding that it was easy to tell they've just been there and there's only one place they could have come from. Mr. Langill said, "Well, it does look like the material, doesn't it?" Selectman Jasper said it absolutely is.

Vice Chair Massey asked Selectman Jasper if there were any other questions on the dumping. Selectman Jasper said no. Vice Chair Massey asked if he had any other questions, at this point. Selectman Jasper said he had one that has to do with the material breach. The other is the day that Eric was asked to leave the site and 'you' essentially abandoned the site, which disturbed him greatly, not so much that 'you' packed up and left, it was the fact 'you' left the building wide open with the alarm on. 'You' did not secure that building. To Selectman Jasper, that was totally unprofessional, and a breach. Mr. Langill said he could answer that. He sent two men back there to cover that building and shut that door. It was later in that evening and he told them, "Do not go there if anybody is there. Anybody." He believed 'you' were there at 4:00 on Friday. Selectman Coutu said no, he was not. Mr. Langill said he sent those gentlemen back. He didn't ask what time it was. He thinks they said around 6:30-ish they drove past there. They said it was all done. Selectman Jasper said the face of the matter was, in his opinion, that when [KSL] left the site, they had an obligation to secure the building when they left, when any time they left the building like that, it needed to be secured. That one had an alarm in it, so that's what it is.

Selectman Maddox said when he got all this package, and it's quite the reading and they just received a lot of it tonight and he had seen the dumping photos and he talked to Selectman Nadeau during the first cleanup and he said [KSL] was going to use the Lull to take some trees down and in exchange, the cleanup committee would clean up under the A-frame. Mr. Langill nodded his agreement. Selectman Maddox said by happenstance, he was in there with Selectman Nadeau and there's a good portion of the concession stand that was attached to the A-frame dumped, that they found just by happenstance because he couldn't get through the gate. Selectman Nadeau went to another place and you could see the Lull tracks where this thing went over a berm. It was not piled like it was ready for disposal. In the newspaper articles, he saw that KSL had spent \$3,000 in dumpsters. Mr. Langill said they did. Selectman Maddox asked where they normally would have put sections of that concession stand. Into a dumpster? Mr. Langill said oh, yeah. It would have been broken in half and put in the dumpster. Selectman Maddox said then there is a problem because he saw... (talking over each other). Mr. Langill said if the dumpster was full and they were waiting for a new dumpster, then they would stack the material. Selectman Maddox said but they wouldn't stack it over a berm, over some brush, behind... Mr. Langill doubted very much that they would. It would be stacked right there in front of the A-frame. Selectman Maddox said then that's the problem he has.

Vice Chair Massey said on Thursday, KSL met with him and the Town Administrator to talk about some issues, some that have to do with contract processing and invoice processing. One was a ...they were handed a document that said, "These are the standards that KSL Contracting was using." He referred to the Amoskeag Architectural Group report, down on the Gorilla House, the second to the last line on that page, it says, "Provide and install mechanically fastened post seats. Remove and install the 4 x 4 posts, trimming length to insure level setting of roof eaves and fascia." He went out to the site on Tuesday and observed, when he was looking at the Gorilla House, that one of the 4 x 4 posts was loose and was not attached to the base. When the document was provided to the Board, it said 'this' was attached to the base of the 4 x 4 post and the standard that KSL provided to the town said it would have a hole drilled in the center of the post, the wood chips vacuumed out and the hole filled with glue and then four either 10-penny nails or screws, but based on what 'this' is, which is PVC, use four 10-penny nails. What he observed was it was attached with two decking screws when the specifications said four 10-penny nails. He can't see any of the other posts, but

he can only conclude that sans any other evidence, that this was the same way. He also noticed that on every one of the fastenings to the header board, it was randomness to the way they were fastened. On some of the posts, they were fastened with one, some were fastened with two, and when they were fastened with two, they were either on opposing corners or they were on 90° corners, so there was no rhyme or reason. He definitely has an issue with the quality of the workmanship for those columns, given that the specifications by KSL called for four 10-penny nails and there are only two decking screws. He talked with a lumber company today and they told him that two decking screws do not have the same integrity as four 10-penny nails. He asked if Mr. Langill had any comment on that.

Mr. Langill asked if when [Vice Chair Massey] talked to the lumber company, did he tell them there was glue in there. Vice Chair Massey said he didn't tell him that because the specifications said four 10-penny nails. Mr. Langill asked if [Vice Chair Massey] had been down there recently. Vice Chair said yes, this morning, and he observed that the clips were put in place. The second thing, [Mr. Langill] indicated that the reason the fascia board and some of the existing boards on the A-frame have not been stained is because it's wet wood and it needs to have at least a year to dry out. He asked if that was correct. Mr. Langill asked if he said that. Vice Chair Massey said that's what he had been told. He asked how long it takes for the fascia boards... Mr. Langill said pressure treated means...you should let pressure treated...if you have a deck, you should let pressure treated dry out a little bit before you stain it. Vice Chair Massey asked what a little bit was. Mr. Langill said, "I would go through a summer, maybe I would wait a year, I would wait a year. OK. There is no pressure treated...oh, I'm sorry, there is pressure treated, right, coming down the trunk case." Vice Chair Massey said the fascia board on the A-frame. Mr. Langill agreed.

Vice Chair Massey said he was told by a lumber company today that pressure treated lumber can be stained or painted the same day it is applied, if you apply a pressure wash to it, or if you let it go for at least two weeks, it was probably OK. They already talked about the dumping and they have some pictures. He personally observed all three and you wouldn't find them if you weren't looking for them. He couldn't tell you where they are without physically taking you there. That's how far out into the brush they are and how well they are concealed. In the proposal [KSL] provided to the town, under Note 12, under provisions of the contract, there was a section called Notes and Provisions and #9 says that work areas will be clean and free of debris at the end of each day and they have evidence they have debris is still there. Not only is it there, but it's hidden. Finally under Provisions and Notes [KSL] provided to the town, #12, says KSL Contracting will take progression photos of job site daily for both party's records and asked if those pictures exist. Mr. Langill said they sent many pictures from Day 1; they have over 200 pictures just of the Gorilla House. They have sent [the town] plenty.

Vice Chair Massey said he accepted that. His last question was one of the requirements on the bid proposal, which is listed in the town's bid proposal on § 2-E, Insurance. They were notified today that [KSL's] insurance company has cancelled their policy as of midnight last night. Mr. Langill said no, it isn't. He could give them a certified letter right now. They [insurance company] called him yesterday and they straightened it all out. Her name is Pam (not discernable). Vice Chair Massey asked Mr. Pearson if he had a copy of the notification from the insurance company. Mr. Pearson said it was Tab C, faxed today at 2:30 this afternoon from Benway-Johnston. Both the fax cover letter and the policy both say cancelled. Vice Chair Massey asked if Mr. Langill had any other insurance. Mr. Langill said they would find out tomorrow morning that that is not cancelled.

Selectman Nadeau asked, when the A-frame was demolished, how many people did it. Mr. Langill said probably six. Selectman Nadeau asked what dumpster company KSL used. Mr. Langill said Dumpster Depot and he had the receipts. He asked if those were the orange dumpsters. Mr. Langill said yes. The dumpster up there not is not from Dumpster Depot. They stopped using them. Selectman Nadeau said he is the one who found those piles on Sunday evening at around 6:00 with Selectman Maddox. The only reason he found those piles was because he was trying to go to a locked gate to let Selectman Maddox in. The first pile that he found is the second row down, middle section. Then he walked up probably 150-200 feet and found the second pile. He went back on Monday morning and straight back on the third row down, you can see a circle through the A-frame. That is where they found the big sections of the A-frame, right behind that, over the fence, which is probably a good 20-25 feet over the fence, so there's no way that anybody could have dragged it over there. It's very big. The piles you see on the bottom he knows they [KSL] was using for scrap wood and other projects they are doing. He had no problem with those, but he had a huge concern over finding the three huge piles of debris and it is definitely the A-frame, there's no doubt at all. It has been freshly dumped and that's very concerning to him. The debris in the third row down around the A-frame, the little pieces of shingles and stuff, per their conversation, he said that wasn't a problem, they could clean that up. There's a little pile on the thing when they were talking during cleanup days, so he didn't find that to be a problem. The three big piles are a big problem.

Mr. Langill said he finds the three big piles a big problem. He also finds someone dumping a barrel out on the side of the road a big problem. He is now saying, "If I am going to spend \$3,000 - \$4,000 in dumpsters, and you've all seen them, why would that happen? OK? So we're turned around saying I got a Lull sitting there at \$375 a day that's been sitting there now, right now, been sitting there for seven days. OK? There's another Lull on site, also, you notice. Where that stuff came from, I don't...you're telling me. I will go out and

look and if it's ours, I'll clean it up. It'll be gone. I'll have another dumpster down there tomorrow morning. How it got there, I have no idea."

Selectman Coutu said he wasn't going to ask any questions; they've gone through this in quite a bit of detail and it has been on-going since Day 1. However, this last conversation forces him to ask this question. Mr. Langill has been on that site pretty much every single day. Mr. Langill said he tries to make sure... Selectman Coutu said he wasn't going to have them drag the photo up again because he and Selectman Massey were on the property today and Mr. Langill knows they were there when he [Mr. Langill] was repairing the post, as a result of Mr. Langill's own engineer telling him that it needed to be done, so that was being done after the fact. Mr. Langill said it was a recommendation that it be done. Selectman Coutu said nonetheless, KSL had already finished the Gorilla Barn and moved on, so Mr. Langill was there today, repairing that, but that's not the issue here, but he wants to keep that fresh in everyone's mind. When you look at the pictures and the amount of debris, you're not talking about a couple of 2 x 4's; they're talking about large walls. Mr. Langill said absolutely. Selectman Coutu said full walls that were attached to the A-frame; there's no doubt about the material. There's no doubt in their minds today when he and Selectman Massey were walking the premises that that's not material that was dumped a couple of years ago. The tracks that are there were not made a couple of years ago and the lay of the material on the ground is proof positive that the undergrowth is current grass that exists and has been crushed down from recently laid material that was removed from those buildings. This was what concerns him and why his voice was escalating to a level of edginess because the amount of material that is there, if Mr. Langill was there every single day, he's sure Mr. Langill would have realized it never ended up in [KSL's] dumpster. If you're a general contractor and you're there to supervise, you're not going out there and watching and gauging and measuring and weighing all of the dumpsters, but that amount of material disappearing would be obvious. Selectman Coutu said he owns a business and he knows when things disappear. It's a matter of finding where they disappear to. He's finding it hard to believe that Mr. Langill was not aware that this material just disappeared from the site. Mr. Langill said he could show them his dumpster bills and you're allowed 8,000 lbs. in a dumpster. "You want to see my overage? My overage I paid? I paid \$600 a dumpster to have a dumpster there and my overage charges were running over \$100 a dumpster, so what I'm saying is for all those dumpsters I dragged out of there, I wouldn't know one way or the other if there were two boards missing or what not. You wouldn't be able to tell. OK? I'm upset that it's there. How it got there, I do not know. I will ask, but I do not know."

Selectman Coutu asked if Mr. Langill has had an opportunity to walk directly across from the A-frame, that there's a road that passes right through in front of the A-frame. Mr. Langill said he didn't know there was one. He asked if [Selectman Coutu] was talking about the little one. Selectman Coutu said the dirt road that exists there. In front of the A-frame. Mr. Langill said he didn't know there was a road there. Selectman Coutu asked how he got there, then. Selectman Jasper said...the dumpster, where they had the Lull. Goes right down to the pond. (Talking over each other.) Mr. Langill said he thought they meant into the woods. Selectman Coutu said, "This picture here, here's the A-frame." He asked Mr. Pearson if this was the road adjacent to... if the material was adjacent to the A-frame. Mr. Pearson said it's all in the general vicinity of that road. Selectman Coutu said, "This is the A-frame building, here's the road. Did you ever walk across and look at this whole area back here?" Mr. Langill said that's where 'you' park when 'you' go down there. Selectman Coutu said he didn't go down there that often, but no, he walks down. Mr. Langill said when you drive down there, you pull over here and you park right here, and that's where they had their dumpsters. Selectman Coutu said he had the luxury of a chauffeur today, but normally he would walk down there from the Office Building.

Today, Selectman Coutu said he and Selectman Massey looked just across from that road, from the A-frame, and it there's loads of debris in there, pieces of wood scattered all over the place, just left there, roofing tiles just dumped in the grass and left there. Nobody bothered to rake or clean up the area. Mr. Langill said like he said before, they made a deal...not that he should say they made a deal and maybe he should have gotten it in writing, but the volunteer committee was going to come in after KSL and clean up that whole area and he told several people that. They took down the trees, the deal was over at the Gorilla House that they trim back the trees, take down that tree that [the town] was going to spend \$2,800 on to have taken out, they took out all that out and if they took all that out, they [the volunteers] would go down and clean it up, and [KSL] said fine, great. He asked himself why he should have guys volunteer on Saturday to go in and do work if he might as well send his guys down there and let them clean up, so he had guys down there cleaning up last week in the back side of the A-frame where the wall is, he had guys down in there, cleaning that stuff out. He didn't really notice the stuff over on that side. They had people they thought were going to do it.

Selectman Coutu said this was escalating. Yes, there might have been some conversation with [Selectman Nadeau] with regards to swapping cleaning for something else, but it started out, as he understood it, with the Gorilla Cage and now [Mr. Langill] said it involved the A-frame, as well. Mr. Langill said it started with the A-frame. Selectman Coutu said then he would have to rely on testimony from Selectman Nadeau. Mr. Langill said he was also told this week that if the volunteers had worked the Saturday before last, it would have been all cleaned up, but they didn't work because of reasons they all know.

Vice Chair Massey said the Board had a decision to make. They have to determine on the basis of all of the documentation they've seen, all of the information that was brought forward tonight, the contracts, the

Request for Proposal, whether or not the allegations of unacceptable workmanship have been satisfied in their mind. From his perspective, given that the Amoskeag Architectural Group did not make a comment on the OSB, sans any information from them, they did find that the structural engineering company that KSL Contracting engaged has provided them with documentation that warrants that OSB 7/16ths is substantially the same as 7/16ths plywood. As to the allegations of dumping and the contract breaches, the allegations of dumping would be the evidence they have, which would be a breach of the contract on...it's at the end of [KSL's] proposal, under Notes and Provisions, Item #9, The project work area will be clean and free of debris at the end of each day. Whether or not they believe, on the basis of that comment, the dumping of the material is a breach of contract. Finally, as of 2:00 this afternoon, they have evidence that the contracting company does not have a liability policy, including workman's comp that will allow them to do this project.

Motion by Selectman Coutu, seconded by Selectman Jasper, that after reviewing the evidence assembled by the Assistant Town Administrator, the report of Architect Alan Yeaton and after hearing from the representatives of KSL Contracting, the Board terminates all contractual agreements between the Town of Hudson and KSL Contracting for the Benson's roofing project because the quality of workmanship does not meet standards in the industry and for material violations of the contract documents, including but not limited to failure to properly dispose of construction debris.

Selectman Coutu asked that his colleagues support the motion, adding that they have consulted with the attorney and the language he used in the motion was language that was suggested by the attorney. He thinks the evidence is overwhelming. It's quite clear. All of them, at one time or another, have been in that park and most recently, as a result of phone conversations he had with Selectman Nadeau, as he was existing the airport Sunday, and then 'your' dilemma at the park Sunday night, two or three more follow-up conversations with Selectman Nadeau, his briefings with Selectman Massey yesterday morning at an undisclosed location, and the walk-through of the property today. The documentation, he spent the afternoon going through the material and the evidence is overwhelming. They [KSL] have not met their contractual agreement and this justifies the actions that he took and, perhaps, it was a learning lesson for him. Maybe he should have asked for an emergency meeting. He didn't know what the procedure was. This was the taxpayers' money, as Selectman Maddox constantly reminds them, and he did what he felt was in the best interest of the town to protect that money until they had an opportunity to review any and all evidence that might be coming forward with regards to KSL's contractual obligations and whether or not they were meeting those obligations. He asked the Selectmen to support the motion on the basis of the evidence which clearly indicates they did not meet all of their contractual obligations, as per the contract they submitted.

Selectman Jasper said he, too, supported the motion. The workmanship issues could be corrected, as Alan Yeaton points out, but KSL was told by the Assistant Town Engineer that, starting with the A-frame, this was going to show how 'your' workmanship was; give us proof as we move forward. There were some red flags that went up at that time, particularly in the issue of how the (not discernable) was sistered in. As he looks at that more closely, it's a hack job, just pieces of junk filled in and no careful consideration of how it would look in the long term, making sure it was the same thickness and just 45-ing the ends, making those consistent so it looked like it was, at least, a decent job. It wasn't. Those things could all be corrected. They [the town] could keep a better eye, as suggested, they could have a clerk of the works, as they talked about. There are issues they could explore further that they have in terms of the insurance and issues of that to see what the fact of the matter is, but the fact that sections of the building were deliberately dumped. He found the one section, very clear to him, it did not come out of a barrel, it came out of that bucket and the attempt to make excuses as to how that got there, where it came from, he could live with that, but the sections of the building...it's clear to him that only a person with a financial interest in the project would do that. A normal employee would never just say oh, well, I'm going to save my boss a few bucks. He also thinks there were principals of the company on site through that whole demolition. He didn't know that for a fact, but he believes that there is so much material there, the only reason it could have been done was they heard, well, geez, I got \$3,000 worth of dumpsters, there was overage, was to prevent any further overage charges, any further cost for the dumpsters. As they move forward now on to the historic buildings, do not have the faith that it is in the best interest of the town to proceed with this particular contractor and that's very unfortunate, but he didn't see there was any alternative for the town at this time.

Selectman Maddox said [Selectman Massey] was famous for the statement, "Act in haste, repent in leisure." They had a deadline, they tried to meet it, put together a spec that...code, people don't realize that code is the minimum and they looked at some things and probably didn't see some other things until you rip the buildings apart. You were relying on the contractor to utilize their experience and their expertise to do the best job for the town and some small trash that didn't get picked up, promised to pick it up in exchange for, that's all minor issues. The insurance just maybe fell through, but dumping huge sections of buildings where they thought no fool would ever go, never expected Hudson Selectmen to go roaming through the woods. These were literally brought over to the berm and the Lull extended and just slid off. There was no doubt this was done to hide them. This wasn't a pile of wood, stacked somewhere. This was put in a place, where unless by accident you were looking for the lost Selectman, you found a pile of trash, you never would have found this, so it just goes to the case of someone took this building apart and threw at least a third of it, a half of it, into the woods, so his faith is lost so he will support the motion.

Vice Chair Massey said they have to go to the issue of workmanship and when they look at the Amoskeag Architectural Group, which has no financial or business connection with the town, makes the following statements about the A-frame. First of all, the general statement is, is the work completed to date satisfactory, and the answer is no. Vice Chair Massey said he did observe the dips in all four sides of the roof on the Gorilla Barn. On the A-frame the consultant says the trimming of the new roof boards is uneven and not straight and this is not acceptable. Vice Chair Massey said he personally observed those uneven boards. It was clear to him, who is not a professional carpenter, that a snap line had not been placed on those boards to cut a straight line and, as a result, the metal fascia that is covering those boards is wavy. The boards on portions of the roof that were replaced were not stained and the fascia board is not stained. In the case of the Gorilla House, the Amoskeag Architectural Group observes that several of the installed posts were loose. The roofing at one of the skylights had noticeable sag, intermediate supports were missing and a sag was observed at a middle soffit wall on the right hand side. The thing about the posts, you cannot see all the work because it is hidden, but he did observe one of the posts that was not fastened completely to the wall, the spec that was provided by KSL Engineering said it had to be attached to the post. (He displayed, for people watching cable, a standoff so the wood does not touch the concrete, which allows the wood not to be in contact with water and lessens the amount of rot.) The specification called for a hole to be drilled through the center of 'this' and into the wood, a vacuum to suck out the wood chips, and then four 10-penny nails attached. There was no hole in the wood for the center and instead of four 10-penny nails, there were two decking screws. Yes, there is glue on some of the items, but the spec that KSL Contracting provided, said this is what's there. Since he can't see what's all there, and the fact 'this' was there and the consultant has observed that several installed posts were loose, he has no confidence that any of the rest of the posts were secured any differently. As he said before, there were at least three different methods by which the posts were attached to the header. In some cases, there was just one nail, in some cases there were two nails that were on opposite sides of the post, on the third instance they were at 45°s. The dumping, it doesn't matter to him who did it. It's a contractual obligation of the contractor to dispose of the material and they have an obligation to ensure that all materials are properly disposed of. He finds it to be a material breach of contract to not have cleaned and removed all debris on a daily basis, especially in light of the fact he finds it to be a breach on contract because, as he mentioned at the beginning, he could not have found these three sites if somebody told him to go down to Benson's and find them. Because there are no trail markers there at the moment, and because there are no street names or anything else, you have to physically walk down. In all three instances, he observed two things. The first is the grass was disturbed, which indicates to him it was done in the last three weeks. The grass underneath the debris is fresh, which indicates it has been done within the last two to three weeks, and in all three cases, the amount of material that's there is not just one or two boards, it's whole sections of either walls or roofs that were put in there and they are stacked. Stacking would indicate to him that it was done, not by hand, because in some cases, the sections were probably eight feet in length, would have had to be done by mechanical means. In the case of the dumping behind the A-frame, the material was actually dumped and a piece of the fence knocked down. While it is possible the contractor could have new insurance, the fact is, as of midnight last night, he had no insurance, according to his insurance company, which is a requirement of the job, so for all of these reasons, he did not have confidence. He reflected on what Selectman Jasper said. They are going from two buildings, which they have no obligation by the state quit claim deed to do anything with. They could have demolished them, if they chose to. They now are going to two buildings which, by the contract language, they must preserve at it was when they took the property over and he, personally, is not confident that they could ensure those two buildings could be done according to the requirements of the historic preservation requirements. On that basis, he finds there is a material breach of contract and the workmanship, additionally, would give him pause to continue forward.

There being no further comments, Vice Chair Massey asked for a roll call vote on the motion.

Selectman Coutu	Yes
Selectman Jasper	Yes
Selectman Maddox	Aye
Selectman Massey	Aye
Selectman Nadeau	Yes

Vote: Motion carried 5-0.

Vice Chair Massey said the next course of action would be for the town to provide an escort to Mr. Langill to remove his equipment from the site. He's sorry it came to this. Mr. Langill said to be honest, he didn't think this was the end of it.

Vice Chair Massey said he understood and declared a 10-minute recess at 9:05 p.m. Chairman Coutu resumed his seat, as did Selectman Massey.

G. Community Development Staffing

Selectman Nadeau said during the budget season, they voted to remove this money from the budget and what they ended up doing was using it through the summer to help out with some of the staffing things they had to do. Now that

this has come to an end, they need to do what they told the Budget Committee they would do and remove this amount from the budget.

Chairman Coutu they were in the default budget as of July 1 and as a result, the position wasn't eliminated; it actually exists in a funding status of \$51,368, the budgeted amount. They've expended some of that money, so they can't remove all of the monies, because she has continued in that position. He was concerned with some of Selectman Nadeau's wording, but he supports his position. They've had discussions about this issue in the past, but several things have occurred recently with regards to personnel in two different departments that could affect the body, but not necessarily the position. The intent is not necessarily to get rid of the person, but the Board made a decision in the last budget process that they felt, in light of the economic times, that department did not need that additional person. What he believed Selectman Nadeau's intent was to zero fund it, after they remove whatever is committed, and put the money into the general fund. Selectman Nadeau said yes.

Selectman Jasper said this is the general fund. Removing the money isn't the issue. They can move it wherever they want; it's still in the general fund. The motion would be to eliminate the position and, hopefully, give two weeks notice to the most junior person in there and lay off one member of staff. He was in favor of that at the time. At that time, they didn't have an Assistant Town Administrator, so he would want to hear from him to see if he could justify the position. At the time, the Community Development Director was unable to provide justification for the position, which is the reason the position was eliminated. At that time, they had a full-time building inspector and now it is half-time. That doesn't affect anything, but they are saving money there. They also continue to fund the Town Engineer's position, which is in Community Development. It was vacant at that time, but they left the money in there, unsure of what they were going to do. It's pretty clear they are not going to fund it, so in terms of looking at the budget in terms of how much money they are going to spend in salaries, they will be under-expending that budget by much more than they anticipated when they took this action. The money is not going to be removed; the budget is set and the tax rate will be set with this money in there. The only question is to whether or not the Assistant Town Administrator can justify the position. That has always been his concern, not just a willy-nilly need to eliminate a body. He particularly has a hard time in this economy putting somebody out of work, which is not going to be very helpful on any level. However, if there is no need for the person to be doing the work, there's no work for the person to do for the foreseeable future, then it's only prudent to lay somebody off, but with all the changes that have taken place since they made this decision almost a year ago, he thinks it is prudent to review it.

Chairman Coutu said Selectman Nadeau is the person who asked that this be put on the agenda. Based on what Selectman Jasper said, asked if Selectman Nadeau would like to hear Mr. Pearson's justification for the position.

Motion by Selectman Nadeau, seconded by Selectman Maddox, to give a two-week notice of termination to that person in Community Development in the position which is the least senior, per the union contract. Selectman Nadeau indicated he'd like to hear Mr. Pearson's justification.

Mr. Pearson said he was in a difficult position in that he wasn't here last year when he made this decision to potentially remove this position. He appreciates that the Board chose to keep this person on a couple of months ago. It had an immediate effect of allowing them to finish the scanning process with the interns, which was very successful with over 5,000 files successfully scanned in between the two interns and this person that would be laid off, should the Board vote in the affirmative. She participated in the hiring process and in culling the records and supervising that process. He didn't want the important job she did to go unnoticed because she was very successful at it. If he didn't try to justify keeping the position, they go down one person. The fallout will be to reassign the 25 duties that she currently has to, basically, the three people remaining in the office so each person would have to take more of a load. Having said that, the other option would be for him to justify the rationale to keep her. He found himself in a difficult area. There is a Planning Director who has an Administrative Aide, a Zoning Administrator with an Administrative Aide who also works for the part-time Building Inspector and part-time Electrical Inspector, and there is another Administrative Aide in Engineering. If he looks at his workload and the things he tries to accomplish, he would be left without a Secretary or Administrative Aide. It means he is solo. That means he would have to tap into the Administrative Aides that still remain and into the other Secretary that's there primarily for the front desk. It's a difficult position. He didn't know that he wanted to try to convince the Board to keep a person, but he didn't know if he wanted to let the opportunity go by and let that person be eliminated. His fear is it's going to be very hard to try to get that person back as the economy gets better and he's going to need more help. They are busy in there. He's been here for only eight months so it's at a disadvantage of what the workings were in there before, what the issues were. He has an idea there were some issues. He tried to make that office as productive as it could be with the amount of people he has. If they do decide to eliminate this person, he will continue to make that office as productive as he can with the people that he has. Having said that, he will have to spread out the duties and they are going to have to work together. They all work together well now. It would be spreading out the duties and he literally would not even have the ability to have somebody assigned to him to do the things the Board asks him to do that he does pass on to this person to assist him. If he fights too hard to try to keep this person, it can hurt him because the Board may decide to eliminate it anyway. If he doesn't fight, it would be like laying down and letting the position be eliminated and he'd have no shot to get it back.

Selectman Jasper said he appreciated Mr. Pearson's position, but it hasn't given him clear guidance as to where he should go. The simple way to do that is to ask him if the position is eliminated, if he would be able to accomplish, with the existing staff, all the jobs he is being asked to do in a timely fashion. Mr. Pearson said his best guess is he would

not be able to accomplish it in the timeliness that the Board is accustomed to right now, which is a pretty quick turnaround time because he taps the staff and gets everyone working together. There would be fewer people to tap. There would be a delay, but he's not saying he can't accomplish the tasks he is given. That's the trade off. There's utility in keeping that person on. There's savings if that person is laid off. They can save, but they'd be giving up some of the other things. There's a very unique spin on this person. This person is the junior-most person. The fact is that she is the one that fills in for the others when the others are out. She goes to Engineering, Planning, Zoning or anywhere else in the building. She is the person that has more of the breath of the whole...and she also knows the front counter. She is the one that has the most utility. Because she is the junior person, she bounces around and fills in for people who are on vacation. She even filled in for the Building Inspector when he was on vacation and got into a 4-wheel drive during a rainy, snowy day and went down and took pictures because a Selectman called him and needed pictures taken for some flooding issues. They go through cycles of being short staffed and tap into everybody that's there. They can save money by eliminating it, but there will be some work product that would be slowed down.

Selectman Jasper appreciated that answer. Mr. Pearson has a number of people on staff who are entitled to vacations and it probably averages close to three weeks per person, so there are a substantial number of weeks where they are not at full staff, which would impact services. He asked if there was enough productive work to keep all of the staff he has, accomplishing goals he believes need to be accomplished. He wants to make sure they aren't just making busy work. They heard some complaints about the filing and there are needs there. He has seen a tremendous output in the paperwork coming out of that office. At the time the decision was made, there wasn't much coming out of that office, just a few letters a week, and now they are seeing a whole lot of activity. Is there enough work for 52 weeks a year to keep the current staff busy? Mr. Pearson said he hasn't seen a slow production period because he was tasked by the Board for many different projects and the reason he has been successful in meeting deadlines and expectations is because he taps into all of the resources in the office. Everybody, from department heads to administrative aids to secretaries. To answer Selectman Jasper's question directly, what happened is there has been a shift and the shift was in code enforcement. What he heard from the Board when he was hired is he wanted the code enforcement things and a process put in place and he did that, but in the course of doing that, the code enforcement and paperwork has increased, so it has made one of the Administrative Aides that she schedules appointments for and she provides support for, it makes her busier, so she is not able to support him or do other things because she is now busier with code enforcement. The front counter has become busy. Even in slow economic times, people are still coming in for variances and Planning Board. They have a chalkboard now and have meetings two months out, filling up the agendas. They are busy with applications for variances, busy with Planning Board. In addition to that, because the files have been scanned, they are also busy with people coming in to use the document server more and more and the most important thing he wants to bring to their attention is that they just finished the second year of a three year project for scanning documents. In the Community Development area, the file cabinets have disappeared because there has been a reduction in the amount of files in the cabinets. This is the person who has led the scanning for this year and she was part of the leading of it last year, so now the question becomes who do they even have lead the interns for next year. It's not just telling the interns to scan the files; it's going through the records before they scan them in to separate out documents that need to be and going back to the records and the audit and how accurate the files are. He asked the Board, if that person is laid off or that position is eliminated, he would have to figure out how to accomplish that third year of the scanning program without that person. If that person were to stay on, he has a plan. Between now and the December vacation for the person to continue working on the records so there is a vast amount of records that can be scanned in by the interns that, if they are available, for the winter vacation to come back in and scan and deduct those two weeks off of the next year's internship so it wouldn't be an additional cost, but it would allow them to get the records scanned in. That's one alternative. Otherwise, the boxes sit, they lay off a person and he's got to try to make some plans for how they can accomplish having people look through files between now and next April and if they can continue the scanning program. If they get busier, or if they even divide the work she currently does, he didn't know who could go through those records to get them electronically scanned. That's his major problem right now.

Chairman Coutu said he anticipated Selectman Nadeau taking this action. On the basis of what they had to live with last year, there was justification in Selectman Nadeau's motion to eliminate the position from the budget and that action was supported by a majority vote. However, since that time, things have dramatically changed, which Selectman Jasper alluded to somewhat—there was nobody fighting for that position at that time. No one said that position was really needed; the workload just wasn't there any more and no one advocated to save the position. Now, Mr. Pearson has done that, and did it reasonably well—and almost convinced him. What he would support at this time, in light of what has happened within the building this past week, an action, if Selectman Nadeau was willing to withdraw his motion. Before he gets into that discussion, he wanted them to know what he was doing was not necessarily eliminating the position. He was zero funding it. The position will be there, much like the Engineer's position.

Selectman Jasper indicated he disagreed and interjected that what they were doing, the money will still be there in the budget and will be within the Board's purview to transfer it someplace else, but it has been budgeted. What they will have done is sent the message that this position will be eliminated. They eliminated the position funding in the budget, but because of the default, it came back, so what they essentially would be doing would be sending the message that this position would not be funded in the next budget. They don't have to do that, but that's pretty much the message they are sending to themselves is they don't need this position; there's no reason to leave the money there. If they leave the money there, they are still raising and appropriating. There's really no reason for this action. If they continue to do as they did with the Engineer's position, raising and appropriating the money, it's sitting in the

account. Ultimately, they would hope it would go back to surplus, but the fact is if you looked at last year's report, they ran with the loss of revenues; they were in a deficit budget last year. It's hard to say what they were doing except saying, "We don't feel we need a person in that position." That's really all they are saying.

Chairman Coutu asked, in the Police Department budget, do they not have a non-funded position that has to do with IT? Selectman Jasper said no, they have a funded position. That money is being used for the retirement. It is funded. Chairman asked if he was wrong in his thinking that they could have a line item that is not funded, but the position stays there, that it always has to be funded? Selectman Maddox said they have unfunded positions. Mr. Malizia said years ago, there was a custodian at Town Hall. When that person resigned, the Board never technically got rid of the position, but decided to go with contracted outside labor. They never got rid of the position; it just wasn't funded. Some number of years later, they felt contract labor wasn't the best way to go because they weren't getting the product they wanted, so they brought in Mr. Medeiros into a position that existed, but before they did that, it had to be funded through the budget process. They are not getting rid of a position unless they specifically say that, and that hasn't been done in the past.

Chairman Coutu said that's what he had been saying; the intent was not to get rid of the position. Selectman Nadeau agreed that was not the intent of his motion. They were starting to go down the other road about things have changed at Town Hall, which they were going to be taking up later, and that's not where he wanted to go right now. Chairman Coutu wanted to understand the intent of the motion and asked if the motion was supported by the Board, it was to zero fund the position, but if there was a need for the position in the future, they would leave that line item there. Selectman Nadeau said they are not cutting the position and taking it out completely, they would just be laying that person off. Chairman Coutu asked if that was in light of other action they may take later. Selectman Nadeau said no.

Selectman Massey said because this position is in the default budget, it is included in the tax rate for this year, so laying the person off will have no affect on the tax rate. If they bring the position back in the next fiscal year, then they accomplished nothing in terms of the tax rate. That's the only thing people look at, the effect on the tax rate. If they think this position should not be funded this year, they are making the decision not to fund it next year, if they want to make a difference in the tax rate. He has been thinking he kind of wanted to go down that road because he felt they made that decision back in October and he didn't think that just because the voters said no to the budget that that altered why they wanted to do it. However, tonight, the Assistant Town Administrator has brought to the fore some thinking that they should be considering—the amount of work that is coming out of that department far exceeds in quantity and quality what was coming out of that department before the Assistant Town Administrator was hired, he believed they might run the risk of derailing that and that's part of the reason why they did the organizational change; they wanted to put more emphasis on the work that that department was doing. He was persuaded tonight that they would see an uptake in business in the development side, and the fact that the output in both quality and quantity has substantially increased since the Assistant Town Administrator was hired, that he would not support the motion.

Selectman Jasper said he wouldn't support it, either. They have a responsibility to the taxpayers for the tax rate. In this case, they know that materially, they are not going to make any difference. Secondly, they have a responsibility to the people who they hire to be a part of the team. They are a tight knit community, not a big town, and he wasn't aware of them ever laying anybody off. They should have a quantifiable reason, not just that 10 months ago they weren't convinced by a guy who they ended up having no confidence in, that they didn't need the position. The person they put in a different position, but managing that department, has shown the productivity. They have to ask if that productivity they have in the department something the Board wants, or if it is a bunch of fluff. People can be kept busy making widgets, but that's no good if there's no need for the widgets. In this case, he sees the product coming out of there as something they were all looking for. He didn't want to say that just because they made a decision 10 months ago, they can't possibly go back on that decision, even though they are seeing a product they are all happy with. They may risk not getting the same product with less number of hours in the department. They have to convince themselves that a) they don't need what they have been getting or b) the absolutely can get what they want with less staff. Somebody needs to make that case. That was why they did what they did because nobody could make the case that they were getting what they wanted before and that it was necessary to have the number of hours to get the product that they were getting but didn't want to begin with.

Chairman Coutu said he was almost there, but was having a difficult time, having supported Selectman Nadeau's motion last year, justifying not supporting it this year in light of the fact of other action Selectman Nadeau wishes to present later on. He understands the value of the person. The problem is that the Board has inundated [Mr. Pearson] with Benson work that has consumed an awful lot of his time, and has tied up a lot of staff's time, as well. With comments that will be made later, they will relieve [Mr. Pearson] of a lot of that. There will be some delegated down through the Town Administrator. All of that will disappear and will free up [Mr. Pearson's] time, as well as a lot of staff's time who have been involved in this. He appreciated the way the arguments for the position were presented, which left the door open on both ends, saying he could live with it and adjust; the world wouldn't come crashing down because they would lose one body. He's heard the arguments that were substantive and made sense and gave him pause to think about the way he was going to vote, but he has other things to consider.

Selectman Jasper said Selectman Nadeau had shown him a note and although Mr. Pearson would be freed up to do other things, since none of these things have happened, and this isn't a one-time opportunity to lay this person off, shouldn't they put the pieces of the puzzle together first to see how that lays out. If the puzzle comes together the way they think it should, then it's necessary to take action in two, three or four weeks? What confused him now was why

today seems to be do or die when there are all these other things that may happen. It doesn't seem necessary to do this today. Chairman Coutu said he tried to open the door in that direction, but didn't get a bite.

Selectman Nadeau said they could put it off for two or four weeks, but then it would turn into six weeks, then 10 weeks, then the next thing they know, they will just keep the position. They told the voters they were going to eliminate this position. The Assistant Town Administrator said he could reassign the projects to other people. It may slow them down a little. He did not see much building going on in town. He sees a lot of people going before the ZBA. The Planning Board is picking p a little bit, but there's not a lot of land out there to be developed. Things are slowing down and he didn't see the economy getting any better. If they put \$30,000 aside now, where they've had shortfalls in the past, this is a good time to do it. They should have done it when they told the voters they were. Eliminating the position at this time is the right thing to do.

Selectman Maddox said as the liaison to that department, he is stuck in the same conundrum as the Chairman. The Community Development Department is a bellwether of where the construction is going. Ten months ago, they saw zero Planning Board meetings being cancelled. They are not seeing a great uptake in the amount of work they are seeing on the Planning Board level. He's sure staff is just as busy, but 10 months ago, they made a decision which they announced on television and went to the Budget Committee. He was torn by the comments made by the Assistant Town Administrator, who could still use the Administrator's support staff, if necessary, if they eliminate some of the Benson's momentum. On the other side of the coin, it will be just as hard to get someone back into that office, when the uptake happens. They have been extremely fortunate in that the finances are in good shape. They have not seen a crisis that they would have to manage. They just kind of have to watch their dollars. These are those dollars they had said they could eliminate this position, save some money, which most likely won't affect the tax rate this year, but have a surplus for other needs because they are going to be coming. He was torn about eliminating a person's job, absolutely, yes, but businesses are doing it every day. One facility that he was at the other day eliminated 80 people, almost 10% of their workforce. If the work is not there, you don't keep people. Scanning is something that needs to be done, but they have nine months to prepare for Plan B, if this person is not there. He was supporting the motion because they need to do what they said.

Chairman Coutu said Selectman Jasper's comments made a great deal of sense to him. In light of what he anticipates happening this evening, which he won't know until it takes place, he would feel more comfortable if they set the motion aside. He knows Selectman Nadeau's concern about putting it off for two weeks, to see if the pieces of the puzzle fall into place the way he'd like to see them because there was an opportunity for work for that person. He didn't want to eliminate anybody's job and he was concerned about that. If there absolutely was no need for this person...and he knows the quality of work this person can produce...there is going to be a need for a person somewhere in the building. The need is there. He'd like to see that puzzle come together first, and then if something else transpires and this picks up and they have to transfer her back, that's fine. He'd like the opportunity of having a week or two to think about it and see if the pieces come together. They are liable to come together tonight. He'd like to see that first. He appreciated Selectman Maddox's input because he is the liaison to that department.

Selectman Maddox said he was not good at playing checkers in the dark, so he removed his second, effectively killing the motion, at this point, to see what the unknown issues are and he can make an intelligent decision, either later this evening, or at the next meeting.

Chairman Coutu knew Selectman Nadeau wasn't pleased with that action, but he was asking for a courtesy. He just wants to see if the puzzle pieces come together, adding that there was no motion on the floor. Selectman Massey asked if they were deferring action to later tonight, or to another meeting. Selectman Jasper said the second was withdrawn, so the motion died. Selectman Massey said he understood that, but asked if the item that was on the agenda was going to be taken up tonight. Chairman Coutu said that in nonpublic later on, this would come back together and asked Selectman Nadeau if that was correct. Selectman Nadeau said yes, it might.

H. Certificate of Occupancy Review and Update (145:10)

Selectman Maddox said they talked about CO's several months ago, so Mr. Pearson and his staff followed up on those that were missing. A number of properties still do not have them. Selectmen always hear there were six houses over here and this one over here doesn't have a CO. In the report, there are only three that do not have CO's. This is a follow up to the comments and research that staff was going to do in regards to the CO. This is a project they gave to the Assistant Town Administrator and he does value the follow up and where they have come from that department. That was why he was waiting until the end to make his comments on the motion. He asked Mr. Pearson to fill them in on the details.

Mr. Pearson said he was tasked with this earlier in the year, together with a lot of other things. With this project, every time he thought he had a complete report to bring back to the Board regarding houses that were lacking compliance with a certificate of occupancy, there would be a change because they were making progress with having people comply. The list kept whittling down, so he kept delaying a final report, but he had it with him at nearly every meeting, in case he was asked about it. He was hoping to report 100% success. Two of the three properties in limbo have paid their fees, but have not followed through with getting their certificate, which is their responsibility, and one of those homes was sold to somebody else, which was verified with the Assessing Department. They have a house that paid the fees that never completed the CO process that sells it to somebody else. It's probably a simple task of contacting

the new owners now, that don't have a clue that they don't have a CO for their house, through no fault of their own, and tell them to follow through with the inspections and get one, which won't cost an exorbitant amount of money. One of the homes fell into another unique black hole. The project went to foreclosure, the house was sold...whoever dropped the ball with due diligence, the mortgage company or the bank or the new owner...somebody didn't pick up on the fact they needed a certificate of occupancy and they needed to apply and needed to pay a substantial amount of money--\$4,862. They've been in communication with them and their mortgage company, but he was pleased to say that after researching 1,000 building permits, back to 2000, there is only one that is outstanding that owes \$4,800. During the process of compiling this information and bringing them into compliance, a portion of the money collected between March and August of this year, \$71,757, a portion of that was collected through the due diligence of following up and making everybody that could comply do so. It's a project he was given. They continued to follow up. They made progress, but he cannot report 100% compliance. One property that they have an issue that needs to be solved...he next thought would be they may even have to go to legal to enforce the homeowner to follow through with the process.

Chairman Coutu asked which one he was referring to because he was familiar with all three of them. Mr. Pearson said it was the second one down. They've sent out notifications to that property and all they have to do is contact the Fire Department for an inspection to complete the process. How do you make somebody comply with following through with the process? It's going to come down to some sort of legal action.

Selectman Massey there was something he didn't understand--this Board was pilloried in the press three or four years ago because mortgage companies were holding up giving mortgages to people who had moved into the houses on James Way without a certificate of occupancy, and he can't begin to tell the grief the press gave them because the people weren't going to be able to move into their houses at Christmastime and it was all because the mortgage companies were saying no certificate of occupancy, no mortgage, so he was finding it hard to understand how somebody could buy a house today and the mortgage company isn't demanding proof that the house was occupiable. Mr. Pearson said somebody could finance their house by private means and not go through a mortgage company.

Chairman Coutu said when he was chair of the rent review control board in Lowell, landlords and new buildings had to have certificates of occupancy. Landlords were not allowed to rent an apartment without a CO and if they did, they were subjected to some very severe fines. There was no waiting period. Thankfully, they don't have a lot of violations--only one has not paid the fees. With the other two, the fees were paid, but he never got a fire inspection or CO. What is distressing is that people can get into a building without a CO. Mr. Pearson said they just move in. They paid the fees, started the process and then just moved in. They stopped at getting the final portion. Money wasn't the motivating factor because they paid them. Chairman Coutu said there are other violations on the property. On the second property, he was there with the DOT and they showed him and the Chief of Police the violations. There were violations, according to the state, with regard to the width of the driveway. As a layman, a CO is certification someone could occupy the building and without it, it hasn't been certified for occupancy.

Selectman Jasper said they don't have any way of stopping people from moving into a building. It's a matter of the town saying yes, you can legally occupy it. In many cases, it is going to be the bank that says you're not going to be able to occupy this building until you have a CO. They can send letters, telling them they couldn't legally occupy it, and then they move in. The only way they can enforce it is to take action. It has always disturbed him--and looking at May 4, 2007, "You have seven working days to file for the certificate of occupancy and pay all fees related to this property. If the above is not completed by the specified time limit, this matter will be turned over to the town legal department." Obviously, nearly two and a half years later, it's because of the town's lack of follow-through...they try to work with people, but you shouldn't make a threat if you're not willing to follow through on that threat. That's something he has seen time and time again, under the old regime, and that's the problem. They make threats, thinking everybody is going to just fold up to the big bully, the town of Hudson, and do what they are supposed to do, and then they don't, and nothing is done for over two years. That's the problem - lack of follow-through on the part of the town. That's what is lacking.

Chairman Coutu said they knew the first two were owned by the same person. Mr. Pearson said there was a change of ownership with the first one. They think they can make progress by making the notification because it was transferred just on July 1. They think compliance will occur if the owner is notified of the situation. He can't imagine why they would not. Chairman Coutu said the solace is the fees have been paid, but if they let someone get away with not having a CO, they all will think they can get away with it. Relative to the third property, that's where the fingers are being pointed--"I didn't know," and "They never told me." At what point do they take this to court? Mr. Pearson said now, but past practice has been to come before the Board.

Selectman Maddox said the Community Development Department has gotten 22 properties to come into compliance, with only three left. It's the Board's obligation now to give guidance on where they want the department to go. If everyone else in town has to get a certificate of occupancy because that is the requirement, then move forward with legal [on the three remaining properties] with legal. Stop dancing and talking about it and go to the next step. Too bad for the new guy. They need to get it done and have certificates of occupancy.

Motion by Selectman Maddox, seconded by Selectman Massey, that the Community Development Department proceed with legal action on anyone who does not have a certificate of occupancy.

Selectman Maddox said this action wasn't limited to these three properties. It should be the policy of the Board that if they've tried to work with them, sent them notices... once they've been in the place without a CO past 30 days, go to legal proceedings and stop wringing their hands. Chairman Coutu asked if that also included trying to collect the \$4,000 fee. Selectman Maddox said absolutely. That's the only way they would get the CO.

Chairman Coutu said one concern was raised last year that a better line of communication was established between [Mr. Pearson] and the Assistant Assessor, Mr. Michaud, with regards to transfer of title of properties so there is a cross reference. He asked for assurance that that line of communication was now open and the two were working cordially. Mr. Pearson said not only was it open, but they were taking it one step further. They have a communication going back and forth with the ALU's, so they communicate to Susie, and she back to them. They have a process and a computer thing now to keep each other informed so the CDD gets a heads up on an ALU. Chairman Coutu said that must make the ZBA very happy.

Vote: Motion carried 5-0.

7. **NEW BUSINESS**

A. **Budget to Actuals** (160:42)

Town Administrator Steve Malizia said this copy was to the end of the fiscal year that ended June 30, 2009. The auditors have been here to do their field work and may have some minor adjustments. The bottom line of the general fund was under-expended by \$310,000, sprinkled through various departments. One of them was \$90,000 for gas they didn't need to use. On the revenue side, he'd have to take into account that the auditors—and where this comes into play—they had budgeted \$1.2 million worth of surplus. That's not booked yet by the auditors, so that shortfall is really about \$1/2 million. These are the preliminary numbers that need a little bit of tweaking, particularly when it comes to the use of surplus for tax rate purposes.

Chairman Coutu asked how much longer the auditors will be here. Mr. Malizia said they are coming back two more days for field work on grants. When you reach an annual grant number of \$500,000 you have to do a single audit, required by the federal government, which means over and above what you are normally audited for. They should get some numbers to indicate what the surplus is before they set the tax rate, so they will probably see some data in late September. They may not get the full audit report until October or November, which will include any deficiencies or weaknesses. Mr. Malizia said they've already sat with the auditors and reviewed things with them; they went through the weaknesses the auditors identified. He actually wrote something up for them, what the Board discussed and how it was addressed. The auditors do a thorough audit, including the library, treasurer and trustees of the trust funds. It's not just talking to Kathy Carpentier. They talk to other departments, asking if anyone is aware of any fraud or illegal activity. They keep a permanent file. If a policy or process is changed, they are updated on that, so they know all of the town's records and what should be.

Selectman Massey said there will be a note in the auditor's report that the town is not GASB-34 compliant. As the Town Administrator has said, the cost of not being compliant is outweighed by the fact the town still maintains a very high bond rating. The School Department paid \$35,000 and because it was the first audit the auditor had done, he spent considerably more money than that. It's changing from the way they currently do accounting to looking at the town as if it were a business so you have a debit and credit, you have assets and liabilities, you have a balance sheet and all of your assets have to be valued at current and replacement value, a huge project.

Selectman Maddox asked the library liaison to explain the \$450,000 sale of land and town property that they've already got \$450,000 in there. Mr. Malizia said when they budgeted the warrant article because they had a warrant article that would raise and appropriate, there was a revenue and an expenditure of that revenue which was for the library purposes. That's part of their budget. It was raised and appropriated on behalf of them. The revenue was on the revenue side; the proposed expenditure, had they got the money, up to \$450,000, was on their side. Selectman Maddox said they haven't sold the second house, so that money's not there. Selectman Jasper said none of it is there. (Talking over each other.) That's why it shows a balance of \$450,000. Selectman Maddox knew it wasn't the town's, but thought it would show up in the bottom line. Mr. Malizia said the library was a separate fund, like the sewer and water. The general fund is separate. They raise and appropriate on behalf of the library because they don't have a mechanism to do it. It's a separate fund, so from an accounting perspective, it's a separate business.

Chairman Coutu said in looking at the bottom line, that's as close as you are going to get. The 449,800 is like \$99.27 shy of what they budgeted, so that's close to zero budgeting. Selectman Jasper said that's part of what he was going to say. Less than 1-1/2% lapse and a 3-5% lapse is considered relatively normal, so this is as tight as they want to get, which leads to the overall problem that the revenues were off by \$1/2 million, so for the first time ever for him, they actually are running around a \$200,000 overall deficit, which leads him to the point they are pulling \$1.2 million out, they now are going to be pulling \$1.3 million out, unless they want the tax rate to go up. He didn't even know if they could do that because he's never been in that situation. They are going to be in an extremely bad situation with the fund balance when they do the next budget because not only did they not add any, they are actually pulling more money away. Normally they would be pulling \$1.2 million out, but they would be putting in \$300,000-\$400,000 so the net effect would be they'd be drawing down \$800,000. This time the net effect would be drawing it down \$1.4 million. They are going to have a real task ahead of them because they don't want to go below that 5%. He didn't know where

that leads them, but they are going to be faced with some difficult budgeting. The good news, in theory, they can let the town tax rate go up because the other side of the road is getting so much money from the state that the overall property tax bill would not be negatively affected. They don't like to do that, but they might have to face the reality that without doing themselves fiscal harm, they will had to do that. Relative to GASB, Hillsborough County has also refused. The commissioners wanted them to go and spend all kinds of money to go GASB compliant, but the executive committee asked what the benefit was. The bottom line was and the answer was they have \$20 million in surplus; they haven't borrowed any money and don't need to. With a \$20 million surplus, nobody is going to care about GASB.

Mr. Malizia said the town has a good borrowing capacity. The large outstanding debt for the town is the water utility purchase, which is being paid for with the rates that are set. If they were contemplating doing some additional water utility work or some other things in a more modest bracket, under \$5 million, they'd also look at the bond bank, which provides funding equivalent to the town's rating at a much lower transaction cost. While the bond rating is important, the bond bank is a resource that can be tapped, low transaction costs, they qualify and it's a good way to do business. Bond rating is important, but they also have other resources. Through the years, the town has been conservative. They may not always like some of the numbers they see, but they are in better stead than a lot of other towns who have either grown or added staff or whatever they've done. Hudson has taken a more conservative tact. For fiscal year 10, they've trimmed back automobile registrations. They didn't budget 4.2 again; they want the other way. The rooms and meals tax is still her for this fiscal year. They will suffer the loss of the business profits tax, but it's not a tremendously huge number. There are some pension costs. The two chiefs have looked at their budgets to try to alleviate those. They should be able to do that. And, as Selectman Jasper said, the school is getting \$1 million more. It's a balancing act. There's no question they are in tough times, and they are trying to manage those tough times.

Selectman Massey said he wasn't advocating being GASB compliant—Government Accounting Standards Bureau. It's the governmental side of FASB, which is the Financial Accounting Systems Board. Businesses must be FASB-compliant, otherwise their stock is zero. There is one piece of GASB that does have some merit and at some point, they should give serious thought to it, and that is the replacement cost of their assets because that gives them some idea of what they need to do on a rolling annual forecast of capital replacements. It would be a benefit to have their capital assets valued at replacement cost.

Selectman Maddox said they budgeted \$4.2 million for the motor vehicles. They were at 91%. They lost almost a month's revenue in just that one line item, so they need to be cautious. They've done a reasonably good job of watching all of this, but they need to be able to deal with some of those. The certificate of occupancy permit is only at 56% of what was budgeted. Planning Board fees, 67%. They lowered those numbers down, based on the economy. There is reduction in dollars coming in for these various avenues. It's interesting and/or concerning that pistol permits are up 182%. They just need to keep watching the numbers. When you lose a month's worth of revenue off motor vehicles, that's a lot of money. He asked the legislative liaison what the town was going to get, if it has been finalized. Selectman Jasper said he asked Steve to do an analysis of where they are at. Mr. Malizia said he did it and it was distributed to the Board. Selectman Jasper said the pluses and minuses was somewhat over \$700,000 for fiscal year 2010 and for 11, it was under \$700,000. It's still significant, but moving in the right direction. The town takes a very large hit. They are getting \$1,094,000 so when you say alright, the positive is \$700,000 and something, the town's side is losing \$300,000 this year and nearly \$400,000 the next year. They got a small hit on the retirement as well, but it's under \$100,000 in each year. Mr. Malizia said the first year is under, the second year may be a little over; they have a lot of teachers. Selectman Jasper said the town is taking a hit and something they have to keep in mind when doing the budgets. If they just look at the town's side of it, they will just cripple the town.

B. Fiscal Year 2011 Budget

This item will be taken up at the Board's workshop meeting on September 11, 2009.

C. National Flood Insurance Program, Public Hearing and Resolution

Town Administrator Steve Malizia said FEMA has been updating and ready to public the final flood maps. It appears the last time they did this was in 1979. When Mr. Sommers worked for the town, he was part of that process. He has been in touch with the attorneys to find out what this was. Basically, this is incorporated in the Town Code, by reference, the FEMA maps. Attorney Buckley prepared a motion for the Board. There is a large box in the Selectmen's Office that is full of charts and maps and diagrams. That information will be on record in the Planning Department, so if anybody needs that information, it's there. When the federal government gets involved with anything, there's a stack of memos, etc. Bottom line is this has to be adopted by September 25 and show proof they've done so. If they do this tonight, it will be certified by the Town Clerk. It's a reference to the flood maps. He didn't believe anything has changed in the town, but it needs to be done—a public hearing and then adoption of the motion.

Chairman Coutu opened the public hearing at 10:32 p.m. and asked if anyone in the audience wished to speak on this issue. There was no response, so he closed the hearing.

Selectman Maddox asked if this information was available on the web site. Mr. Malizia said he couldn't imagine putting all of this information on the web site. It's probably on FEMA's web site.

Selectman Massey said if this resolution is not adopted, people cannot get floodplain insurance.

Motion by Selectman Jasper, seconded by Selectman Maddox, that pursuant to RSA 674:57, by resolution of the Board of Selectmen of the Town of Hudson, NH all lands designated as special flood hazard areas by the Federal Emergency Management Agency (FEMA) in its "Flood Insurance Study for the County of Hillsborough, NH" dated September 25, 2009, together with the associated Flood Insurance Rate Maps dated September 25, 2009, are declared to be part of Article XVI, Flood Hazard Areas of the Hudson Zoning Ordinance, by adopting by reference certain amendments to Chapter 218 of the Code of the Town of Hudson, Flood Damage Prevention Ordinance, are hereby incorporated by reference, carried 5-0.

8. OTHER BUSINESS/REMARKS BY THE SELECTMEN (181:14)

Selectman Massey - Thanks to the Rec Center from the Seniors who participate in the Tuesday coffee klatches, for continuing them during the summer. Mr. Yates made it possible for someone to open up at 9:00. This is the last week for the Seniors to be at the Oakwood facility and will be moving back to the Community Center for their programs.

➤ Selectman Massey feels that the 3-page project list they get of on-going projects needs to be reviewed, probably on a quarterly basis. Some items should no longer be on there, some things with three years worth of data, etc. The Board should review the items and decide where they are going with them. If the September workshop agenda is too big, then he'd like to have it on the October workshop agenda.

➤ Selectman Massey thanked the Assistant Town Administrator. In the last two weeks, he's done yeoman's work in pulling together the necessary information that made it possible for the Board to review and evaluate the work that was being done by KSL Contracting.

➤ Selectman Massey said in looking at what was before the Board, it occurred to him that there are too many cooks in the broth. There are too many people talking about what needs to be done at Benson's and providing direction to the contractor and/or Mr. Pearson. They all have to step back and understand that when you start having more than one person responsible for the project, you are going to get confusion, chaos and mixed messages. It also applies to the people on the Benson's Committee. The only person the Board has authorized to speak for it on the Benson's projects is the Assistant Town Administrator. It clouds the issues and makes it difficult for a contractor to know what they should be doing, if there are several people telling him what to do. He earnestly asked the Board to be cognizant of that and let there be only one interface with the contractors. A lot of the confusion that arose was the result of different people in communication with the contractor. It is a problem and they would all do well to reflect on the fact they only act as a Board to make decisions; individually, they are not able to make decisions for the Board. To engage a contractor with things like change of scope projects is inappropriate for Board members to do that. That should go through the person designated by the Board as the interface.

Selectman Nadeau said as they heard earlier tonight, a member of town staff has passed away—Joyce Pike from the Finance Office. The funeral service will be Friday at 10:00 a.m. Many town employees will be attending the service and it might be fitting to close Town Hall for a couple of hours.

Motion by Selectman Nadeau, seconded by Selectman Massey, to close Town Hall from 9:30 - 11:30 a.m. on Friday, August 28, for Town Hall employees to attend the funeral services of Joyce Pike, and that the notice be on the town web site, HCTV and posted on the doors at Town Hall.

Selectman Jasper thought the intent was that people who want to go would use earned time. Those who didn't wish to go could continue to work, but the building would be closed. Selectman Nadeau said that was the intent. Selectman Massey asked that the notice of closing would include the Town Clerk's Office would be open on Thursday night until 7:00.

Selectman Maddox said he would not support the motion. He knew Joyce only on the periphery, but she was always dedicated to taking care of the citizens and this is a service business. No matter how well it is publicized, people will come to Town Hall to do town business, so he hoped there would be a skeleton staff. Staff could go to the wake the night before, or whatever but they still need to perform the function of providing for the citizens. He didn't see how Town Hall could be closed.

Chairman Coutu said when he was first confronted with this, he had mixed emotions. Since then, he had the opportunity to spend some time at Town Hall and has spoken to quite a few people. This is Town Hall, a quaint, small building that houses a small workforce who know each other well. They've gone through a lot of emotions in the past several days and it's appropriate for the Board to allow their employees the opportunity to pay their final respects to Joyce. Town Hall would be open Thursday evening and closed for only two hours on Friday morning to give staff an opportunity to pay their final respects to somebody they worked with and came to know well and came to love.

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

➤ Selectman Nadeau thanked Kevin Burns for the work he has done for them. Selectman Massey said there was an example tonight where two people took it upon themselves to take care of the security at Benson's. Chairman Coutu said in retrospect, and reflecting upon a previous discussion he had with Selectman Massey, he believed the way this was approached initially is that they approached Mark immediately. There was so much going on, they were concerned about the security of the park and approached Mark immediately to see if he'd coordinate it. There was a question of whether or not to

call Kevin to have him do it. Ben thought it wouldn't be a problem. Somehow 'you two guys' worked out how it was going to be communicated to Kevin, and it was taken care of. It's an example of what should happen—everything should go through the Assistant Town Administrator, unless a task is specifically redirected in some fashion.

Selectman Maddox said he didn't have anything.

Selectman Jasper said there was a lot of cryptic speaking tonight, but he would agree with Selectman Massey's comments about speaking to the contractor. For the record, any time he spoke with the contractor about anything, it was with Mark present. Any time he has had any concerns about anything, he called Mark, so he certainly has been acting in accordance with what Selectman Massey suggested.

►The Budget Committee meeting was interesting the other night in that the chairman had brought forward a proposal for the Budget Committee to consider a new way of reviewing the budgets and it concerned both the School Board representative and him, but ultimately, the motion was to reject it and the School Board rep voted against it that and Selectman Jasper voted for it. Everybody would have had to go through the budget presentations and list their goals and objectives for the previous year and how that had measured up. The town really doesn't have goals and objectives. For the last few years, they have been pretty much in a holding pattern. Secondly, when they are going to the Budget Committee in November or December, the budget has only been in place for three months, so it's almost impossible to measure how what they've asked for was doing when it started in July. He suggested, and the committee agreed, that what they should ultimately do is, in the off cycle, is for the committee to keep track of new initiatives that both the town and school district have had and have a night to review how those have measured up. It would be for a previous year, 13-14 months after instead of in the middle of it. Another one of the chairman's suggestions was that each department should give an overview of exactly what they do for the new committee members. Selectman Jasper said he pointed out that will all the different departments between the town and school district, that even a short presentation could take up a substantial amount of each meeting. The Budget Committee would probably be asking that when there are new members, probably in the April-May timeframe, there will be meetings where the department heads will be asked to come in to explain the operations, so it will sort of be a training seminar for the new members. Hopefully, that will be helpful and will eliminate some questions further down the road. Although the chairman's recommendations were not adopted, some good ideas came out of it.

►Relative to Benson Park, he was not going to get into the bug dust right now, but he wanted the Board to know they did have a good walk this past Sunday, looking at what it's going to take to have the park opened. They've confined themselves to a specific area of the park and they have started to list the things they feel are necessary to open the park. On Thursday, they will try to narrow down the list to the essentials and then bring those things to the Board to see if there is agreement on what it's going to take to have that opened, once they've agreed on the deliverables. Then they can work on the tasks to get those things done. It's going to be difficult, if not impossible, to have a target date to open. They will have deliverables, based on how much money is available, either through the town or through volunteer work and donations. The park will be opened when the work is done—sort of a moving target. They are moving in the direction he thinks the Board would like and, hopefully, the Selectmen will give the committee the breathing space to get that to them. They are working as diligently as they can to come back with those things.

Selectman Maddox said, as a new committee, were they being brought up to speed with the budget numbers. As Kevin said this evening, he has \$10,000 per park in his budget and he doles it out as he sees fit. Selectman Massey corrected him, saying it was \$10,000 for all of his parks. Selectman Maddox said the committee needs to be looking at what their expenses are going to be in FY11. Selectman Jasper said that was true and something they've talked about. At this point, the definition of when it is open is going to drive that to some degree and they will then have to develop a budget to come forward at the appropriate time.

Selectman Coutu expressed sympathy to Charlie O'Donoghue's family, Barbara, Sean and Amanda. He was a great guy, loved by everyone who met him. He was involved with the founding of the Classics, the band they all know and love. He was a major contributor to the Police Department's CHIPS program. He also expressed sympathy to Joyce Pike's family. It all happened so fast, her family and friends are still absorbing the impact. He didn't know Joyce that well, but in conversations he's had with various people, she was very well liked and will be sadly missed. Both families are in his thoughts and prayers.

►Happy 50th Anniversary wishes to Bernie Manor and his wife. He tried to entice Bernie to come on board as supervisor in the Benson's project. He is someone they all know and love and trust. Unfortunately, he wife gave him a honey-do list which had been left undone while he was overseeing the library project.

►Frank Byron, Chairman of the Litchfield Board of Selectmen, sent him a personal e-mail with regards to the intersection of 102 and Page Road, where there was a recent fatality. They are very concerned and are working with DOT in taking a very serious look at that intersection and would like to meet with the Hudson Board of Selectmen.

Selectman Jasper said he received one letter addressed to him as a Selectman and one letter addressed to Sharon Jasper as a Representative. He was a little perturbed with their lack of attention to detail, but what really perturbs him is that that intersection is Hudson's. The Litchfield Board of Selectmen should have approached the Hudson Board of Selectmen before they wrote a letter to the State of NH. He can only imagine how another town would react if Hudson Selectmen wrote a letter saying they wanted action taken on an intersection in another town. Granted, they may be concerned about that, but the intersecting road belongs to Hudson and the highway is in Hudson, so Litchfield did not take appropriate action in dealing with this. Chairman Coutu thought it was strange that Mr. Byron was sending him a letter, asking him if he could convince the

Hudson Board of Selectmen to get on board with the Litchfield Selectmen about an intersection that's in Hudson. Selectman Jasper thought they should write the Litchfield Selectmen an appropriate letter, reminding them that the intersection is in Hudson and that the Board would be glad to hear Litchfield's concerns. Selectman Massey said he spoke to the Police Chief about this in his capacity as liaison and whether or not you can put a traffic signal there would depend on whether or not it meets the warrants, and there are three warrants, and they would have to meet at least two to do it. Even if there was a traffic light there, that's no guarantee that somebody wouldn't have run a red light and made a left turn. The number of accidents at that intersection is not as great as one may think. It is very dicey, as they pointed out in the letter. Cars are coming down at a posted speed limit of 45 and there are many doing 55-60, and coming off of Page Road from a dead stop. The appropriate place to be looking is the Highway Safety Committee. Mr. Malizia said that's why he copied it to the Highway Safety Committee. It's their role and responsibility to look at things like that. The committee includes the Chief of Police, Fire Chief, Road Agent and Planning Board member.

Selectman Maddox had no problem with Litchfield wanting to spend their money to fix that intersection. It's not on the town's CIP; it's not even on Hudson's radar to do anything there. While he is concerned there are accidents there, they need to get it into the queue that's set up. If Litchfield is going to fund it, so be it, but when they design that intersection, that road that's kind of diagonally across from there, Cutler, would be included so they'd do that whole intersection. There would be some dollars to do that and there are all kinds of engineering items there that would have to be done. He hoped they resolve who's paying for it.

Chairman Coutu asked for a consensus on whether he should send the Litchfield Board of Selectmen a letter reminding them that Hudson owns that intersection and if they have a problem, they should come to the Hudson Selectmen first, or just ignore it. Selectman Maddox said no, he should let them know it's in Hudson and the Hudson Selectmen have not taken it through the CIP process, review, etc., to see if monies are available and whatever. Selectman Jasper said it should be said a little more diplomatically. The reality is Litchfield is looking for the state to do it and there aren't any state funds for that. Yes, 102 is a state road and they are responsible for the maintenance, but they aren't going to put in a light there, even if the warrants met it. How they'd work that with Litchfield would be interesting, but there are proper ways to do things and Litchfield going to the state about an intersection in Hudson, without talking to the Hudson Selectmen first, they need to be politely reminded of that. Selectman Massey said the letter should mention that it has been referred to the appropriate review board in Hudson, the Traffic Safety Committee.

►Chairman Coutu said he was in Colorado last week and, true to his word to Selectman Massey, he didn't communicate with anybody. However, he was no sooner off the plane when his phone rang and it was Selectman Nadeau. The most critical call was that Selectman Maddox was lost at Benson's and they had to go find him. All week long, the phone hasn't ceased ringing. Today, when he was in the process of reading all of the documentation regarding Benson's and his cell phone rang. He flipped it open and someone said, "Hello, this is John." Knowing that it was going to be a long day, and knowing a lot of people named John, he answered sharply, "John who?" The answer was, "John Lynch." It was the Governor. He was concerned about how things were going at Benson's, so Chairman Coutu gave him a brief overview and suggested maybe he could come down in the spring, when they'll be in much better shape than they are right now. However, he went in the Elephant Barn to day and was so impressed. They did a beautiful job in there, with that natural lighting. He has such a vision for that. Contrary to a former Selectman saying this whole thing is going to implode, they have no clue. He has no regrets the town has Benson's and there's prospects for something great happening on that property. He and the Governor had a discussion about a lot of things and a lot of it has to do with revenue generating items that he was concerned about with the State of New Hampshire, but Governor Lynch called him primarily to propose something he proposed in the past, and Chairman Coutu wanted to pass it on to the Board because it's something they have to decide. Governor Lynch is willing to meet the commitment he made to him a year ago and to some of them at the fundraiser for the Seniors. Governor Lynch has bumped into people who questioned him about what he can do about a Senior complex for the town. The Governor suggested the town take a serious look at a small portion of the Benson's property and that all Chairman Coutu had to do was pick up the phone and call him and he would call whomever the Board appoints to go in and meet with him, lay out the plan, and he will personally attend the hearings and put the town through the process to allocate a portion of that land for a Senior complex. Chairman Coutu said a lot of people have expressed to him a concern about doing it, and a lot of other people who really support it. He didn't know what the process would be for Hudson to have some sort of Town Hall open meeting, or the best way to approach it. Is it something they want to discuss at a workshop? Invite the Seniors? Have the liaison to the Seniors discuss it with them and see if they can put together some sort of a proposal? There's an awful lot of land, and if they can find one small portion, and the Seniors have already got over \$300,000 put aside, he's sure they can get financing with that kind of a down payment to build on the property that could be leased to them for \$1, or however the state would allow them to do it. He'd hate to tie up the Governor in doing something like this if there isn't a consensus to do so.

Selectman Massey said the Hudson Senior association isn't in any shape to take on a mortgage of over \$1 million. They have the \$350,000 earmarked for a Senior Center, but any serious financing would have to come from the town. The City of Nashua built a Senior Center for them, leased from the city for \$1, but it is the responsibility of the Seniors, a private organization, to staff and maintain the building. They would have to look at that, too. It's worthwhile looking at.

Selectman Maddox agreed. The Seniors would be great stewards of that property. Many of them that worked there and remember Benson's fondly. They would be there for functions at different times of the day and would keep an eye on that whole property. It's a great idea. It would be a central location and one that would benefit all parties.

Selectman Jasper said it's worth exploring. They have to be cognizant of the financial realities and probably something that won't happen overnight, but with the Governor supporting that...what they should do is identify a location. The

parking would be the most difficult, but he has a spot in mind that he envisions could potentially work and fit into the overall plan. That's what they would need to do—invest in having an area surveyed and essentially do a site plan and make that presentation because right now, that's not something they could do on that property by the deed restrictions. It would have to be changed, but it would be worth reserving a spot. If they wait, a different Governor might have a different opinion and it might be a more difficult thing to do. They had had those discussions about doing something on the site of the old red barn, but then you're getting to far in with the parking. He was hesitant to mix up the parking for the Senior Center with the general public parking because that wouldn't work. Right in that general vicinity, there's probably space to do something. As you are walking in the gate, toward the left hand side toward Kimball Hill Road, there's probably sufficient space in there. They could look at both sides.

Chairman Coutu asked Selectman Jasper to coordinate with Selectman Massey, who could discuss it with the Seniors and then if they can appoint one or two as a delegation and then Selectman Jasper can show them a section. They won't get anywhere until the restriction to the deed is lifted. If the Governor is working to work hand in hand with the town, to walk them through the whole process, and there is a new commissioner now, and they expedited the acquisition of the land through the new commissioner... and as they saw when they all went to Concord, there was a whole different demeanor about them compared to how they were treated in the past. Obviously, the Governor had some influence there, and he's willing to help lift the restriction, so if they can get the groundwork laid, they'd like to proceed in that manner. It's not going to cost much to identify a parcel, make sure it meets whatever the footprint the Seniors would like...he's sure the town can take an acre or two. Get the restriction lifted, identify a parcel and then they can look to see if they can find the funding source to get the building up. The Seniors want to use the money they have to fit the building.

Selectman Massey said they have two funds. Of the total amount, approximately \$65,000 is earmarked for fit-up, furnishings. The remainder, about \$250,000, is for a building.

Chairman Coutu said Selectmen Massey and Jasper can work on that and can report back. Chairman Coutu will then call the Governor and meet with him because he wants to fulfill a commitment he made two years ago, which was getting Benson's and getting a Seniors some sort of a facility.

9. NONPUBLIC SESSION

Selectman Jasper said he attended a School Board meeting last week and picked up a copy of the AG's memorandum on the Right to Know law and it's not necessary for them to read every word in the section of what they're going into nonpublic under.

Motion by Selectman Jasper, seconded by Selectman Maddox, to enter Nonpublic Session under 91-A:3 II (a), (c) and (e) carried 5-0 by roll call vote.

Nonpublic session was entered into at 11:15 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. Open session was entered into at 11:39 p.m.

10. ADJOURNMENT

Motion to adjourn by Selectman Massey, seconded by Selectman Jasper, at 11:40 p.m. carried 5-0.

Recorded by HGTV and transcribed by Priscilla Boisvert, Recorder.

HUDSON BOARD OF SELECTMEN

Roger E. Coutu, Chairman

Kenneth J. Massey, Vice-Chairman

Shawn N. Jasper, Selectman

Richard J. Maddox, Selectman

Benjamin J. Nadeau, Selectman