

HUDSON, NH BOARD OF SELECTMEN
Minutes of the June 23, 2009 Meeting

1. **CALL TO ORDER** by Roger E. Coutu in the Selectmen's Meeting Room at 7:00 p.m. on June 23, 2009.
2. **PLEDGE OF ALLEGIANCE**, led by Tom Dichard.
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; Priscilla Boisvert, Executive Assistant; Jay Lavoie, Chief of Police; Gary Webster, Acting Town Engineer; Kathy Carpentier, Finance Director; Benson's Committee members Jerry Derosiers, Pat Nichols and Harry Schibanoff; Sewer Utility Committee Chairman Bernie Manor and member Bill Abbott; several others.

4. **PUBLIC INPUT**

No one addressed the Board during this segment.

5. **CONSENT ITEMS**

Motion by Selectman Jasper, seconded by Selectman Nadeau, to approve consent items, as noted or appropriate, carried 5-0.

- A. **Assessing Items**

- 1) Elderly Tax Exemption for 2009 tax year, M/L 133/045, w/recommendation to grant.
- 2) 2008 Abatement, M/L 152/064, w/recommendation to deny.
- 3) 2008 Abatements, M/L 114/1; 251/1; 216/5; 215/4; 234/35, w/recommendation to deny.

- B. **Water/Sewer Items**

Water Utility Abatement Applications, W-UTL-09-06, Acct. #3502440902 and W-UTL-09-07, Acct. #3500217001, with recommendation to approve.

- C. **Licenses & Permit**

Raffle Permit request by Marine Corps League, Det. 823, to be held at the VFW on Bockes Road on August 25, 2009 at 7:30 p.m. to benefit Marines Helping Marines

- D. **Acceptance of Minutes**

- 1) Minutes of the Board of Selectmen's Meeting of June 2, 2009
- 2) Minutes of the Board of Selectmen's Meeting of June 9, 2009

- E. **Calendar**

6/24 6:00 School Board in BOS Meeting Room
6/24 7:00 Planning Board in CD Meeting Room
6/25 3:00 Trustees of the Trust Funds in CD Meeting Room
6/25 7:30 ZBA in CD Meeting Room
6/25 7:00 Benson's Committee in BOS Meeting Room
6/29 7:00 Special Meeting of the Board of Selectmen in BOS Meeting Room

~~7/02 6:30 Recreation Committee in BOS Meeting Room cancelled~~

7/03 Town Hall closed for 4th of July Holiday

7/06 6:30 School Board in BOS Meeting Room

7/08 7:00 Planning Board in CD Meeting Room

7/09 5:30 Sewer Utility Committee in BOS Meeting Room

7/09 7:00 Benson's Committee in CD Meeting Room

7/13 7:00 Republican Committee in BOS Meeting Room

7/14 7:00 Board of Selectmen in BOS Meeting Room

7/15 5:00 Water Utility Committee in BOS Meeting Room

~~7/15 7:00 Hudson Seniors in CD Meeting Room cancelled~~

7/20 6:30 School Board in BOS Meeting Room

7/21 7:00 Cable Committee in BOS Meeting Room

7/22 7:00 Planning Board in CD Meeting Room

7/23 3:00 Trustees of the Trust Funds in CD Meeting Room

7/23 7:30 ZBA in CD Meeting Room

7/27 7:00 Recycling Committee in BOS Meeting Room

7/27 7:00 Green Team in CD Meeting Room

7/28 7:00 Board of Selectmen in BOS Meeting Room

7/29 7:00 Library Trustees in BOS Meeting Room

6. OLD BUSINESS

A. Votes taken after Nonpublic Session on June 9, 2009

Motion by Selectman Massey, seconded by Selectman Maddox, to accept the offer of \$170,000 for the property located at 49 Ferry Street carried 5-0.

Motion by Selectman Maddox, seconded by Selectman Massey, to broaden the pool for the position of Executive Assistant carried 5-0.

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

B. Discussion of the RFP's for Roofing Projects at Benson's

Assistant Town Administrator Mark Pearson distributed the bid results to the Board, which he just finished compiling. This was an extrapolation of all of the bids which were received last Friday. With 11 bidders, there was a maximum 99 combinations of bids. Some people opted not to bid on some projects, so there's a total of 80 different combinations of bids. The handout included a table of contents and a copy of the bid. He explained all of the information that was contained in the handout. He and Mr. Malizia determined what some of the add-on costs were. For example, the headings at the top indicate the basic bid price and he asked for a per-sq. ft. of board replacement. That's an unknown on all of the buildings because once you peel away the shingles and roofing, there may be some water damage that needs to be replaced. They did a maximum build out, based on the total square footage of roof in a worst-case scenario that every roof board needs to be repaired. That won't be the case for most, or none of the buildings. The elephant building is the one that's not in that good a shape. He looked at all of the bids and tried to find any costs in the bids so there wouldn't be anyone coming back with double or triple the value with add-ons.

Chairman Coutu said in the last box on the right, where it says requirements are met, there are several yeses and several no's and asked for an explanation, and also why the Board should consider a bid when the requirements were not met. Mr. Pearson said when he wrote the RFP, he went to the Historic Structures Report to look at what was called for on the three historic buildings. With respect to that, he put a requirement in there for bidders to provide references of previous work on historical buildings, including several other categories, such as background and experience, references, years in business, etc. If somebody didn't fulfill each of the requirements, he illustrated that horizontally and in the right hand column, simply said no, they had not met the requirements. It's under the Board's purview to look at each individual bid to see if they concur or if they haven't met those requirements. On his first look, there were a few who didn't. One of the things was to give a cost per square board foot of replacement. If they don't give that cost, they can't come up with a formula to limit the town's exposure to what those extra costs are going to be. They were told in the bid to give a cost and they didn't, so they didn't meet the requirement.

Chairman Coutu said when he looks at the last four buildings in the packet, the Gorilla House and the A-frame, under requirements met, two of the contractors have question marks and he asked what that was. Mr. Pearson said those were not historical buildings, so they didn't have to meet the requirement with providing information on historical structures, but they were asked to provide information on background and experience and in those cases or insurance, so there was a deviation. One did not provide any insurance or a cost per board replacement and the others didn't supply them with background and experience. They didn't meet the minimum qualifications in the bid package of the requested information. He put the question mark there. If the Board wanted to overlook on the buildings that aren't historic and allow the bid to stand without having a background or certificate of insurance included in the package... perhaps they have insurance, but omitted it, forgot it, and could provide it before the contracts were awarded. He put the question marks in there purposely because he didn't want to just arbitrarily and unilaterally say no, if it was something the Board was willing to work with the contractor on.

Motion by Selectman Massey that the Board not accept any bid that did not meet the bid spec requirements, seconded by Selectman Maddox.

Selectman Massey said when you put something out to bid, you have very specific requirements. This is the project to be done and here are the minimum requirements that you must supply for that bid. If you don't disqualify somebody, then the people who met all of the requirements have a legitimate... especially if you wind up awarding the bid to somebody who didn't meet all the requirements. It's not fair to those who met the requirements for each one of the buildings to have to compete with somebody who didn't meet the requirements. They should not accept any bid that did not meet the requirements.

Selectman Maddox said he read the bid package that went out, but he didn't know how that qualifies into this, so he wasn't ready to make that blanket statement. Maybe there was some reason to not... he didn't disagree with the concept, but until he's seen it, he wouldn't support a blanket motion. Selectman Jasper agreed, saying they weren't scheduled to do anything tonight. He'd like the opportunity to review the packet and find out what's missing. He hasn't looked at anything, so he wouldn't want to take any action this evening.

Chairman Coutu agreed that there was a lot of information to peruse. However, he was leaning towards supporting the motion on the premise that the bid specifications clearly indicate they need to see certificates of insurance. In

some cases, board costs were not provided. The bid specs were quite clear on additional work and identifying those costs. He asked the Town Administrator that on the basis of the RFP that was put out with regard to these contracts that those areas were clearly enunciated and failure to provide those would be good logic to determine whether or not they would accept that bid.

Mr. Pearson said yes. Skimming through the pages, he highlighted the no's and the question marks are areas where the people did not comply with all of the requirements. Basically, the question marks are no's; they didn't comply.

Selectman Massey said if they vote yes on the motion, they are not automatically excluding anyone on the list because he wants to give absolute superlatives to Mr. Pearson. These bids came in Friday afternoon at 3:00 and they have before them an assessment of those bids. That didn't happen by just throwing a bunch of papers together. An awful lot of work has gone into this and given the shortness of the time, they may be going back through the documents and they may find something, but the principle they have is nobody should be allowed to be in the competition for an award if they don't meet the requirements. Voting yes tonight won't exclude anybody on the list right now. When it finally comes before the Board should they be looking only at qualified bidders. He asked if the package was going to go before the Benson's Committee on Thursday night to provide input to the Board. He hoped that's what they were talking about. You either meet the bid specs or you don't. If you don't meet the bid specs, you shouldn't be allowed to compete for the award.

Selectman Maddox referred to the fifth column and said there were a number of no-bids, but the low is \$16,776 and the high bid is \$225,000. There's a lot of interpretation in there. Chairman Coutu said the contractor with the high bid was across the board. Selectman Maddox said he might have interpreted it a number of different ways to see that kind of spread. Selectman Maddox said it's OK to interpret something, as long as the requirements were met.

Selectman Jasper said he's been down this path with Selectman Maddox and his argument next week will be that because everybody else was low, they must be wrong because somebody is high. He didn't disagree, but he hasn't had a chance to look at the document. They have a packet of information and he didn't understand the need to do anything because they don't really know what it means at this time. Selectman Massey said if they follow that process and Mr. Pearson does the additional due diligence, by the time it comes before the Benson's Committee, there may turn out to be only two or three names on some of the pages. When they normally get a bid spec, they only see the ones that met the requirements, not the 15 that came in that were disqualified.

Selectman Jasper, for example, on the third name down where there is a no, wood donated, reduces cost per sq. ft., no historical building information, no background experience. On some of the buildings that may not matter. The Board may look at the information contained and say for the Elephant Barn, the Gorilla Cage and the A-frame, that doesn't matter, but with the motion, it appears they are saying they are not even going to look at that. Selectman Massey said for that particular building because that's a historical building; it's precisely yes. Selectman Jasper said he'd just like to look at this a little closer and didn't see the need to take this step tonight. They are in a hurry to take a negative action when they don't need to. They need to evaluate the information before them, without prejudice.

Mr. Pearson said that third name down, he indicated 30 years in business, but simply omitted or forgot to put in some work that he's done in that time, if in fact, he was in business for 30 years. He suspects there is a lot of experience there. That is why he put the question mark in, to bring it to the Board for its discretion. Chairman Coutu was sure many of them on the Board knew that individual and are aware of his work. He didn't have any preference because he didn't know who was going to submit bids.

Selectman Nadeau agreed with Selectmen Maddox and Jasper. He didn't want to say that they are not going to be open to all of the bids because they might use four different contractors. Maybe some of them didn't meet all of the bid requirements, so he can't vote for the motion.

Selectman Massey said it's not a given they were going to award all of the contracts to a single individual and it's highly possible that an individual could not meet the requirements for one building, but they meet the requirements for another building. He didn't want to prolong this. Whenever they get to the final thing, the only bids they should be looking at for each one of the buildings are bids where the bidder met the qualifications or requirements for the bid. To do anything other than that penalizes the people that did their due diligence and rewards those people who didn't. It's too late for somebody to submit an amended bid. He withdrew his motion.

Selectman Jasper agreed somebody can't change their bid price, but if somebody was lacking some backup data, it wouldn't be inappropriate to ask them for it. He'd hate to disqualify somebody and not get the best price for the town just because somebody didn't send in three pictures of a barn they did, or information such as that.

Chairman Coutu said they would give the Assistant Town Administrator the opportunity to peruse through the packet he provided to identify any corrections. There may be a couple discrepancies he might want to correct. Then the Benson's Committee can take a good look at this. He hoped they would get a copy in advance of their meeting. When it comes before the Board again, if they don't meet the requirements, he won't support them.

Selectman Jasper agreed with those comments. He thanked the Assistant Town Administrator for the yeoman's work he has done. None of them really expected to see anything like this when they had their discussion a couple of weeks

ago. It shows what somebody can do when they put their nose to the grindstone and want to make things happen. Mark has spent several long nights here and at home in putting this together and making it happen. Chairman Coutu said that Mark made himself available to any contractor who couldn't make the organized site walk and take them through explaining the process. That was very professional and accommodating and put the town in good light.

7. **NEW BUSINESS**

A. **Sewer Capital Assessment Fees for Industrial Users**

Sewer Utility Chairman Bernie Manor and committee member Bill Abbott were recognized. Chairman Manor indicated that Mr. Abbott was the one who draft the formula, the Chairman of the committee at that time. During the time that Entegris was considering moving into town, the Selectmen charged the Sewer Committee with coming up with a different method of figuring the capital assessment fee. A lot of people looked at it, and they haven't come up with a better method than what Bill did.

Mr. Abbott said they first looked at how much money had been spent on the system, which reached half value, or a point of 50% depreciation back in 1987. The first cut was to try to do a stabilizing depreciation from the basic system. They further enhanced that by then including all of the additions that had been made since then, all of the betterment districts and all of that, and then the last thing they put in was the continuing work that the Highway Department has done in replacing pieces of the sewer lines on an annual basis—and they got an estimate from that department of how much they thought they spent per year. They finally came up with a factor of \$3.53 a gallon of average daily flow and that contrasts with the present formula, which is at \$5.17 per gallon of peak flow. There is a difference in the way things were approached. Former Town Engineer Tom Sommers had advocated for quite awhile the use of average flow instead of peak flow, feeling that was a fairer way to do it. The proposed rate is based on the average flow. He gave an example of what they would have, using Entegris as the case in point and at 100,000 gallons, if it was at \$3.53, the fee would have been \$353,000. That was relatively close to what Selectman Jasper's quickie guess by Selectman Jasper. If they use the present formula, the \$5.17 x 100,000 gallons, Entegris' average estimate, there's a 1.8 x peaking factor that the state uses to transfer between average and peak. If you put that factor in, the fee to them would have been \$930,000, so there is quite a large difference. Some people on the committee were not familiar with depreciation, so he drew a graph, showing what the depreciation was, explaining how that came about. The key spot is in about the middle of the curve, 1987. The assumption was made that in 1987 that the system had depreciated by half. Using that as a starting point and the fact that some research indicates that the life of a pipe system is about 60 years, (background noise), the thing would depreciate down to zero and that would happen in 2017. The dotted line represented the current year, 2009, and intersects the curve at \$1.3 million. That was the basis on which the spreadsheet was spread up. The other pieces of the system were evaluated the same way and they were added at different times, so that complicated the process, but on the spreadsheet, it's not too much of a problem. He also provided a list of the components of the system. The basic system is \$1.3 million and with all of the components added in, the accumulative replacement is \$807,683. In each case, they are all depreciated down, some present value, and the accumulated replacement is where they would, every year, such as \$43,000 in one year, depreciate that down to present day and for each year after that, the same thing. It takes a lot of calculating, but rather straightforward on a spreadsheet. Totaling all of that, they end up with \$7,062,983 for the actual value of the system, depreciated down to the present day. He also showed how the rate was calculated. He divided the value by the 2,000,000 per day allocation and that's how he came up with \$3.53.

Selectman Jasper said some of the system may have been put in in 1957, but most of the system was put in in the 70's. Prior to that, most everything went right into the river. The calculations are starting out at a \$10 million value and they didn't have a \$10 million value in 1957, so he asked for a better understanding of what was done. Mr. Abbott said if they make the assumption it has depreciated 50% in 87 and back the line up, that's where it intersects and there's nothing holy about that. It is just to make a straight line. The value in 1987 was done by Lydia Angell (a former Finance Director) and what ended up in a town resolution. Right or wrong, that was their starting point.

Chairman Coutu said as the committee liaison, he sat through this process and the committee is comfortable with the calculations. He asked if the Town Administrator was comfortable with this. Mr. Malizia said he and Mr. Abbott reviewed this together and he was comfortable with it. When you think about the straight line depreciation, you have to work under the premise that the system in 1987 was valued at some number and that was in resolutions and whatever. If they took it back to when it originated, you really wouldn't see that line, but Mr. Abbott has done a very good job of putting in all of that data to try to get to a reasonable number of what the system is valued at so when you are dealing with Entegris, or someone else who comes to town, they might have a more level playing field. When competing with towns like Salem and Nashua, they can't be charging \$900,000 to hook into sewer. The Board gave direction to the committee to work on that formula and Mr. Abbott put all of the pieces together.

Motion by Selectman Jasper, seconded by Selectman Massey, to revise Town Resolution 87-33A to reflect a fee change to \$3.53 a gallon of average daily flow, as recommended by the Sewer Utility Committee.

Selectman Jasper said at the time, what they were charging was probably not a reasonable amount and they've come up with a formula that makes a great deal of sense. It's business friendly and will encourage even smaller businesses to come into town. At the time, he proposed something that perhaps had a high rate on the low end and then gave a break after a certain amount of gallons, but this works well for everyone, and it's a lot easier to administer and figure.

Selectman Maddox said they don't know what this is worth. It's great that somebody picked a number in 1987 and said that's the mid-point, but some of these things have been done since 1984, done recently in the 90's, so the straight line would have been for only the things that were in place in 1987 to be able to do that straight line to be able to get the mid-point of what existed in '87 and then anything that came after that would be added subsequent to that. He was leery of jumping in and making this the new number without some follow through to look at what the actual value of the sewer system is. As much as that was the number picked by someone at some meeting and put in the Town Code... there have been changes. Ottarnic just went in and should never have been in that straight line.

Selectman Jasper said it's not. The basic system is \$1.3 million, then you all in all of the components and come up with the \$7 million. They are proposing that the system is worth \$7 million and looking at that number as the value. Selectman Maddox said the problem is someone picked \$4.8 million in 1987, so everything they are doing is based off of that and that is 50% of the straight line number.

Selectman Massey thought Mr. Abbott said all of the items, Frenette to the accumulative replacement, have been depreciated. For instance, Glen Drive, \$935,000 is the current depreciated value. As a follow up to Selectman Maddox, if you're using depreciated value to calculate the thing, are they going to leave it every year with the \$3.53, or are they going to depreciate every year? What they are really saying is anybody who buys in today is buying in at a depreciated value, whereas somebody that buys in 10 years from now buys in at a higher value. Shouldn't the committee be looking at the replacement cost as the cost of buying into the system, not the depreciated value cost? He asked if that was part of the conversation. Why should somebody not have to pay at the current cost as opposed to the depreciated cost?

Mr. Abbott related his lawnmower story. "I'm an old town resident, been here for years, and a new fellow moves in next door, named Ken. He's a first time homeowner and doesn't have a rake or anything, so he introduces himself and welcomes him to the neighborhood. 'I see you don't have a lawnmower. I have this fine old lawnmower I bought 20 years ago for \$100. You can buy into that lawnmower and I'll use it on Mondays and you can use it on Tuesdays and everything will work out fine. The replacement value of that lawnmower now is \$200, so if you give me \$100, you can be half owner of this 20-year old lawnmower.' Do you think that's a good deal?"

Selectman Massey said the difference is he doesn't own that lawnmower. He asked, if the resolution passed, if the \$3.53 stays in effect until it is looked at it again. He was told yes. Selectman Massey said, in effect, they are paying the current value... until the Board changes it, they are going to be paying the current depreciated value, even if they buy into it three years from now. Mr. Abbott said the regular sewer rate is looked at by this Board once a year. There's no reason why this can't be reviewed on the same basis or some other interval that the Board finds appropriate.

Selectman Maddox asked if the sewer consultant was CLD. Mr. Abbott said yes, but they were not consulted on this. Selectman Maddox said he was trying to get some information, if they ever go to GASB-34, if they have a formula that could be used, also. Ken didn't have to buy the lawnmower; these people have to connect, so it's a little different—an option as opposed to a requirement. The committee did a great job in giving them something they didn't have, but he was hoping for something more than just a starting point in 1987.

Selectman Jasper said while the number that was arrived at was a reasonable number, the Board didn't send them off with the idea of doing this based on the present value of the sewer. They were to come up with a number that's reasonable, and this accomplishes that. They could bring it down every year, but he wouldn't recommend that. There's not necessarily a tie-in buying into the system and what the total value is because if you are buying in, what do you really care what the whole system is worth? This is a way of coming up with the method, but there's no magic in it. They should be focusing on the \$3.53 of average daily flow. Is that reasonable? Based on the discussion the Board had with Entegris, that's a rational basis and they should just move this along until some future Board of Selectmen says this number is no longer rationale. That's government and they shouldn't try to get too complicated.

Selectman Massey said he just did some quick arithmetic on the assumption that the present value of the entire system at \$7 million, and say it's a minimum of \$20 million. If you divide 2 million gallons into \$20 million, you get a rate of about \$9 and if you extrapolate the thing, you are close to \$953,000 paid under the other formula, so on balance, given they are looking for a reasonable compromise between what somebody ought to pay for their fair share and making it possible to do business in town, good job.

Vote: Motion carried 5-0.

Chairman Coutu thanked Mr. Abbott for his time and effort in developing this. It took the Sewer Utility Committee some time to understand what he was doing, and every member ending up giving him \$100 for that \$200 lawnmower! He wanted Mr. Abbott, a volunteer, to know he appreciated all of the time, energy and effort he put into this. Selectman Massey said when he was the liaison to the Sewer Utility Committee, Mr. Abbott provided that same level of volunteerism and service.

B. Route 102 Sidewalk Project

Acting Town Engineer Gary Webster said the bid opening is July 9. He also had a bid alternate in there. He wants to sent a letter of intent to the DOT before the deadline of July 2 to go back into the loop again to try to finish the

sidewalk with federal money. This is the 2010 round of funding that just came out. If the bids don't come in low enough, and he didn't have enough money in the corridor accounts, he would recommend rolling this over and putting in a letter of intent. This can be withdrawn any time they want, but he wants to get a place. If they don't do the bid alternate, put it back into the system again because it meets all the criteria. It has been reviewed and engineered and is shovel ready. When they did the 50% in December, he mentioned that if they could get funding other than use the corridor accounts, this would be another way to finance it. They can definitely fund their share from the corridor accounts. The first part which is going out to bid now is fully funded by the feds or the DOT.

Motion by Selectman Jasper, seconded by Selectman Maddox, to authorize the Acting Town Engineer to apply to the NH DOT for the Transportation Enhancement Program for additional Route 102 sidewalk, carried 5-0.

Mr. Webster said he was going to call his second request the 102 Sidewalk Gap Project. From Phillips Drive to the existing sidewalk at Hannaford's, he wants to put that back into the loop with the DOT. He's talked with John Cashell about this, but they haven't done anything on it. There's money from the 102 accounts, plus Wal-Green's. If they don't put in a sidewalk in the gap, it's dangerous because the road is narrow there and people have to walk out in the road. This is a separate project altogether. They can withdraw the letter of intent any time they want, but this gives them a continuous sidewalk from Old Derry Road all the way to the sidewalk at Birch and Lowell Road—no gap. It's only about 550'. It meets all the criteria.

Motion by Selectman Jasper, seconded by Selectman Maddox, to authorize the Acting Town Engineer to apply to the NH DOT for the Transportation Enhancement Program monies for additional Route 102 sidewalk, as outlined in the memo from Acting Town Engineer Gary Webster dated June 18, 2009, carried 5-0.

C. Lowell Road Sidewalk Project

Acting Town Engineer Gary Webster said they were getting to the end now and the asphalt prices have come down quite a bit. He has an opportunity to pave Lowell Road from Winn Avenue by Tate's Garage where the project started all the way down to Birch Street. The money is in the account and he will be getting some more money. The paving cost was \$80,023 and they have \$80,993 in the account. He has money he has to apply for, it's another \$6,000 for inspections, \$1,500 for land taking and another 25 for testing. The original contract was for 500' from Bradley Motors to Winnhaven. They have a nice sidewalk, then you look at it—people are going to ask why they left that portion without any sidewalk. He's been working diligently to get this thing squared away. He has an opportunity to do this job and make it look the way it should look. They can do it under the corridor accounts and the money left over in the contract. They did save some money on the original contract on the drainage out there. There was \$48,000 in the contract and he saved \$26,000 on the drainage because he had to redesign everything out there because of the Verizon (not discernable), so there's 72 in there.

Selectman Nadeau said he had a couple calls on this. By the bridge where it juts out, he asked if that was part of the project. Mr. Webster said they have to put in a new guard rail. They are finishing that right now. They had to put in a new guard rail. As you come down to the end of the sidewalk, the people have to take a right turn to go the walkway. Right there, there's a guard rail so a person won't fall in the brook. He had calls this winter because it wasn't finished. They've been out there the last couple of days in the rain and should be finishing up this week to finish that whole thing. It's a wraparound guard rail. One person called who was blind. They will have the whole thing, the dome thing out there, so when they come down, they make the right turn, hit the light and the sound goes off and they cross the street. They didn't have time to finish it this winter, but June 30th is the completion date.

Selectman Maddox asked if they have \$76,000 left over from the sidewalks to apply to this. Mr. Webster said no. The original contract was with Pichette Brothers. \$48,000 is still in that contract. Everything is all done except for the paving. He had a change work order of \$26,636. They redesigned all the drainage out there, and that was the savings to the town. Because of the Verizon (not discernable), they couldn't put four manholes in. The town got credit for that and it was approved by DOT. That money is still in there.

Selectman Massey asked if they got a quote from anyone else. Mr. Webster said technically, this is still under the same contractor. He thought they should get a quote on the whole thing because of last year's prices. They can do this, so they should go forward with it. Selectman Massey said last year, when they put the bid out, it was only going to go down as far as the gas station. At the time, Mr. Sommers said it was crazy and they should see what it would be to take them all the way down. It's clear that the distance from Lowell Road down to Birch Street needs to be reclaimed. He was in support of this.

Selectman Jasper asked if this would end up being a change order to the original contract. Mr. Webster said it will be a contract to Continental to finish the project, and the prices are good. There are 22 covers that need to be raised. They are going to shim the road, a leveling course and then raise the covers one inch. Continental has people come in and do it in two or three days. He wanted a price on everything and be done with it.

Motion by Selectman Jasper, seconded by Selectman Nadeau, to approve paving 2,000 feet of Lowell Road, as outlined in Acting Town Engineer Gary Webster's memo of June 18, 2009, carried 5-0.

D. Police Department Items

Chief of Police Jay Lavoie said items 1 and 2, the Telegraph approached him, saying they were going to be doing the Motor Mania event and asked if they'd be able to work with the Hudson Police Department in this project and be able to come up with money, if they had any idea what the money could be put towards. They are currently without a DARE vehicle, and they have another grant they hope will be approved, which will allow them to purchase a new vehicle. The money gathered by the Telegraph at the Motor Mania event was through a 50-50 raffle and through the proceeds collected during the course of that day. It was a pleasure to work with the Telegraph during the event. A couple of officers were at the event. It was kind of them to come up with what they did and he appreciates their help.

- 1) **Donation--\$206 from a 50-50 Raffle held during Motor Mania on June 6, sponsored by the Telegraph, for the Community Policing Account.**

Motion by Selectman Massey, seconded by Selectman Nadeau, to accept the donation, with the Board's thanks and appreciation, carried 4-0. (Selectman Jasper had left the room.)

- 2) **Donation--\$635, half of the registration fees from Motor Mania, held on June 6, sponsored by the Telegraph, for the Community Policing Account.**

Motion by Selectman Massey, seconded by Selectman Nadeau, to accept the donation, with the Board's thanks and appreciation, carried 5-0.

- 3) **Donation--\$181 from members of the Citizen Police Academy for the Community Policing Account.**

Chairman Coutu said this speaks very highly of the Police Academy. Three people spoke to him directly about the Police Academy and they are strong advocates of getting everyone to sign up and join a session. He was impressed that these people donated money after attending an academy.

Chief Lavoie said they just had their 11th Citizen Police Academy, which was hugely successful because of the participants. They are the ones that ask the questions that allows the department to provide the answers. It's not like the police academy that officers go to. No one is getting yelled at or penalized. It's an educational program. Selectman Nadeau has attended. They've built upon that over the years and it's an opportunity for the taxpayers to come and find out what their tax dollars are going to. It's open to residents and anyone who owns a business in town. The course covers a period of weeks.

Selectman Maddox asked if some of this could be put on to a half hour show for HCTV. Eloise took the course awhile back and there's nothing scarier than seeing your better half with an automatic weapon. She told him a number of things she learned. He hoped that some of that could be televised so people can get an understanding of what the academy is. Chief Lavoie thought that was an interesting idea. They will probably be putting on a class next year and if there's enough enrollment, they could videotape a portion of the class. It would be like a commercial for the future to let the residents know what it is about.

Motion by Selectman Massey, seconded by Selectman Maddox, to accept the donation, with the Board's thanks and appreciation, carried 5-0.

- 4) **Request to apply for the FY 2009 Justice Assistance Grant (JAG) in the amount of \$13,947**

Chief Lavoie said they've done JAG grants a number of times over the years for things they don't already have and have not budgeted for. Selectman Maddox had tasked him with finding as many grants as he could to keep the money coming in, and they've done that here. This grant is for almost \$14,000. They've been working on and building up their computer forensics lab, getting the necessary equipment so they are able to prosecute cases without having them dumped by the courts or defense attorneys because evidence has not been processed via the state lab. Only two people are there do to all of the work. They've been taking little bites of the apple to accomplish this. This is another bite, another logical step. This computer is dedicated just for this purpose. They can't use a desk top or a desk computer. They have the software with the ability to break passwords, but not the computer to drive the software. This computer will be able to do that.

Motion by Selectman Massey, seconded by Selectman Jasper, to authorize the Police Department to apply for the FY 2009 Justice Assistance Grant from the State of NH in the amount of \$13,947 to be used for a forensic evidence recovery device, carried 5-0.

E. Encumbrances

Motion by Selectman Massey, seconded by Selectman Nadeau, to encumber the not to exceed amount of \$1,570,212.77 for Fiscal Year 2009, as recommended by the Finance Director in her memo dated June 18, 2009.

Finance Director Kathy Carpentier said one of her annual duties is to come before the Board before the last day of the fiscal year and ask the Board to encumber the funds that have been legally obligated by the town via contracts or

purchase orders. The list before them represents requests made by department heads and committees, previously approved warrant articles, and PO's that are being routed for approval that will not be paid prior to June 30th. The request was to encumber \$1,570,212.77.

Selectman Jasper hoped he wouldn't have to do this, but it appears it's time to discuss it. There was some discussion about the graphics on the police cruisers and he received a call this afternoon from someone what was pretty irate at the idea they were going to spend money to change over the old graphics on the existing cruisers. He assured him that wasn't going to be the case. Right after he hung up, he went to the computer and there was an e-mail saying that's exactly what they were going to do. On the Fire Department, they went from red fire trucks to yellow and then back to red and white, but they did that as the vehicles had to either be repainted or replaced. The DPW used to be orange, and gradually switched over to white. There isn't any reason to spend taxpayer money, particularly in this economy, to change the graphics to look like the new ones. Other than the color, there wasn't much difference. Some are blue and some are black, but it didn't make any difference to him. It's not worth spending a dime of taxpayer money to do that. How much money in the encumbrances has to do with changing the graphics on the cruisers? Ms. Carpentier said there was a PO to Creative Signs for \$6,045 for vehicle graphics, but it didn't say how many.

Chairman Coutu said he raised the same concerns as Selectman Jasper. He was under the impression they were going to do the new graphics as new cruisers were purchased on a phase-in basis, as opposed to changing all of the existing cruisers. He asked if the \$6,045 was to convert all of the cruisers. Chief Lavoie said it was for all of the vehicles, not just the cruisers. The crime scene vehicle and the two motorcycles are not going to be changed out. The encumbrance also includes those vehicles there. To swap out the cruiser vehicles is roughly about \$3,300 to do the remaining cruisers. If he was to do this piecemeal, they wouldn't complete the patrol cruisers for three to four years. He was anticipating that next March/April of 2010, he didn't think he'd be replacing any cruisers. He needed to replace the unmarked detectives, vehicles up there in mileage. They would have a hodgepodge of two different vehicles driving around. If he was to change uniforms for the department, he's sure the Board would want them to change all of the uniforms at once. Cruisers are more visible than the officers are and people would be able to recognize a Hudson cruiser, as opposed to seeing the different color schemes. If he was going to be replacing just patrol cruisers next year, then those four to five cruisers due to be traded would not be restriped. The way things look now, he's not going to be changing any cruisers next year because the mileage is still too low. This project would take two to four years to complete by waiting.

Chairman Coutu believed the purpose for changing the graphics from colored to black and white was to save money. Chief Lavoie said that wasn't an argument, it was just an added benefit. Chairman Coutu said if they change over all of the existing cruisers, they will spend additional monies to do that, so where's the savings? It didn't make sense. Selectman Massey said regardless when it happens, they will be changing the graphics. You can't take the graphics off an existing cruiser and put them on a replacement. They are either going to do it now or when it comes up for replacement. Consistence is the issue here. When people see a Hudson police cruiser, they need to know whose it is. They are going to spend the money. They are just talking about what year it's going to be spent.

Selectman Jasper said he understood the consistence logic, but not the other part of it because they are not going to change the graphics on the existing cruisers and are not going to reuse them on the next cruisers, so it's still a duplication. Selectman Massey said he's not going to replace cruisers next year, so he wouldn't restripe those, but they are going to go for a minimum of two years with no new cruisers. Selectman Jasper said that's another whole issue. He recalled they've been in habit of taking the lowest mileage cruisers and putting them into the detective bureau, just taking the stripes off and buffing the cars out. They never had new cars going into the detectives bureau, they were just moving cars in the fleet. That's how he remembered it. He didn't remember a time when they didn't swap out cruisers, so he'd like to look at the history of that. Maintenance wise, he's not sure the miles on the detectives versus the cruisers, that's not the smartest thing to do, even if they haven't done it in the past. They are in a default budget and are cutting money every place, saving overtime, etc. Frankly, he didn't notice the difference. The HLN reporter thought they were brown. He can tell one is black and one is blue, but there's no question in his mind who the cruisers belong to.

Selectman Maddox said when the blue lights are in your rearview mirror, it doesn't matter what color the graphics are. He was going to split the baby because, for once, he didn't care that the Police Department was going to spend the money because it was short dollars. He agreed that they want some amount of consistency, but if there's money in the donation account to make up that \$3,000 difference... he agreed with Selectman Jasper that the taxpayers shouldn't be paying it. There's \$5,700 in the community policing account. If they took the \$3,000 from that account, it still gets it done, but it's not being paid for by the taxpayers.

Selectman Nadeau said what really bothers him is the crime scene vehicle. If that doesn't match the rest of the fleet, it really doesn't matter. It says Hudson Police on the side, so you know it's a Hudson vehicle. There's no need to waste money on graphics for that. Hillsborough County Sheriffs drive through town, and you know it's a Sheriff's car. Nashua and Windham police drive through town, and none of them have the same vehicles with the same graphics all the time. He cannot spend \$6,000 to change graphics. He agreed with Selectman Maddox about seeing the blue lights in your rearview mirror; you know it's a police car.

Chairman Coutu didn't think the entire \$6,000 was for the changeover. Selectman Massey said \$3,300 was for the changeover to the existing and the remaining money was to put graphics on the new cars. Chief Lavoie said the

remaining monies were for the vehicles that are more permanent, ones that are going to be here for many years that aren't turned over every three years, such as the motorcycles and the crime scene truck. Those vehicles will be a part of the fleet for a number of years, so he wanted to get those changed over, as well, to match up with the rest of the fleet because, eventually, the whole fleet will be done.

Selectman Jasper said he was hearing that the whole \$6,000 was for new graphics. None of it was for vehicles that don't currently have graphics. Chief Lavoie said that was correct.

Amendment by Selectman Jasper to the motion by removing \$6,045 for vehicle graphics from the encumbrances, seconded by Selectman Nadeau.

Selectman Jasper apologized, saying this should be done through the budget process next year. Selectman Nadeau agreed with Selectman Jasper. It's not a good use of taxpayer money.

Selectman Massey asked if the money could come from the donation account to do this. Chief Lavoie preferred not to comment without having more knowledge about it. Selectman Massey asked if it was the consensus of the Board that if this amendment passed, if the Chief could spend the money out of the donation account to effect this. Selectman Maddox said yes. Selectman Jasper said he didn't know what the donations were given for, so he hated... he didn't have enough information to give an answer. Selectman Nadeau agreed with Selectman Jasper. Selectman Jasper said it's one thing to say they 'can' use it because there's a lot you can do that's not necessarily within the intent of the donation, but aren't illegal. He just didn't have enough information to answer that question. Chief Lavoie agreed with that rationale. Selectman Massey said it didn't want to go through a lot of research if the Board was just going to say no. The issue is if the Chief can get the money out of the donation account, if that is an acceptable course of action. Selectman Jasper said that's a totally separate discussion. If the Chief wants to look at that and come back with a proposal, fine, but he didn't want to tie the two together. Chairman Coutu agreed with that.

Selectman Jasper said in the future, when a change is made, uniforms or whatever, it didn't cost any money to start with, so they didn't care about the decision to do it, but in effect, it sort of committed them to spending more money or created a problem in their mind and those are the types of discussion they should have up front. The Chief should have come to the Board with a request to change the graphics. They would have discussed it then, with eyes wide open.

Vote on the amendment carried 4-1. Selectman Massey voted in opposition.

Selectman Nadeau questioned the fire communications furniture and asked if that was taken out of the budget, or something they anticipated on buying. Mr. Malizia said his understanding was they were going to do the work stations in 2009. He thought it was in this budget, 2009; a line item this year. Ms. Carpentier said it was a budgeted project.

Chairman Coutu referred to police patrols, automobiles, the Adamson cruiser swap-overs, and asked if those were the new ones. Ms. Carpentier said those are the lights and other things like that.

Selectman Massey said on June 9, the Board authorized the expenditure of some monies and asked if the monies for the roof were encumbered. Mr. Malizia said yes. Several people answered that it was included in the encumbrances. Mr. Malizia said all of the things they looked at are in there, with the exception of the earned time or retirement payments for Officer Balukonis and Chief Gendron because the money was already transferred for those. Chairman Coutu said with regard to the fire station flat roof, assumed that Chick Beaulieu was a name... Selectman Massey said it's a company that does roofing, siding, windows and are located just off West Hollis Street. Selectman Jasper said and it was the low bid. Selectman Massey said as a non-disclosure, he's done a lot of work at his house.

Selectman Maddox asked about the attached list under the Library Fund. Mr. Malizia said that information arrived late and was included in the backup information in the Selectmen's Office. Selectman Jasper suggested a recess so Selectman Maddox could review the information.

Motion by Selectman Jasper, seconded by Selectman Massey, for a 10 minute recess at 8:43 p.m. carried 5-0. Chairman Coutu gavelled the meeting back to order at 8:55 p.m.

Amendment by Selectman Jasper, seconded by Selectman Nadeau, to further reduce the encumbrances by \$450,000, removing warrant article #13, Library Land Sale of Town Property.

Selectman Jasper said it may be necessary to revisit this in some amount next week, but he didn't believe so. The library is finished. The purpose of the warrant article is for moving expenses, fit up and furnishing. Everything has been done, moved and furnished. Furnishings are on order. The Library Trustees have not come to the Board to request this. A couple weeks ago, they talked that it might be more appropriate to take the money that comes in for the sale of the properties and put them into a capital reserve account for the new building, the old building, whatever, but what happens here, in his opinion, is if they take the \$450,000, they are actually taking \$450,000 of cash and moving it from 09 to 10. They will have \$170,000 in 010, but that will still leave \$280,000 of cash tied up and they will never get \$280,000 for the sale of the other house, so that will leave them in a situation. Until the end of fiscal year 010, that amount of their cash will be tied up and tied to this warrant article, which is not in the best interest of the

town to do. If somebody tells him in the next week that he is wrong, he'll be glad to put some or all of this back in, but he believes it is prudent to just remove it because the purpose has gone away.

Ms. Carpentier said she put it on the list, not knowing that the purpose has been completed. The Trustees had not informed her one way or the other, and because it was a non-lapsing warrant article. She respected Selectman Jasper's opinion and will look for a legal opinion on it. If it needs to be added back in, or a portion of it, they can do that at the Selectmen's special meeting prior to the end of the year.

Vote on the amendment carried 5-0.

Selectman Massey asked if it was the expectation that on next Monday, when they award the contracts, they would encumber the whole amount of money for the Benson's roofing projects. Mr. Malizia said yes, because right now, they have no way of knowing... Selectman Massey said OK, they can encumber the money on the 29th.

Vote on the motion on the encumbrances, as amended, carried 5-0.

8. OTHER BUSINESS/REMARKS BY THE SELECTMEN

Selectman Maddox said he wanted to go back to Benson's, to the philosophical side of this. They kind of jumped over it when they were handed those big packages. Next Monday, they've pained themselves into a corner just as close as they can since the money has to be spent by the 30th, and there are going to be some questions. If you look at the spreadsheet for the Elephant House, the Gorilla House and the A-Frame, he's averaging using about \$20,000 per building to put a roof on them. He will not vote to crush any of them, but he will not vote to spend any money without a plan from the Benson's Committee of what they are going to do with the buildings, how they are going to secure them, an alarm system of whatever. He didn't see spending \$60,000 on buildings that will be problematic to maintain. They agreed to the deal from the state to get the Benson's property, to maintain three buildings. As an aside, at the NRPC last week, he was told they got a few more dollars into the Train Depot account because of inflation and engineering changes. That's something they need to get moving on sooner, rather than later, because they are going to be painting themselves into that same corner because that's going to expire on December 31 of this year. For the record, they need to focus on the buildings they have to maintain. He will listen to what the Benson's Committee proposes, but he would be hard pressed to spend any money on buildings without a plan or a purpose.

Selectman Massey said he went out to look at all those buildings and he would have to say that he'd certainly want to hear the Benson's Committee's purposes. At the very minimum, that A-frame building, even in its current condition, with a roof on it, is going to make a very good passive use for when it's raining, or if they put picnic tables in there, you could have a picnic in there. It would provide good shelter in the summertime, so that building does have a purpose—but he wants to hear from the committee. Do they have to spend out of the money they are trying to encumber for the Railroad Depot, or can they use the grant monies for that building, so the \$90,000 some odd dollars they are talking about does not have to go towards the Railroad Depot, if he understands correctly.

Selectman Jasper said if he remembers correctly, they did have a match to the railroad grant, but not 100%. He has to look at that, so this money could go... Selectman Massey said they need to find that out ahead of time. The grant is only about \$265,000. He asked Mr. Malizia to find out for them by next Monday.

Selectman Jasper said at the state level, they voted on the budget, and there are two parts that should greatly concern the taxpayers of Hudson. The state is fulfilling its obligation on the school side to increase the money for education, but in order to do that, there has been a lot of money pulled from the towns. As he explained in an e-mail to the Chairman of the Finance Committee, at least in Hudson, the voters consider them two separate entities and they compete for tax dollars, so while she is saying, oh, well, you are going to be held harmless, which he's not sure is the case, the town will be losing money—a great deal. On the revenue-sharing side, from rooms and meals... Mr. Malizia asked if they were going to be losing that, which is \$1 million. Selectman Jasper said they keep the rooms and meals, but they are going up to 9%, and the town isn't sharing any of that increase. Even if the rooms and meals were to increase, if the 8% was to increase, they are being held at the '09 distribution level. They are taking all the money from the BPT distribution, so Hudson will be losing \$125,000. They are also going to be taking a hit in that right now the state contributes 35% of the retirement for town and school district employees. That number is going down to 30% this year, which the town can't budget for. They will have to find additional monies in the default budget to make up that difference. They don't have an appropriation for it, but they will have to pay the bill. Next year, that is going to go down to 25%, but will be able to budget for that next year. Out of the 13 Representatives who represent this district, and all three towns are in the same boat, 10 of them will be voting against the budget tomorrow; three will be voting for it. If the TV viewers have access to a computer, he suggested people e-mail Representatives Hardy and John and Mary Ann Knowles and ask them to not vote for the budget and raise the property taxes. Make no mistake about it. Voting for the budget will raise property taxes in Hudson, Litchfield and Pelham. Chairman Coutu said and also business taxes, considerably.

Selectman Massey said at last week's water utility meeting, a discussion ensued on future needs of the system. One of the things they did last year, they contracted with Weston and Sampson to do a model of the system, with the new south end water tank in place to determine whether or not they could take the Gordon Street tank out of service. With the existing system, the model showed they could not take the Gordon Street out. They have a project estimate to do the Gordon Street tank that is over two years old, in the low six figures, \$300,000 - \$400,000 to rehab that tank. He asked the Water Utility to come back to the Board with a recommendation at the end of the summer, in September just prior to the budget deliberations, to look at the other projects that were on the capital improvements for the water district, all of them in the north end, to come back with a

recommendation to put warrant articles in for those new projects, or a recommendation to rehab the Gordon Street and move out the capital improvements to a later date. It doesn't make sense if they are going to spend \$300,000 - \$400,000 rehabbing that tank that they would take it out of commission a couple of years later because the model does show that if they do put the new tank up on Barretts Hill, that they would be able to take Gordon Street out. They are going to be spending the summer looking at that and making a recommendation of which way the Board ought to be going, come budget cycle.

Selectman Nadeau said he didn't have anything this evening.

Selectman Coutu said with regards to the cable facility, encumbrances were made in order to build on and get the facility up and running so they can do some local broadcasting from there and to provide some home-grown programming out of that facility. By early fall, they expect to have an open house and everyone will be invited. They will get to see what a green wall is and what they can do with it as a backdrop. Hopefully, they will have a lot of stage props and things like that set up. Lately, on the public access channel, there is a lot of new programming on and some of it is originating from Hudson, and it's quite entertaining. They are moving forward.

▶ He reminded the public that school is now out of session and with that, comes the season of the year when a lot of children are roaming the streets, going to the skate park and different ball parks and other recreational fields, and they are playing in the streets. He asked everybody to be mindful of that and to be aware that the police are going to be out there, strictly enforcing the rules of the roads. God forbid that anybody should be hurt this summer. The children should be able to go back to school safely. With the warmer weather, cars are zipping through town, and they will do what it takes to get that under control.

▶ June 28 - July 12, from 10:00 a.m. - 4:00 p.m., the Benson's Wild Animal Park memorabilia exhibit will be taking place at the Hills Memorial Library on Library Street, across from Town Hall and the admission is free. Posters will be put up around town. There's also an advertisement on the web site and in the newspapers. This is well done, with the old Benson's atmosphere to it. He will be placing one in his store.

▶ Without any fanfare, he wished Executive Assistant Priscilla Boisvert the very best. This is her last official meeting and he wanted to thank her.

9. **NONPUBLIC SESSION**

Community Development Secretary Position

Motion by Selectman Jasper, seconded by Selectman Nadeau, to go into nonpublic session. Chairman Coutu asked for a roll call vote, at which time Selectman Massey said after reading the memo for this, he didn't believe the Board could legitimately go into nonpublic because they are not going to be talking about compensation, promotion or the dismissal. As long as they are not talking names, he didn't see how they could go into nonpublic. Selectman Jasper withdrew his motion and Selectman Nadeau withdrew his second.

Selectman Jasper said the Town Administrator makes a good case in his memo. The purpose, which the Board did budgetarily, was to reduce expenditures, and that has been accomplished. As long as they stay within the level of expenditures, he has given good reasons to hold off laying off anyone, at least until they have filled other vacancies and until the interns are done for the summer. He didn't think it takes any action by the Board because, in reality, it would take a positive action for them to actually lay off an individual. The status quo should continue in the Community Development Department. At some future time, if they run out of money, they may have to take some action.

Mr. Malizia asked if the Board wanted to pend this to a date specific to review again. Selectman Jasper suggested the first workshop meeting in September, September 1.

Selectman Nadeau asked someone to help him out. They took this money out of the budget, so where are they now finding the money in the budget? Mr. Malizia said they've not filled the Building Inspector's position yet, as they are in the process of looking at the candidates, so that money will be available and they will also have money available because they won't have an Executive Assistant to the Board of Selectmen for probably at least another month and a half. Selectman Jasper said there's also the Town Engineer's position. (Talking over each other.)

Selectman Massey said when they did the budget analysis for the default, did they take any of the salaries they were talking about and transfer them to be used for the... Mr. Malizia said only the Town Engineer and that's why he didn't include it. Selectman Massey said technically, right now, in the default budget, this position is still there. Mr. Malizia said yes, but the Board did talk about following through with this action. But from a technical perspective, that money is still there.

Selectman Maddox said they keep trying to find monies to fill holes, and Representative Jasper just gave them another hole that they are going to have to fill with some reduced income. They made a tough decision and they need to stay with that tough decision and eliminate a position. That department is down. He saw the justifications, but he can't support continuing to fund that position.

Selectman Jasper said the budgets are all about the bottom line, what it is you intend to spend and what you want to do. They've done that. If the goal was not that, then there is an argument to be made. Think of vacations, the interns coming in, the fact they don't have a Building Inspector and they are going to go to a part-time Building Inspector. It's reasonable to continue

for a two-month period of time, July and August, and revisit in September and see. It's not going back on anything because the funding has been reduced even further than the Board imagined because they had a default budget, so the goal was reducing town expenditures. They've done that. Other than saying they have an obligation to get rid of a person from that department, which is already down two people, he didn't understand this. The money is available and it's not a necessary thing to do. There is work to be done for the next two months.

Selectman Massey said when they deliberated on the budget, they didn't look at this as holy to get to a bottom line number. They were looking at the workload in that department and the conclusions that were reached that night were this was a position that could legitimately be dropped. He was of the same opinion as Selectman Maddox. He cannot support... when they went to the voters to say they were going to eliminate this position, now when they have to make tough choices, they say they can't make them. This isn't the only community in the state or the country that is faced with tough decisions. It's when you have to make the tough decisions that you really understand... people need to understand what government costs, and when you don't make the tough decisions, they don't understand that. He cannot support this continuation beyond June 30.

Motion by Selectman Massey to defund the position, but then said he didn't know what the right thing was. Selectman Jasper said they were now in a different situation, and they should enter nonpublic session at this point.

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 at 9:23 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 10:02 p.m.

10. **ADJOURNMENT**

Motion to adjourn at 10:02 p.m. by Selectman Massey, seconded by Selectman Maddox, 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