

HUDSON, NH BOARD OF SELECTMEN
Special Meeting Minutes of June 29, 2009

1. **CALL TO ORDER** by Chairman Roger Coutu at 7:00 in the Selectmen's Meeting Room at Town Hall.
2. **PLEDGE OF ALLEGIANCE** was led by David Jelly of the Library Board of Trustees.
3. **ATTENDANCE**

Board of Selectmen: Roger Coutu, Ken Massey, Shawn Jasper, Rick Maddox and Ben Nadeau (arrived 7:05 p.m.)

Staff/Others: Steve Malizia, Town Administrator; Mark Pearson, Assistant Town Administrator; Priscilla Boisvert, Part-time Executive Assistant; Kathy Carpentier, Finance Director; Fire Chief Shawn Murray; Deputy Fire Chief Rob Buxton; Gary Webster, Acting Town Engineer; David Jelly; Elaine Brody; Benson's Committee Members, Ken Dickinson, Jim Barnes, Jerry Derosiers, Pat Nichols and Harry Schibanoff; two contractors; Kirk Boutselis, SUN

4. **PUBLIC INPUT**

Elaine Brody, 148 Webster Street, said she was the Administrative Coordinator for the Rodgers Memorial Library. The Trustees had a special meeting this afternoon to address some issues which were probably just a serious miscommunication. The Trustees have decided to allow the use of the bathroom downstairs at the Hills Building for the duration of the Benson's exhibit, with the proviso that someone from Mr. Provencher's organization provides monitoring. There are some safety issues downstairs with open shelving, which is a great invitation for kids to climb. She hoped that would be a satisfactory way to remedy the situation. Visitors and people who are monitoring will have access to the bathroom, but they do need somebody downstairs to make sure no mayhem takes place. Custodian Bob Gagnon will open the downstairs tomorrow for the day, so it will be open during those hours. In addition, they will change the sign tomorrow to advertise the Benson's exhibit on both sides of the library marquee. Currently, it's only on one side and on the other is programming advertising.

Lastly, there seems to be some confusion about how much money the Trustees have left from the Rodgers' gift. The answer is about \$75,000, some of which is already encumbered, but the bills haven't come yet. Although the library looks complete to anyone who comes in the door, and it is in the sense that everyone can use it, there are a number of things they didn't do because they weren't sure how the money was going to play out. Probably the most important one is the push button to open the door on the front of the building, which is an additional \$10,000 - \$12,000 to put in the special hardware and they weren't sure they were going to have the money for it. Now they do, so that's part of the plan for that money. They didn't think they would have any money for a sprinkler system and an archive room they didn't fit up, so they will use up the balance of the Rodgers Brothers' gift for building purposes and they will, in fact, need the money from the sale of the houses for the finishing of the fit and furnish.

David Jelly said the Trustees had a good meeting. These things were not put out and they felt it was necessary to explain it. Chairman Coutu said there were a series of emails going around relative to the issues. He appreciated that the Board of Trustees took the time this afternoon to have a special meeting to try to resolve some of these issues. He hoped they understood, not necessarily the tone, but definitely the content by some of the email information that was going back and forth, not by him, but by Selectman Jasper, who is the Library's liaison from the Board of Selectmen, that while he might not have agreed with the tone, he agreed with most of the content. Not having had access to the toilets was somewhat of an embarrassment to the Board of Selectmen, but that issue has been resolved. On behalf of the town folks, he expressed his appreciation and those people who will be making available to them the opportunity to see the Benson's memorabilia that the Trustees are allowing the use of the facilities. They will certainly inform the Town Administrator that it's necessary that monitoring be ongoing over there. He can appreciate the value of what is stored down there and its significance to the Library Board of Trustees, and to the public of the town, and they want to safeguard it. Steps are being taken and they've resolved that issue and it's now behind them.

Selectman Jasper thanked the Library Trustees for resolving the issue because it was a surprise. The last meeting he had been at, that issue had been resolved and they were all under the impression that facilities were going to be available. He does appreciate that and the use of the signs. As for the update, which he was not aware of in terms of what the additional fixtures were going to be. He had heard or seen nothing of that in any of the emails that he follows. That being said, it was still unnecessary for the Board to encumber anything because that is a self-fulfilling warrant article, which will be filled by the sale of the property and it would have been imprudent for them to use taxpayer funds to fill that up, so things worked out well.

Selectman Massey asked if Mr. Provencher agreed to provide a monitor. Selectman Jasper said if someone wouldn't be stationed down there all the time; if someone needed to use the facilities, someone would go down with them. Ms. Brody agreed, saying someone would accompany that person down, show them where things were, and then wait until and escort them back upstairs. The primary concern is safety. Selectman Massey asked who that someone was. Mr. Desrosiers volunteered for "potty watch."

5. **BUSINESS ITEMS**

A. Request by the Library to Reconsider Vote regarding sale of Town-owned Property

Chairman Coutu asked if there was a need to bring this up. Selectman Jasper said no. Selectman Massey asked why they didn't need to discuss it. Chairman Coutu said the legal opinion clearly states that the funds don't need to be encumbered, which was the intent of what was said last week, when Selectman Jasper said if that was an

encumbrance that should be removed; it's clearly defined and the money does belong to the library trustees. They have until 2014 and they will need more monies to fit up, aside from what revenues are generated from the sale of the houses. It's clear that Selectman Jasper was proper in his request, at the time.

B. Pelham Road Dam

Acting Town Engineer Gary Webster said there was a lot of work to be done to get this ready for tonight and he hoped that the Board would approve it so they can start the project within 10 days. The low bidder out of three bidders was Pichette Brothers, who came in under the engineering estimate. CLD reviewed everything and they are OK with the recommended bidder. The estimate was \$190,000 and the bid came in at \$167,374.

Mr. Malizia said the hope is to get this project done before school starts and to ensure that the proper notice is given, etc., it needed to be on tonight's agenda. Selectman Maddox said this has been around for awhile and it would be nice to see this completed. Mr. Webster said their timetable is three to four weeks, with the goal being done before school starts. The intent is to start by the second week in July, with completion by the third week in August--and August 30 is the first day of school.

Chairman Coutu said what impressed him about the packet, not that he was a big fan of CLD, but aside from this saving the town a great deal of money, they did due diligence by doing a background on the low bidder, researched where they had done work and if it was done satisfactorily. He was impressed with that.

Motion by Selectman Jasper, seconded by Selectman Maddox, to award the Pelham Road Dam repairs project to Pichette Brothers Construction Company, the lowest bidder, in the amount of \$167,374, as recommended by the consultants, CLD, and the Acting Town Engineer, carried 5-0.

C. Central Station Roof Replacement

Fire Chief Murray and Deputy Chief Buxton were recognized. Chief Murray said over the past year, they've been discussing the roof and the need for its repair. Deputy Chief Buxton was responsible for creating the RFP and bringing the contractors through the roofing project. They sought three proposals for this repair work, the flat roof which has the ladder pay addition. The first proposal was Viking Roofing with a bid of \$12,350; Chick Beaulieu at \$16,900 and Delta Roofing at \$22,750. After a review of all of the proposals, the recommendation was to go with Chick Beaulieu, which comes with a 30-year manufacturer's warranty, as well as a five year workmanship guarantee. If anything goes wrong during that time, [Chick Beaulieu] will repair it. He also had the largest scope of work, addresses the water drainage of the roof, which is a problem with a flat roof. He proposes to replace the wood blocking, replace the roof drains, which have deteriorated over the years. He will also put in new stainless steel termination bars into the brickwork itself to reinforce that and he also provides for the exterior protection of the building. Chief Murray circulated a sample of the materials that will be used, which is some of the best that could be used for that type of roof.

Chairman Coutu referred to Page 1 of the proposal, #3, Roof Deck, "Roof deck must be solid. The decking shall also be free from warpage, bowing, delamination and separation from rafters; Inspect the roof deck for water damaged material; Advise the owner (the town) of defective or deficient materials and the additional cost of repair or replacement." He asked what the contingency plan was in the event the contractor finds significant damage, and the cost is excessive. If they do find the area is defective and significant, he can't proceed with the work?

Deputy Buxton said he talked with the project manager from Beaulieu specifically about that. Some of the wording is in regard to wood construction, not steel. The wording was obviously boilerplate-type things, and one of the things the contractor's Administrative Aide didn't catch when they put the proposal together. They had a conversation about that being a steel deck on top of bar joists and they do have some leading down into the roof, but as they poked around underneath there, (there's an attic scuttle to get underneath there), there is not a lot of damage being seen. It's an unknown until they tear it off, but the wording refers to wood construction as opposed to steel construction. They don't expect to find anything underneath there in regards to the steel, itself. The water they are getting is around the drains and not on the seams themselves, and the contractor is proposing to replace the drains.

Selectman Maddox asked about the door that's going out on to the roof, if they are going to put some sort of platform or something, or do they just step off of that? That was a concern before. There were a couple places where you could see where there had been... Deputy Buxton said that door will become emergency access only. There used to be a tendency to use that as an access door, which has been shut down now for the last 24 months. There will be no daily traffic out on to the roof, which is where the damage was coming from.

Motion by Selectman Jasper, seconded by Selectman Maddox, to award the bid for the Central Fire Station roof to Chick Beaulieu, Inc., in the amount of \$16,900.

Chairman Coutu asked about snow in the wintertime, what the procedure was on this flat roof. Deputy Buxton said last year, they shoveled the roof three times. During the proposal portion of the project, water removal from the roof was identified. The roof structure is so old, they are retaining a lot of weight, so they are hoping with the new drainage that is being put in place, with the tapering of the roof, they will be able to remove a lot of the excess water and snow load will also shed at the same time.

Vote: Motion carried 4-0, with one abstention by Selectman Massey.

Selectman Massey said he was abstaining because Chick Beaulieu has done extensive work on his house. He's an excellent contractor and because they are not the lowest bidder, it's prudent that he abstains.

D. Benson's Roofing Projects

Assistant Town Administrator Mark Pearson distributed a handout entitled, "Benson's Committee Recommendations." On Thursday night, the Benson's Committee discussed the roofing bids that the Selectmen received on June 23. Attached to the committee's recommendations was some additional information.

Chairman Coutu asked if everyone had ample opportunity to review all of the material presented, or if anyone watched the Benson's Committee meeting last week. Selectman Maddox said he did. Chairman Coutu wanted to make sure everyone understood what was before them because there was a lot of information to digest.

Selectman Massey said the discussions during the Benson's talked about it a lot and it made a difference in their voting. The recommended bid versus budget does not factor in. If you look at the Office Building, the recommended bid is \$17,000 but if you take worst case scenario, that bid is \$26,941. Because they have to deal with a lot of unknowns, they can't award the bids on the basis of the minimum, but on the basis of the potential maximum because they have only so much money and they have to make sure the priority buildings get done. It's not going to change any of the recommendations, it's only going to change the amount of money they allocate.

Selectman Jasper said that was correct, except to the degree they've talked about the money that's going to lapse. There are other funds available. It might be appropriate to go to the last sheet of the handout, which addresses Selectman Massey's issues. The Elephant House is one using the maximum bid. The Train Station isn't in any of these. The other four are suggested. What Mr. Pearson has done is add up the minimum bids and then since the four recommended bidders are all the same, he's taken the remaining money that gets to the \$140,000 and used 1,680 square feet for all buildings. Given the fact that on the Office Building, they are actually putting a whole new deck on, it really doesn't matter what's underneath there because those boards are not going to be part of the roofing system any more. Unless there was something that happened to be... it's going to be a built up roof and there will be new two bys put down because there will be an insulated roof and will be covered by new plywood, so there will be purlins and they will go over the roof rafters, so with the boards underneath there, as long as there aren't any voids in the roof, and at this time there aren't, you wouldn't have to replace boards on that roof. The Hazelton Barn is going to be plywooded with 5/8ths. They are going to go down to the original slab boards, which he assumed they are, so unless something has broken and may come on a seam of a piece of plywood, it's not going to be necessary to replace everything that's weak, as long as you have something good to nail to, that's going to be sufficient. The Gorilla House does have one area, but as part of the bid, they will also need to fill in the skylights and there is at least one area that needs to have boards replaced because the water came in where the skylights were and did some damage there. The A-Frame roof is solid. You can see all the boards from the inside and there shouldn't be anything that needs to be replaced on the main roof, just the flat decking area, so he suggested that the 1,680 sq. ft. is sufficient and if they were to award all of the contracts to the recommended bidder, this could be part of the proposal, that this would be a bid not to exceed for these four buildings and the contractor could decide whether he wanted to exercise that or not, based on his knowledge of the structures. That totals up to the \$140,000, which is about to lapse. It does not take into consideration the Railroad Depot because it probably is more prudent for them, rather than throwing \$5,000 - \$16,000 away to immediately move that building on to a foundation and get a roof on it this year. They shouldn't waste any money on a temporary fix and focus on getting that done. He hoped that gave them a better understanding of where they [the committee] came from in looking at this whole package.

Chairman Coutu asked if Mr. Pearson checked on any of the people the contractors did work for to ascertain the quality of the workmanship they performed. Mr. Pearson said he did not. Chairman Coutu asked when he reviewed the packet of the bidders, with regards to Bidder B, under comments, it says that 10 sq. of fascia and soffit was not included. Selectman Jasper said he talked to Mr. Pearson about that and in tonight's handout was a sheet from that contractor, which shows the total dollar value for the fascia on Office Building, Hazelton Barn, RR Depot, Gorilla House and A-Frame building totals an additional \$15,000. Chairman Coutu thanked him for that clarification, as that was a factor in regards to considering Contractor H over Contractor B.

Chairman Coutu asked Mr. Desrosiers, who has spent a considerable amount of time on the Benson's property, and being a member of the committee who facilitated in making a recommendation to the Board, and who has looked at the buildings carefully and taken several photographs of them, and who has reviewed the packet of roofing bids, if he was satisfied with the recommendations and if he felt that all of the detail provided to the Board with regards to how they are going to accomplish their tasks will provide the town with what they are looking for in terms of rehabbing the roofing on all of the buildings and secure them in an adequate fashion.

Mr. Desrosiers agreed with Selectman Jasper that the Train Station is a whole separate issue. He was happy with what the committee has recommended. His big issue is to get the park opened as soon as possible. If the bids are awarded, he'd like to see a stipulation that the Gorilla House and A-Frame get done first, then the Office and Hazelton Barn, which is a lengthy project, be started last. There would be volunteer work to the Gorilla House and the A-Frame and while the other work was going on, they'd get the volunteer work done, so hopefully, the whole package would come together with the possibility of opening the park this summer.

Chairman Coutu understood what he was saying, but they are at the mercy of the contractors, who have to schedule their work. The Selectmen are as eager as he is, but they want to make sure the property is secure. He then asked the Chairman of the committee the same question as he asked Mr. Desrosiers, if he was truly satisfied with what was being recommended.

Mr. Dickinson said personally, he had other choices, but collectively, they did a pretty good job with the time they had. He heard some thoughts about certain buildings and their viability, their adaptive reuse potential, or the historical significance of particular buildings. He asked a couple of people who have been to the park more than he has what they would want to see, what they would prioritize and he got differing opinions. Some people said the Gorilla House was the most important building because that's what people remembered, but that isn't consistent with his own opinion, that some of the other buildings have more significance.

Chairman Coutu asked if, in regards to the process the committee went through, collectively they arrived at a recommendation supported by a majority vote. Every individual may have differing opinions than what was arrived at collectively. He was asking the Chairman if Mr. Dickinson was comfortable with the recommendation of the committee, collectively.

Mr. Dickinson said, in general, he was satisfied but there were some questions in his mind about the bid for the Elephant House because it had a wide range of bidding associated with it and he had some questions as to the scope of the Elephant House work. He would have liked to have seen more discussion on that one, but it wasn't their intent to stay all night. He thought there should be more discussion tonight on that item, or even another building in terms of the scope of the project. They focused in on trying to get the Board of Selectmen a series of recommendations of a first, second and possibly a third recommendation so they'd have good information to discuss, and they had to do that in very short order. Some members had an opportunity to look at it more than others. The decision was pretty clear on some of the buildings and didn't require a lot of discussion.

Chairman Coutu said in light of some of the ambiguity with the work proposals with regards to what they might find, once they start to remove some of the damaged portions of the roofs and how much additional costs might be incurred, he didn't want to see a contractor going in there, running rampant and just replacing stuff, while it may be good and salvageable. They discussed having a Clerk of the Works to protect the town's interest. There are minimal dollars available to do this. In the long term, this is a \$7 million project. He was concerned about that, and in the cost of having a Clerk of the Works representing the town and where that time, unless it's going to be in kind with regards to supervising the work, making sure it's done to completion and the town is being soaked on the product they are being given and having material put in there that's not really being put in there, or unnecessarily.

Selectman Jasper said he was correct and that's why his recommendation tonight will be for four of the projects to be awarded to one contractor at a not to exceed price, which the contractor will understand that no matter what he finds, he has to live within that dollar amount. That's a contract that he signs. He has contractors who rent from him and he hears from them all the time that they underbid a job and lost their shirt on it. That's what you do when you're in the contracting business and you go with the maximum. The variable would be up to the 1,600 sq. ft. of decking and that everything else is in their bid. Other than the Hazelton Barn, they are simple structures. Most everything in the buildings is visible, with very little hidden. He agreed they should have a Clerk of the Works because that leaves a variable. There needs to be that person representing them. Probably the next task they have to put Mark on, find a Clerk of the Works for this. In terms of paying for it, there's still a good deal of other Benson's funds and this isn't going to be an extremely expensive proposition. Other than the Hazelton Barn, they are not going to be on there for an extended period of time. If they decide to do the Elephant House, there is a portion of the roof that has to come off, but once it's off, it's simple to replace—some doubled-up two by 12's, or whatever they are, with some roof rafters and decking over it. It's not a complicated situation so he is confident that this is all very doable. In terms of the Benson's Committee, on all the #1 bids, they are all unanimous. The only disagreement may have been going down... the only other negative vote was one member of the committee did not recommend saving the Elephant House.

Selectman Maddox said he and [Selectman Jasper] were going to disagree. They have a responsibility to maintain three buildings on that site, and they need to put the money into those. The other three buildings don't need to be done because there's no use for them, there's no plan for them. Spending money on those buildings at this time is putting money into buildings with little or no use and are just doubling the amount of sinkhole they are going to spend money on. There's a limited amount of money. They need to open the park and that's going to take X amount of dollars they need to spend on trails and improvements; there's a whole list of projects. To spend this money on roofs of buildings that have no security potential or electricity to light them up. They are just going to be an attractive nuisance. He will not vote to spend money on the Gorilla House, Elephant Barn or the A-Frame.

Selectman Massey said he was in the middle. On the Elephant Barn, six out of the 11 companies chose not to bid on the Elephant Barn. Bidder H said, "After inspection by a Department of Labor Health and Safety specialist, we have found that the Elephant House is structurally unstable and unsafe for workers or the general public to occupy or attempt to reconstruct." Bidder D said, for the Elephant House and the Gorilla House, "Constructor respectfully declines to bid on these two portions of the contract. From our experience in the business, we feel both of these buildings have major structural deficiencies," and he goes on to delineate quite a bit. Bidder F said, "The Elephant House is in major disrepair." He's not going to support fixing the Elephant House. The best he could be persuaded tonight would be to take what Selectman Maddox said last week, which is to put a fence around it. If they went down

that road, he had asked the Town Administrator and Assistant Town Administrator to provide the cost of fencing. Three companies provided the cost, per linear foot. He believes the A-Frame does have a use. He spent some time with Mr. Desrosiers touring all of the properties and that building, as it is, with the changes that are going to be made to it, will make an excellent rainy day building. Picnics can be held in there and it would not require any serious monitoring because it is an open building. It's kind of like an A-frame gazebo. He thinks they should spend the money on that, especially since it is short money for the building and there are some beautiful timbers on that building that should not be lost. To tear down the A-frame and pergola, it's just a beautiful piece of woodwork. He is on the fence with the Gorilla House, but in talking with Mr. Desrosiers and looking at it, it's another one of those buildings that could be used for getting out of the weather. He is on the fence on that one, but he can't support the Elephant House.

Selectman Jasper said just because some people think buildings shouldn't be saved, and they have bids from contractors who say they can, and he's looked at that, which has to be looked at as two separate structures. One is the old English-style frame barn, which has no damage. The roof is intact. He was in there after one of the downpours and it's not leaking. The other part is a cement and cinderblock addition, with a roof which has three different components. The first third is not in a state of collapse at all. That is supported on steel, so there's no issues with that roof, at this time. Two-thirds of it slope the other way. There is a section of about 30' x 20' that has figured in to be demolished and reconstructed, but it's a very simple roof structure. The rest of that building, a substantial part, is intact. For some people, it's the Gorilla House. For him, when he thinks of Benson's, he always thinks of the elephants. Hopefully, they will have a display at some point of the Benson's memorabilia, whether as a result of working with Mr. Provencher as a loan, or whatever happens. The big iron bars for the big part of the elephant cage are intact and it would be a very secure facility for large items, and they do have some. They bought a number of things at auction a number of years ago, including a ladder to get up on to the elephant, saddles and things like that. To the other side of the wall were snake cages, and they have an adaptive refit, making nice display cases for memorabilia. The English-style barn would also make great area for a rest house, rather than going out reconstructing bath houses. Yes, it's \$43,000, but he asked everyone to put into perspective what they spend in this town in a week. Last week's payroll was \$295,000. They are talking to save and put back the roof structures on five buildings, \$140,000, less than half of one week's payroll. These buildings were specifically saved by the Board of Selectmen. Unfortunately, they have deteriorated, but not to the point where they can't be saved. They have significant historical significance to the town and to Benson's. The Elephant House is the oldest building, particularly the A-frame part of it. If they decide they are not going to save it, putting a fence around these buildings is not a solution. If they are not going to put the money into it, let him try to get volunteers to try to save it. He didn't want to put a fence around it, but if they are determined not to do anything with them, they should be torn down. To put a fence around them and watch them deteriorate further, it will only cost more money if they decide to save them later. That would be a shame. In 2000 when they decided to save these buildings, he was in favor of that, and he's in favor of saving them now and he hoped a majority of the Board would see the wisdom in spending very short money to accomplish this. The Elephant House is \$43,000; the recommended bid for the Gorilla House is \$13,008 and there may be a couple thousand for boards, so they may be talking \$16,000. The two buildings that were in dispute are in the ballpark of \$60,000--about 20% of what they spend on payroll in this town in a week. There is concern about long-term maintenance, but he's convinced that what they will be doing with the buildings, other than retrofit for bathrooms, they can accomplish with volunteer labor. He'd rather not put volunteers on the roofs, but on the Elephant House, if it comes down to that, he will ask for the opportunity to make that happen because he does not want to see the Elephant House go down.

Chairman Coutu said in light of the references made by Selectman Massey as to the document provided by Contractor H, it raises some serious concerns about the Elephant House. When they reviewed the packet, this contractor was the only one who had a licensed engineer on site. "After an inspection by our Department of Labor Health and Safety specialist, we have found that the Elephant House is structurally unstable and unsafe for workers or the general public to occupy or attempt to reconstruct." He asked how Selectman Jasper would respond to that.

Selectman Jasper said he'd respond by saying they have a qualified bidder who feels he can do it. It is cement block walls. There are no signs on any of the walls that there is failure of any of the cement block walls. There's no sign there's any instability to any of the building, other than the section that's in a state of collapse. Contractors are well versed in how to stabilize roof systems to tear them apart and rebuild them. He didn't see it. That particular contractor, obviously, didn't want to do it. He obviously felt that there were concerns with it. Other contractors did not. The reality is you have an insured contractor who has put in a bid at what he considers to be a reasonable price and that's the one where they did not have contracts two and three because his feeling was they didn't need to go any further beyond that, that if the Board did not want to save the Elephant House, then upping the price significantly to the next contractor was not going to be feasible. They would be extremely shortsighted if they did not save this building. He didn't understand why they were concern themselves with other contractors if they have a bidder who is willing to do it. They have an obligation to get it down within a bid price.

Chairman Coutu asked if they were talking about Contractor J. Mr. Pearson said yes. Chairman Coutu said in the packet for Contractor J, he has two pages. Mr. Pearson said there was a missing page when the packet was put together and tonight he dropped off a complete copy of all of his pages. Chairman Coutu said there were a couple of highlighted areas. With regard to all of the buildings, that's the only one that is highlighted. With regards to Addendum D, the Elephant House, that which is highlighted says, "Fix all structural supports, all collapsed ceilings and roofs." He asked if Mr. Pearson had an opportunity to discuss that with him. Mr. Pearson said he had not. Chairman Coutu said that would imply that if Contractor H says there is significant disrepair and unsafe conditions in the buildings, this almost says that this contractor recognizes that and is going to fix the whole problem, and he's going to do it for

\$43,000. Mr. Pearson referred to Page 4 of the contract, the other highlighted part says, "We propose hereby to furnish material and labor, complete in accordance with the above specifications." His point for highlighting that was that there were no add-ons. The contractor was saying he'd fix all structural supports, all collapsed ceilings and roofs and he will furnish all material and labor. With the Elephant House, were they being asked to put a roof on a building that is structurally unsound? When he thinks of a building that's not sound, he thinks of supports, and when he thinks of supports being unsound, there's either rot that's evident... He asked if Contractor H discussed anything with Mr. Pearson in terms of the overall condition of the structure of the building, the support structure. Mr. Pearson said no, he did not. Chairman Coutu asked if he wouldn't think that if a contractor was saying that, and he has an OSHA certified agent representing his company, going into the building, if he says this is not safe for a work crew, is he saying he doesn't want to put them on the roof because it's going to collapse, or putting them on the roof with the additional weight... In his own neighborhood, if somebody had gone up on a roof they were going to fix and had not done a structural study, that whole roof and a portion of the side of that house would have collapsed because the beams could not support the roof with any additional weight. Mr. Pearson reiterated he didn't have any such discussion with the contractor. Mr. Pearson said this contractor recognized that because he is going to fix all the structural supports leading to the roof. If you tear off all the rotted part and start from the base and work up, you've eliminated that structural deficiency. Chairman Coutu wanted to clear that's what's going to happen. If the contractor was willing to do that, he didn't care what the other contractor says. If the contractor was saying, yeah, there are a lot of problems, but I'm going to take care of them, that swayed his opinion a little on the Elephant House. He didn't have a problem with anything else, just the Elephant House, at this point.

Selectman Jasper understood the Chairman's quandary. He and Selectman Nadeau were at Benson's on Saturday. There are three doubled or tripled 2 x 12's that run 20' or less. One is totally gone, another has come done and another is about to. That can be shored up temporarily because the roof is already in a state of collapse. You can tear things apart without physically getting on the roof, once they shore up the debris below. You can't get on parts of that roof right now because of that, but given the state of collapse, you don't need to get on the roof to do it. You could work from the inside out, do a little bit of stabilization. In another winter, another section of that roof is going to go down, no question about that. It's the section where the A-roof from the English barn, where the water came off there, and with the roof not being taken care of properly over the years, the water got in and just continued to go along. They are talking a relatively flat roof, not a pitched roof, just a mild pitch, and it's not tied in to the back part. The rafters go in underneath the overhang on to the metal support. There's no interior posts, just all the way from that section where the metal is in the Elephant cage to the cinder block wall in the back. They are only talking an area about 30 x 20, roughly 500 sq. ft. that's probably going to have to be totally taken off. For \$43,000 if he had the time, he could do this job and make a lot of money on it. Nobody else wanted to do it, but this allows the contractor to do the job without any difficulty in making money. Even if he had to tear off 50' of the roof, it's not an expensive roof structure. You can't get any cheaper than this roof structure.

Chairman Coutu recognized Ken Dickinson, who had serious concerns about the Elephant House. Mr. Dickinson said in regards to the bidding for the Elephant House, he wanted to bring Contractor I to the Board's attention, who had done a pretty good job in estimating this work. They also had an architect and he thought they were the only firm that had an architect on staff. Chairman Coutu asked what the significance was of Contractor I, and if there was any narrative that went along with his bid. Mr. Dickinson didn't know; he just remembered the company had pretty good credentials. One of the people in the firm is not only an architect, but has over 30 years experience covering a broad range of projects, both in the public and private sectors. Not only do they have people who are licensed construction supervisors and home remodelers, they also have someone with an architect's license. Based on their training and experience in the field... they didn't have much discussion about this contractor during the meeting, but they also have very high credentials. They have done work on an old town hall.

Selectman Jasper said Ken was right on that. They are low bid on that. The basic unit price is low. The maximum is higher by about \$6,000. The board replacement per sq. ft. was \$16.22 versus \$4.75 and that was why Contractor I was recommended as the bidder. He has shown exactly the quantity of what has to be replaced to rebuild this, which is not terribly extensive. The list is 48 2x12's, yadda, yadda, yadda, and you see what is need to replace it and it's not all that extensive. Either of those bidders would be responsible, with only a difference of \$6,000 maximum, but the 100 sq. ft. replacement cost is \$1,622 versus \$475, and that was the deciding factor. Either of them thought it could be done relatively reasonably.

Mr. Dickinson said he had a couple of other points to make on the Elephant House. He went back and forth on this, himself. Some of the people contracting took only a quick glance thought it was a horror show, but it is in a good location, visible from the road and is a building that a lot of people remember and had the elephants in it, along with other animals. It has a lot of nostalgia associated with it. There are some real valid reasons for trying to salvage it and maybe reconstruct a portion of it. It kind of completes that corner because it's in proximity to the Office Building and the Train Station will be most likely relocated in that same general area, so that creates a space that can be built upon in the future. There were many buildings on the property and there are only a few left. It's hard for some people to see any of the remaining buildings go. If they put a fence around jus the Elephant House, it won't look that favorable. They are trying to create a park that's an asset, not an eyesore, so they have to make a decision one way or the other.

Chairman Coutu said he respects what Selectman Maddox proposed about the fencing, and he didn't believe it was his intent to create an eyesore, but to protect the integrity of the building until they determine what to do with it, with the objective to achieve refurbishment of the original three buildings delineated as the most important.

Selectman Maddox said the suggestion to surround the buildings with construction fencing was in deference to Selectman Jasper, who has a great passion for this site, something that he didn't share. He's lived here for 20 years and it was already closed when he got here. Probably half the people paying taxes in town were not here when Benson's was opened. Maybe some of them visited when they were kids. He wanted to save the buildings the town agreed to in the agreement with the state DOT, but not the rest of them, but he suggested putting fences around them to give Selectman Jasper time to collect volunteers, donations, grants, whatever, but not to spend more tax dollars on these buildings. The Elephant House's restoration estimate in the Master Plan is \$340,000. The Master Plan they reference at times says that the A-Frame should be demolished. That's what he was looking for from the Benson's Committee, where they were going with those. He didn't suggest the fence to protect the buildings, but to give them some security so they could open the park sooner rather than later and to give time and monies available to fix it on someone else's dime because they are going to run out of money quickly, even if it's not this \$140,000, but as a town to maintain this thing at a very rapid rate.

Selectman Jasper said this has gone to the voters several times and they put the money in for this project. Granted, the amount of money into the buildings would have been less years ago, but this money isn't going to be available after tomorrow for any other purpose, anyhow. To say they can't spend it here because they've got to have it available, this money will not be available and it was voted by the voters for the Benson's project. That argument doesn't hold water any more than some of the roofs keep water out at Benson's right now. He does not recommend trying to get volunteers to do roofs. This particular one does take a bit more skill and does some dangers inherent with it because it is in a state of collapse, unlike the other ones. If they want him to do a roof, he'll do the Gorilla cage because that's only got a small area in state of collapse and this is two sections of buildings. The problem is if they don't make a decision one way or the other tonight, that money is gone and then if they decide they need money for shingles or building materials, because they are not going to get any grants or any substantial cash donations to this, they are now pulling the money from the other funds and are truly creating a situation where they are pulling funds down that could have gone to other things. They don't need a lot of money to open it up in terms of trails and the things that are there. The trail network within the fenced in area around the pond and the historic Benson's park itself is pretty good. There's not a lot of work that needs to be done there. There is an area where the sewer line went through that they have to figure out what to do. They have to figure out what they want to do in terms of taking the core and making that a secure facility by finishing the fence and having that so people who go in there know there aren't wild animals coming in from the outside, or wild people coming in from the outside, and that they are in a secure chain-link park. That's a decision they have to make and where some of the money will have to come from. Trying to get things back up and running. There are a lot of things they can do. They will never spend \$7 million on that park. It's never going to happen. That's a pie-in-the-sky dream. The buildings aren't going to take a lot of money to maintain because they are going to put 30-year roofs on them. The A-Frame, as long as there's a roof on it, won't ever have to be painted or do anything to it. It's there. Tony's cage, pretty much the same type of thing. You can slap a little paint on it. You can close it off or make bathrooms in it. Not a lot of money there... and the Elephant Barn is in that historic core, right there where they want to put a caretaker and it's the one and only spot where it makes sense to have a Benson's memorabilia display area. The building is ideal for that. There's no other place in the park where they can do that. They could perhaps do that at the Hazelton Barn, but it's not part of the core. He asked the Board to look to the long term, not the short term, for \$43,000.

Chairman Coutu said there was a sole recommendation for the Elephant House, and a second one was mentioned tonight—Contractors B and J. If you look at those two bids and the notes attached at the end... Contractor B, "\$10 a linear foot for soffit and fascia, not including roof rafters or walls. Contractor J includes roof rafters and framing in the estimate. When he read the recommended bidder's proposal for the Elephant Barn, which is extensive and it would appear to him that this guy is going to take care of everything, from top to bottom. If they were to listen to the arguments that were presented about potentially awarding the contract to B, it would appear, based on what Jerry is recommending, that soffit and fascia, including roof rafters and walls, may be necessary and that would significantly increase the cost. He's proposing a maximum bid of 48, but he clearly states he's not going to include that, and if they add that, they could be talking \$10 a linear foot, a lot more money.

Mr. Pearson said if he extrapolated out the soffit and fascia for that building, a rough guess based on his estimate, they're talking a couple thousand dollars, but they are not counting the number of wall studs and timbers or roof rafters and the cost of those. That extrapolation is the maximum board replacement for the roof boards, not the studs for the wall or the rafters. The \$48,000 could turn into \$60,000 or \$70,000. Chairman Coutu said he could say there is structural repair he didn't include in his bid. Based on the document presented by the recommended Contractor J, are they satisfied he is going to address all of those problems, and it's included in the price. That's the way it appears to him, and the better bargain. Mr. Pearson said that's the way he understands it; hands down the better bargain.

Selectman Massey said if they don't encumber monies tonight, it will go back into the general fund, but because the five Selectmen will be on the Board during the budget time, it's well within their ability to take revenues from the surplus, the unexpended fund balance, the \$43,000 and apply it to a Benson's project to have a zero offset on the tax rate. They are not going to lose this money for Benson's. One way or another, it can be spent. Mr. Malizia said not without a subsequent appropriation, it can't be. Selectman Massey said they are going to have to have money in the budget for fiscal 10. If they appropriate it, they can have the offset from the revenues by having it come out of the General Fund, unexpended balance. The second point is if you really look at the Elephant House, Contractor I that they were talking about, their low bid is \$16,000 but when you look at it compared to all the others, it does not include roof rafters or walls. \$16.22 per board foot, when everyone else, for the most part, in the \$400 - \$475 range doesn't

represent a qualified bid. Again, he is still sitting where he was before. On the Elephant House, he'd be willing to put a fence around it to allow them time to figure out the best way to do it, and to give them the ability, among other things, strip all of the vegetation that is around that building so that somebody can truly see what it is they are dealing with. In its current state, he could not support going forward with the Elephant House. He can and will support the Gorilla House and A-Frame, but not the Elephant House.

Selectman Nadeau went through the Elephant House this past weekend. It is centrally located and the structure is pretty well there except for the part in the back that's collapsed. There's potential for displays where the reptiles were kept in the back corner. It would be better to locate bathrooms in the Gorilla cage, which is a little more centrally located. If they can make the Elephant House water tight and strip off the vegetation around it, they would probably find more volunteers willing to work on it because of its location. For \$43,000, they should do this one, as long as they don't go over the total amount.

Chairman Coutu asked Mr. Dickinson to consider as a priority the removal of the vegetation that surrounds the buildings because it can be very destructive. It creates moss and the rooting network creates damage structurally if it is allowed to contaminate the area. If they can get volunteers in there to start identifying that habitat what they want to preserve, as he [Mr. Dickinson] and Curt Laffin are familiar with that which will enhance and beautify and get rid of the rest, poison ivy and other stuff. That would significantly enhance the beauty of the area.

Motion by Selectman Jasper, seconded by Selectman Nadeau, to award the bid for the roof work on the Elephant House to Shadan Construction in an amount not to exceed \$43,004.

Selectman Maddox said he didn't have the passion for these buildings that the other people did and they are just going down a money pit that will be problematic continuously for the taxpayers of the community. He can see saving the three buildings they are supposed to, but not the other buildings. This seems to be an expense they don't need to incur, so he can't vote for the motion. The Master Plan talks about asbestos, but none of the contractors mention asbestos removal. Selectman Jasper said only if they tear down the Elephant House would it be an issue. In the old part of the Elephant House, the old English barn, there is sheet asbestos on some of the walls and on the ceiling. If they do nothing, they don't have to remove it. The state took out all the friable asbestos out of everything else. That's the one area where it exists and it can stay. It's the same stuff that's in the kitchen. There's none in the roof structure of anything else that he was able to identify.

Vote: Motion carried 3-2. Selectmen Maddox and Massey voted in opposition.

Motion by Selectman Jasper, seconded by Selectman Coutu, to award the bid for the Office Building, the Hazelton Barn, the Gorilla House and the A-Frame to KSL Contracting in an amount not to exceed \$96,996.

Selectman Jasper said it was as he outlined before, trying to stay within the \$140,000. If they have more monies, they could go over, but this is a wise move that gives four bids to one contractor. The Hazelton Barn is a higher bid than others because this is the one that goes all the way down... there is one post that is sinking and they will reconstruct that. They will have some work to do to get the water away from the building so this doesn't happen again, but if he puts in a decent base under that post and is going to jack the whole building up. There is quite a valley in the roof right now. If they roof that and try to fix it later, they will be popping shingles and plywood and making a hell of a mess. That really has to be taken care of and addressed before anything else is done. The Office Building and Gorilla House is short money and the A-Frame, a lot of that money is demolition. If they don't do the Gorilla House or the A-Frame, they are going to be looking at demolition and it probably won't be for much less money than they are talking about here by the time they get done removing the foundations of the buildings and moving away a lot of the concrete and landscaping it all back. The A-Frame needs little to no maintenance until the next time it's going to be roofed. They can do a lot with volunteer labor on the Gorilla House, but they can take their time with it, once it is secure. This is the best way to award the bid to do some economy of scale, which they won't succeed if they do them individually.

Selectman Massey said he didn't second this because he felt that he'd like to see a unanimous vote on some of the items, but it didn't look like that was going to happen. It appears that the 1,680 sq. ft. was fixed so they could have \$140,000. Selectman Jasper said that was correct. Selectman Massey said if you look at all the bids for KSL, it's not \$17,709 that's their exposure; it's \$26,941; it's not \$43,900 that's their exposure, it's \$55,132. Selectman Jasper said his motion is "not to exceed." Selectman Massey said the point is if it's more because that's what's there, they've trapped themselves. Selectman Jasper said no, Sir. Selectman Massey said then he would make a motion to amend the bid that if they need more than 1,680.75 sq. ft. that the award is able to come back for an addendum because that is an arbitrary number. It got there in order to get to \$140,000. He didn't want them trapped at some point down the road when he is looking at what the maximum exposure could be.

Selectman Jasper said Selectman Massey totally missed his point. If the contractor accepts this bid, he knows that he will not get paid more than \$96,996. If he ends up with 2,000 sq. ft. that he has to replace, then he eats that. He does not come back. This is an economy of scale. He's been through it. There's not going to be deck replacement with the Office Building because they're going over it. The Hazelton Barn, they're going over it. The Gorilla House is the only one where there is going to be significant board replacement. That area is visible. It's not a huge area. The A-Frame, they know that other than the two decks that come out, and one of them, the decking is still on there, one side is probably less than 200 sq. ft. that needs to be replaced. On the A-Frame itself, you can look up through there. You

don't see daylight or rotted boards. There may be some rotting along the edge, which can be repaired very easily. He is confident, and the contractor is going to have to decide if he wants to accept this bid or not. He can go back out and do a little bit more due diligence, but the motion is so the town's total exposure is \$96,996 and if he accepts it, that's what he gets, maximum. Without any board replacement, he gets \$90,273.

Selectman Massey said he has only one more thing to say on this. The bidders were asked to come up with the estimated cost and if they had to replace boards that they didn't know about, what their cost would be, per board foot. When none of them have any idea how many board feet they are going to need, when the town doesn't know how many feet they will need, it's unacceptable. Unless the Board gives the ability for this award to exceed the 1,680, he cannot support the bid.

Chairman Coutu said with the Gorilla House, he has a #1 estimate and a #2 estimate and #1 was eliminated because they don't want to do rolled roofing. He is projecting \$13,845. He asked Selectman Jasper, when he looks at all of the things he is going to do, if he was significantly satisfied with what needs to be done. Selectman Jasper said 1,680 sq. ft. is a significant amount of roofing to replace. Given that two of them will virtually have none because they are being plywooded or built up. The Hazelton Barn could have some bad boards, but not a significant amount. The roof is not leaking at this time. There is no evidence in that building of boards that have been in a state of collapse or significant decay. The idea is to stay within the \$140,000. If you want to increase the town's exposure, he's willing to do that. He wants to get these done and they could just go by the base bid with the board sq. footage and not to exceed, which is going to come up significantly higher than where they are at right now. He figured this was reasonable and has the potential to save money for the town. The contractor was present so they could ask him, but he didn't think that was the right thing to do. He was negotiating for the town and he [Selectman Massey] was negotiating for the contractor right now, so they could keep that up and see where it goes.

Chairman Coutu said Selectman Massey raised a relevant point. For that contractor, when he looks at the provisions and notes for the project, he says under Item 8, before the letter I, "Any unseen structural work needed to complete any portion of any addendum will be directed to the Town of Hudson or its representative on a RFI. Once RFI has been addressed, parties involved will take appropriate action." His biggest fear with a lot of this is that that's what they might run into, this sudden, yet unseen problem that's going to exist that's going to compromise what needs to be completed and they get hit with another \$50,000 tab in order to get it done, and they run into a quagmire because the money isn't there to do it. They might end up with a roof that's been dismantled and they find all kinds of problems they didn't know about. He asked the Assistant Town Administrator how they protect themselves.

Mr. Pearson said there is a possibility with, for instance, the Gorilla House, and you tear off the shingling and roof boards. They already know there has been water seepage, so they expect to find some boards that need to be replaced. In addition, they could need some roof rafters to be replaced because that's what the boards are attached to. That would be in addition to the bid because that's an unforeseen structural problem.

Chairman Coutu said that's what he believed Selectman Massey was afraid of and he was concerned, too. They could run into this with other buildings, as well. He preferred to take the buildings one at a time. Selectman Jasper said they can do that, and that is frankly why he wanted to do... they have four bids. Take it or leave it. They are not big roof structures, with the exception of Hazelton Barn. They know what the supports are, a structural engineer has looked at that. The other ones have a couple roof rafters they need to splice in and there is an area where there are 2x12's that have to be replaced. He wants to tell the contractor to do this at \$96,996. That's the maximum, and there is \$6,000 to play with in there. Go back and look at it again, poke around a bit more, decide whether or not you want to do it for the \$96,996. Complete. Chairman Coutu said and there will be language in the contract that's going to address that specifically. Selectman Jasper said absolutely. This would be a not to exceed for the project.

Selectman Maddox said the Assistant Town Administrator has pointed out that there's already an extra (not discernable) because the Gorilla House has a good amount of rot where the skylights used to be and there were headers that were gone, so there's going to be... so, it has already started, but that's OK. Because they've been packaged all together, he will not vote for the entire package. He agreed that they need to do something and he thought the bid for the Hazelton Barn was (background coughing) the structure. Because Selectman Jasper has been in the Legislature so long, he tends to package the good with the bad, so he will vote in opposition. He had no choice.

Selectman Nadeau said there was a water problem with the Hazelton Barn, which is causing a problem with the support piece. He asked if it would be wise to fix the water problem before they fixed the roof, whether it is with the drainage around the building or whatever so this doesn't happen again. He understands they are going to repair the beam inside that needs to be jacked up, but should they fix the water problem first?

Selectman Jasper said in normal circumstances, he might say yes. He's going to go in and put in a good footing underneath there. His concern is the water will continue to come in and undermine whatever he puts in. If they don't do the roof, they lose the money. They also can't encumber it for the water problem, so it's money that gets taken right out of the package. They can do this simultaneously. As soon as they've dealt with this problem, they can then have other monies available and can go out and get the people they need to come in and take care of this problem this year. Nothing is going to happen with the water that in a month is going to undermine that post. That has happened over the course of probably a couple hundred years. Saying they are going to take care of it and have it done by the end of the year makes sense. If they hold off and not do it, now they don't have the money to do the roof

and that roof will be leaking next year, with the shingles falling off. He suggested getting both things done this year and the only way to do that is to award this contract and then go out and take care of the foundation.

Selectman Massey said he wanted to clarify one thing and make it absolutely clear to everybody who is watching this. He is not negotiating for the company. He has never heard of this company until he saw the bid package. He didn't know anybody in this company. He did not know the list of people there, so he is not negotiating for this company. What he was negotiating on is fairness. When they put these bids out, they told everybody to give their best estimate of what they could do the work for and if for any unforeseen circumstances, they have to put boards in they didn't anticipate, tell what they would pay per board foot. To arbitrarily tell them now, oh, by the way, we decided in our own minds that the maximum board foot is 1,680.75, which was done in order to get to \$140,000, is putting the burden on them. He would vote for this with the understanding the not-to-exceed is not a real number. What they are asking this contractor to do now is unfair to that contractor. He can't support the motion in its current form.

Chairman Coutu said the Board has been pretty open about full disclosure. He never thought Selectman Massey was advocating for anybody. He liked to think that all of the Selectmen were looking for fairness. He assumed that Selectman Massey could support the motion on the proviso that the contractor be paid fairly for his board costs, whatever the number is. He asked where Selectman Massey proposed the additional funding would come from to cover the additional costs, if they go over. Selectman Massey said they have approximately \$250,000 in unexpended Benson's funds, over and above the \$140,000. Chairman Coutu said he wanted the public to know that, that this isn't money that will be taken from the existing town budget. Selectman Massey said no, it's not. Once they start the work, they have to finish it. They can't do it half. They can't get to the 1,600 board feet and.... in his mind, he didn't think they can hold a contractor to a number when they weren't given that number to begin with. They were simply told tell us what it would take, based on what you can see, and make a bid and then if you have to do boards that you didn't know about, what you would charge to do the additional boards. That's why he said at the beginning he thought they should be doing the bids on the basis of the maximum bid, but even there, he could understand why they wouldn't have to do the maximum bid or they could do some.... again, it's not fair to award the contract not to exceed when none of the bidders were told tell us what you estimate would be the maximum board feet that you would have to use.

Mr. Pearson said based on his knowledge of construction and factoring in all of the prices, the contractor has estimated \$4 per sq. ft. There are 32 sq. ft. in a sheet of sheet good. \$120 goes a long way when buying sheet goods. In you bought a 5/8ths grade plywood, it might be around \$20 - \$25 a sheet. The area they are talking about, 1,600 sq. ft. is a 40 x 40 area. The Gorilla House is 50 x 50, not counting the slope up. You can buy a lot of plywood for the amount of money if you convert the square footage into real dollars that you could buy sheet goods. You could plywood the whole roof of the Gorilla House with new sheet goods and never go outside the range of that. He thinks there are enough dollars there, based on the \$4 per sq. ft. of boards. It can be converted to some other good and, in fact, they could probably pick up the cost if there were some rafters going from the peak down with the sheet goods. It's a \$6,000 type of allowance for the buildings and they're not taking about the cost of sheet goods for the Hazelton Barn because he's already maxed that out. They're not talking about the A-Frame because you can see the boards there. They're only talking about the possibility for the Office Building and the Gorilla House. You can go a long way for \$120 with sheet goods for a 32' square area. \$4 a sq. ft. is pretty steep.

Selectman Jasper apologized to Selectman Massey; he didn't mean he was negotiating.... he said it, but didn't mean it that way. Selectman Massey accepted the apology. Selectman Jasper said he was trying to get the best bang for the buck for the taxpayers. He looks at this with his knowledge of construction and maintaining some of the oldest buildings in this town, so he has a pretty good idea. Some had deteriorated for quite a few years before he tackled them. They don't have to go with boards on the Gorilla House. They can go with plywood, as Mark said. They're not under any historical restrictions. That's really the only building they really are going to be talking about any boards, except, possibly, a very few on the Hazelton Barn. These are pretty good numbers in this contract. He wouldn't be doing this on each individual basis but because this contractor has come in the way—here's a project you can bring your people in, you can set up, you can be there, you got four buildings to do. There is economy in scale and all of that. If they want all four... it's just under \$100,000 to do all four roofs, and three of them are... two of them are pretty small. The A-Frame is not very big, but it's steep, so the Hazelton is the one and that's where the bulk of it is. The only risk he is running, the contractor is going to decide whether he takes it or not, is that he says no, but if they do this tonight, it is encumbered, they've awarded a contract and they can see what happens. He's not trying to negotiate in public, but he feels this is a fair number and it's not his job to be fair for the contractor, it's his job to be fair to the taxpayers and it's the contractor's job to decide whether it's fair to him or not. The Board isn't forcing the contractor to do this. The contractor could say go take a flying leap.

Chairman Coutu said it was "our" job to protect the citizens of Hudson. Selectman Jasper said that was correct, but that's where he was coming from. Chairman Coutu said he shares the same passion as Selectman Jasper. He'd like to see them reach a consensus because he was in favor of tackling this project at this time. The money is there and it's a step forward. The contractors who bid on the projects have had an ample opportunity to review the site. For the most part, they know what they're in for and he would think that the contractor who is the subject of this discussion had a certified engineer on the property, so they'd probably have a little more insight that everyone else does. What intrigues him is Selectman Massey's statement that he could support this, however... and what he wanted from Selectman Massey was the language he'd like to see in the motion, if it were to be amended.

Selectman Massey said he couldn't wordsmith it, but it would have to be along the lines that any... and the Clerk of the Works could help on this... that any board feet beyond 1,680.75 is subject to a negotiated settlement between the two parties. Chairman Coutu asked if Selectman Jasper would accept that as a friendly amendment to his motion. Selectman Jasper said no. If they went with every board foot, it would have to be approved by the Clerk of the Works as to what was going to be replaced. He didn't look at it as 1,680; he looks at it as \$6,723 of additional monies available to take care of whatever issues they run into. The only way to do it is go back to the basic bids, award them individually, and have a Clerk of the Works who is going to approve everything that has changed. If they went with the \$96,996 maximum, they probably don't need a Clerk of the Works because they are only talking a delta of \$6,000 and they'd spend that on a Clerk of the Works. This could be something where they could just have the Building Inspector go out and take a look at the issue. If they go back to the basics, plus the add ons, they are at a substantially higher number. He was always uncomfortable with those open ended contracts, but the only way to protect themselves is to do it either as a maximum or have a Clerk of the Works and hope they don't get into anything, and he didn't think he was going to vote for that.

Vote: Motion to award the bid for the Office Building, the Hazelton Barn, the Gorilla House and the A-Frame to KSL Contracting in an amount not to exceed \$96,996 failed by a vote of 2-3. Selectmen Coutu and Jasper voted in favor; Selectmen Maddox, Massey and Nadeau voted in opposition.

Selectman Nadeau moved to award the bid for the Gorilla House, the A-Frame and the Office Building, with the amount... he asked about the maximum and minimum with the board footage... Chairman Coutu said Selectman Nadeau might want to consult with Selectman Massey. Selectman Jasper said they might want to do these one at a time, at this point. Selectman Nadeau said he'd start with the A-Frame, Estimate 2, for \$14,819, KSL Contracting. There was no second.

Selectman Jasper didn't have any idea where the Board wants to go now. It appears the wish is to leave all of them open ended and he didn't think that was responsible. Mark had done an estimate of a maximum 960 sq. ft. replacement on the A-Frame. They could do a base price of \$14,819, with a not to exceed amount of \$18,659. That would be a maximum, including everything. Chairman Coutu said in order to move this along, suggested Selectman Jasper entertain a compromise.

Selectman Massey said he may have it, in looking at Mr. Pearson's 100% replacement costs, who estimated, for the Gorilla House, 3,000 sq. ft; for the A-Frame, 960 sq. ft; for the Office Building, 2,308 and Hazelton Barn, 2,308. He thought it was 2,808 for the Hazelton Barn. Mr. Pearson said it was. Selectman Massey said that all totaled up to 9,000 sq. ft. which would be the maximum exposure. If they did \$4 per sq. ft. they'd be talking \$56,000. He asked what Mr. Pearson thought the likelihood that even 50% of that would be required. Mr. Pearson said the A-Frame is not even 1" boards. It's 2x6 tongue-in-groove, and you can see them all the way up. It was just a calculation he did at the time. They are talking, at best, the flat areas on the sides of the building, an area 6x25, 150x2=300. That's 300 sq. ft. on the A-Frame, not 960. Selectman Massey said on the Office Building, 2,308. Mr. Pearson said there's not a lot of board replacement on the Adirondack style cape house because the insulation would go over it and there would be plywood on top of that. There's a flat roof behind it. He saw workers out there working on it. There's only 108 sq. ft. of that roof, and then there's the old kitchen roof. Selectman Massey said maybe he's been operating under a misconception, then. When they were talking about the additional estimate for board replacement, he understood from that conversation they are not talking about sheets of plywood, but regular 2x8's or 1x6's or whatever the thickness of the board. Mr. Pearson a 1x10 or 1x12. Selectman Massey asked if those were underneath... if there would be plywood on top of that. Mr. Pearson said a like material. The way bids were given, he didn't know what was underneath, say, the flat roof. If they pull it up and there's plywood there, it would be replaced with a like material. If you took off the rolled roofing on the kitchen part of the Office Building and there were 1" boards, you would replace them with 1" boards, if any needed to be replaced. Selectman Jasper said they aren't doing the kitchen part. Mr. Pearson said it's in the estimate, Office Building and kitchen. Selectman Jasper said that has to be done with tiles. Mr. Pearson said he was talking about the rolled roofing that's on there now. That's stripped off and put back on. There isn't a whole lot of square footage. The area that would have some would be the Gorilla House and it's 50x50 and if you take out the hip roof angles, etc., there are enough dollars here to cover sheet goods to probably put sheet goods almost over the entire Gorilla House, within the budget.

Selectman Massey said the 1,680 is approximately 18% of the maximum that could expose. He asked, in Mr. Pearson's opinion, if an 18% estimate is within the ballpark. Mr. Pearson said the total dollars of \$6,700 converted to sheet goods on some buildings is plenty of money to do the necessary work.

Selectman Massey moved to award the contract to KSL Contracting for an Office Building, Hazelton Barn, Gorilla House and A-Frame in an amount not to exceed \$96,996. Selectman Jasper said that would be a reconsideration, since Selectman Massey was on the prevailing side of the motion.

Motion by Selectman Massey for reconsideration, seconded by Selectman Jasper, carried 5-0.

The main motion was back on the floor, *by Selectman Jasper, seconded by Selectman Coutu, to award the bid for the Office Building, the Hazelton Barn, the Gorilla House and the A-Frame to KSL Contracting in an amount not to exceed \$96,996.*

Selectman Maddox said he was going to be consistent, if nothing else. He won't vote for this because he feels that there are other needs to get this park opened quickly. Roofs are nice, but he can't agree with some of the buildings.

Selectman Jasper wanted to clarify something for the public. Doing the roofs isn't going to slow down the opening of the park. There are many other things that have to be done and the committee is just now taking the applications, and those applications for subcommittees are available on the web site, with a description of the various management areas are. Hopefully, in a week and a half, the committee will be looking at the first batch of those. It's going to take the volunteers now to get the park open. Even if the money was not spent here and put in, it wouldn't be available this year to open the park. This in no way detracts from opening the park.

Chairman Coutu said it's not just that. The fact remains that there is some good use that could be made of the buildings and they need to secure them structurally and the preserve them from the elements, and that's what this is going to accomplish. Once the committee has identified and prioritized projects that they want to undertake with the use of volunteers, which they hope to be able to recruit within the next couple of weeks and have on board, such as elimination of outgrowth of excessive shrubbery, to find someone to build picnic benches or paint it or have it as a shelter so people who are going through the park and want to stop for a bite to eat, the project they are going to undertake, which is the roofing of the buildings, is going to enhance the quality of those buildings considerably, draw a lot of attention to the other work that might be necessary and can be done through volunteers and would entice them to want to do it, and he thinks that once the work crews are out of there, with the path work and road work that has already been undertaken, they will be able to invite people into the park this summer and they are going to have access to it, even though it may be a limited area and not the full 180 acres. They are taking a step in the right direction. They're making a commitment to something that they've wanted to do for a long time, and this is the time.

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

Selectman Massey said on a related note, as he was walking the property with Mr. Desrosiers, an item that caught his eye and he felt was worth preserving is the little kiosk that is sitting between the Elephant Barn and the Office Depot, which would ultimately be a nice reference point to have a map of the park in it and they should consider having Benson's Committee look at it for what it would take to rehab and restore it to its former looks, but not to be used as a ticket booth, but as an information kiosk. He said that was his motion, to have the Benson's Committee look at that.

Chairman Coutu said they didn't need a motion, but to ask the liaison to convey that to the committee. Selectman Jasper said that's one of the difficulties at this point because that's going to be assigned to one of the groups. That suggestion has already been made to him and he thought it was a great idea. He thinks that would be a great place, as you come into the park when the gates are open... Selectman Massey said Selectman Maddox didn't think so. Selectman Jasper wasn't surprised, that if Selectman Maddox had his way, there wouldn't be a building on the property. That will be an assignment for a subcommittee. The Benson's Committee is not going to be able to get into that level of detail, or will never get anything done. There's only eight or nine of them and they are the oversight committee that will bring requests back to the Board. Selectman Massey said then that solves the problem. He didn't care who does it, just as long as it gets done.

Selectman Maddox said he didn't know they were reopening Benson's. He thought they were going to have a park with passive recreation. It seems like they are trying to rebuild Benson's. He's sure the historic buildings are wonderful, but without a use, they will be such a tax drain. He'd rather just open it up and get people to walk through the park and be able to say it's a beautiful trail network, it's a relatively peaceful area, there's a certain amount of flora and fauna and wildlife. He's worried they seem to be building back Benson's, rather than enjoying a park, and the costs relative to it. They're already talking about a caretaker. He didn't know where they were going with all of this expenditure. But they are only at \$140,000; \$7.2 million to go.

Motion by Selectman Jasper, seconded by Selectman Massey, to encumber a revised amount not to exceed \$1,254,167.77 for FY 2009 [the addition of \$140,000 for Benson's roofing projects] carried 5-0.

Ken Dickinson said everyone appreciates the Board's votes tonight. Hopefully, with the work that's being done, people will take notice and be more willing to volunteer and donate time to enhance the park, not just for the towns people, but for everyone to enjoy. There has been some work done in certain areas, even with the vegetation that he was requested to take a look at. When he was with Bedford Design Consultants, he spent substantial effort and that work has already been done and they can now move forward with some of that, with other people, as well.

Chairman Coutu thanked Mr. Dickinson and the Benson's Committee, who was rushed into this. The Board gave it an extensive review this evening, coupled with what the committee already had done, so they have a good handle on it. The majority ruled and he knew Selectman Maddox was not bitter; he will eventually go and enjoy the park like the rest of them. He thanked the committee for its work, with Mr. Dickinson taking the lead role now in identifying the priorities for that park so the public can get in there and start enjoying the beauty that it is going to offer.

Continuing, Chairman Coutu recognized Mr. Pearson, saying this was an extensive project for him to undertake. On behalf of the Board, he extended his appreciation to Mr. Pearson and his staff for what they provided the Board, which was very well done. It was easy reading, with a lot of figures and a lot of numbers, a lot to absorb, especially for people like him, with the exception of Selectman Jasper, Ken and Ben, who hire contractors to come in and do it,

trusting that they will do the job well. He thanked Mr. Pearson and his staff for what they provided. This is a progressive step forward in the Benson's project and he's glad it's behind them.

Chairman Coutu declared a recess at 9:23 p.m. (The Recorder left the meeting at this time.) The meeting was called back to order at 9:31 p.m.

6. OTHER BUSINESS/REMARKS

Selectmen Nadeau, Massey and Maddox didn't have anything this evening.

Selectman Jasper reminded people that Benson's memorabilia exhibit is open 10 - 4 daily through July 12 at the old Hills Memorial Library. Arthur Provencher, the owner of the memorabilia and former owner of Benson's, will be there the entire time. It's a wonderful display, with a lot of reminiscing. He's stopped in a few times and it's really a great exhibit.

►The library has the forms for application for the subcommittees to the Benson's Committee for all the different areas. The forms are also available on the web site--click on 'Committees,' then 'Benson's Committee,' and then click on 'management units,' which includes the descriptions of the management units. Those applications can be faxed in, dropped off or emailed to the Selectmen's Office.

Selectman Coutu reminded the public that they are a democracy which they saw in action this evening. They got through this without any rancor or ill feelings.

7. NONPUBLIC SESSION

Motion by Selectman Jasper, seconded by Selectman Maddox, to enter Nonpublic Session under 91-A:3 II (a) The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, unless the employee affected (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted, carried 5-0 by roll call vote.

Nonpublic session was entered into at 9:35 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 at 9:40 p.m.

Motion by Selectman Massey, seconded by Selectman Jasper, to hire Priscilla Boisvert on a part-time basis, without benefits, effective June 28, 2009 at \$30 per hour carried 5-0.

8. ADJOURNMENT

Motion by Selectman Maddox, seconded by Selectman Massey, to adjourn at 9:43 p.m. carried 5-0.

Recorded by HGTV and transcribed by Priscilla Boisvert, Executive Assistant.

HUDSON BOARD OF SELECTMEN

Roger E. Coutu, Chairman

Kenneth J. Massey, Vice-Chairman

Shawn N. Jasper, Selectman

Richard J. Maddox, Vice-Chairman

Benjamin J. Nadeau, Chairman