

HUDSON, NH BOARD OF SELECTMEN
Minutes of the May 12, 2009 Meeting

1. **CALL TO ORDER** by Chairman Coutu at 7:00 p.m. in the Selectmen's meeting room at Town Hall.
2. **PLEDGE OF ALLEGIANCE**, led by two Boy Scouts from Troop 655, James Losbaugh and Josh Lambias, who were present as part of earning their Community Merit Badge.

Chairman Coutu asked everyone to remain standing to ponder in thought or prayer the people's business the Board is about to undertake this evening, to be mindful of the reason they are here and the business they are about to do.

3. **ATTENDANCE**

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; Police Chief Jay Lavoie; Fire Chief Shawn Murray; Deputy Fire Chief Neal Carter; Deputy Fire Chief Rob Buxton; Kathy Carpentier, Finance Director; Dave Yates, Recreation Director; Jerry Desrosiers; Lisa Nute, IT Director; Jake Nazarian and his son; Rita Losbaugh, James Losbaugh and Josh Lambias; Gina Voutour, HLN

4. **PUBLIC INPUT**

Jerry Desrosiers, 97 Pelham Road, said he was a member of the new Benson's Committee and an issue has come up which he feels needs to be addressed. He said he was guilty of being over-ambitious by trying to move things along with the new committee. The townspeople have waited a long time to acquire the Benson's property and are eager to get in there and make some progress on the property so they can use it. The committee was formed and he got sworn in and was told he'd be told when there'd be a meeting. Being overly ambitious, he e-mailed the rest of the board because he wanted to get to know the people on the committee, to meet them before they had the first official meeting. He informed the Selectman liaison they should get together informally to throw some ideas around. He just wanted to meet people. When the meeting was finally set, he was sent an agenda that said they were going to choose a chairman, vice-chairman and a third person. He didn't think it was appropriate for him to vote for someone he didn't even know. In the process of waiting, he decided to take a walk on the property because he was a committee member who hadn't even walked the property since the day it closed. Last Saturday, he walked around the property, which he'd followed on line on the internet, the history of the place, and he wanted to see what condition it was in before he went to a meeting about it. So he went in and it didn't look too bad to him. He's been in the construction business for 25 years. He made a mental note of the exterior of the buildings. After he got home, he started to think about it and wanted to build a fire underneath the committee members in order to get together informally, before the official meeting, so he e-mailed everyone to get together on the Benson's property the next day, Sunday, Mother's Day. After he sent that e-mail, the committee's liaison, Selectman Jasper, responded back to him that he couldn't do that. He couldn't go into Benson's without the Board's permission, or authorization from the Town Administrator; nobody in town could go in without permission. No one told him that when he was sworn in. He assumed that since he was on the committee, he could start getting some information so he'd have something to offer and throw around when he went to the first meeting. It made him feel like he did something wrong; shame on him. He started thinking about it and wondered if there was an ordinance or law, so he checked the Town Code, rules for parks and playgrounds, all over, for something that said to stay out of Benson's. There's no No Trespassing signs around Benson's, or signs that say Private Property. He was instructed that at the first meeting they should get down to business and all read the deed, so he read the deed that was signed on December 31 and registered on January 6, 2009. Anyone can read the deed by going on the town's web site. He referred to Page 19, Item 10, saying this was the law now, as far as he was concerned, and he read, "Right of public access shall be unrestricted as a condition of approval of sale to the town, the property will be subject to the state conservation easement forever be open to all residents of the state of New Hampshire and shall not be limited or regulated by the town of Hudson in any manner with respect to providing additional access opportunities or reduced fees for residents from the town. The town shall be allowed to maintain opening and closing hours of operation for the property (not discernable)." As far as he was concerned, anyone can go into Benson's without permission. Benson's should be cleaned up because there are some areas that aren't safe, but to tell him and the people of the town that they can't go in there without the Board's permission is wrong. In the process of this, e-mails have been flying back and forth between him and Selectman Jasper and maybe things have gotten out of control. They've hurt each other's feelings. Shawn and his family have done wonderful things. He's put his heart and soul into this for at least the last 10 years. Mr. Desrosiers said today, he read every Selectmen's meeting minutes since 1999, and nowhere did he find that it says to stay out of Benson's. He didn't know who was wrong and who was right, but he wasn't going to quit. If the committee is not happy with him, they can fire him, but he's in this for the long run.

Selectman Jasper said the language in that deed refers to the park once it is opened as such. It cannot be restricted only to Hudson residents. When it was negotiated, the Selectmen's intent wasn't to open the property the day they took it over because it's not ready, and it is under the control of the Board of Selectmen. Reasonable people can reasonably disagree, but a deed is not the law; it's a condition, and if someone believes that the condition is being violated, that's up to the DOT, who can attempt to enforce it. Clearly, the DOT understands the town is not ready to open that park. Quite awhile ago, the Board received permission to post the park so that it's not open and that has been the on-going situation with that property for a number of years. It is not open to the public and they cannot allow unfettered access in there. There are buildings that have not been dealt with, and a number of issues that they have to do. That is the purpose of the committee, to make recommendations to the Selectmen. His feelings weren't hurt; he was just tired of this. The Board members have all received copies of the e-mails going back and forth. They have to figure this out, to see what the charge is and how they can to move forward, and e-

mail is not the proper way to do it. The e-mail he received last night is the first one that really angered him. He read into the record, "Hi, Shawn. I am not happy with the news. I thought the committee was formed...."

Selectman Massey called for a point of order, saying public input was to hear input from citizens. Selectman Jasper said he accepts that point and will hold off until Remarks by the Selectmen. Selectman Massey said if this is the road they want to go down, they need to open it up as an agenda item and that would be a better place to do it than under Other Remarks. This should be an agenda item, not an extended debate. Selectman Jasper said he was happy to wait until Remarks; he accepts Selectman Massey's point. Chairman Coutu said, without objection, he ruled that it should be an agenda item under New Business, because he was sure Mr. Desrosiers would like to hear the remarks. Selectman Massey agreed, saying it should be Item H, and then it could be taken out of order. Chairman Coutu said depending on the rhetoric, they may or may not allow Mr. Desrosiers to comment further. Mr. Desrosiers agreed, as well, saying he wanted to move things along.

Selectman Maddox asked if they've had a Benson's meeting yet. Mr. Desrosiers said no. Selectman Maddox said then his comments that it should be open, as much as Selectman Jasper says it shouldn't, is his personal opinion, not that of a board or committee. Mr. Desrosiers said he wasn't speaking for anyone else but himself. He thought the town was eager to go in there. He realized it is dangerous, namely the Shoe, the A-frame and the gorilla cage. The other buildings are pretty stable, but there is a lot of trash in there, and the trails need some cleaning. He just wanted to move the process along so people can get in there, maybe this summer, and use the place. Chairman Coutu said in the trail of e-mails, Mr. Desrosiers does state that these were his opinions, not a reflection of other members of the committee.

Selectman Massey said there were people in the audience who were here for this topic, he moved to take up Item 7-H out of order and take it up now. Chairman Coutu said he'd allow it, without objection.

Selectman Jasper felt it was important to get this on the record at this time. It is the policy that the property is closed and access can be gained only by permission of the Board of Selectmen or the Town Administrator. That is a matter of public record and policy. He read the following e-mails into the record, starting with the one from Jerry on Saturday, May 9.

Hi all! pain in the neck Jerry here.! If its not raining tomorrow. How about taking a walk around the grounds ??? I took one today. The place doesn't look to bad to me. I'll be there tomorrow (sun.) at about 11:00 AM . I'll be trying to formulate a rough primary plan to get started on the clean up / stabilization of the park. Any help from the rest of this committee would be wonderful !! (More minds are better than one) I plan to hit the ground running at our first meeting !!We need to have some ideas to work with at the first meeting !! (the words DIFFER TO THE NEXT MEETING, are NOT in my vocabulary !) I know tomorrow is mothers day. You can bring your mother too ! Or your whole family ! It will be so much FUN !!Hope to see some or all of you there. GUNG HO JERRY !!!

Even though you are members of the committee, Bensons is closed to the public, without permission of the Board of Selectmen or the Town Administrator. We can arrange for a committee walk, but please do not take it upon yourselves to enter the property without permission. I know that others are entering the property, but two wrongs do not make a right. Security is one of the issues we need to address. Shawn

Hi Shawn. I have to be honest with you. I am not happy with this news !! I thought a new committee was formed so we could get to the long awaited task of getting Benson's cleaned up / fixed up, so the citizens of Hudson and the state of NH will be able to enjoy it. I can't see how we can get this task done if we have no authority to make plans and carry them out. If we are going to be constantly under the thumb of the selectmen, then why did you bother appointing a committee?? The board of selectmen should just do the job themselves!! If you want the job done, then leave us alone, give us some authority, and let us get to work! We'll come up with a plan of what we will do and give you a status report at every selectmen's meeting. This is Jerry Desrosiers. These comments are mine only. I am not speaking for any one else on the committee. If no one else agrees with me, then I guess I'm not your man !! Jerry Desrosiers / Benson's committee member.

Jerry, I am sorry that you feel that way, but if you think that a committee that is not the creation of the voters of the town can have any authority to make any decision on town property then you have no understanding of the laws under which we operate. The Benson's Committee is a creation of the Board of Selectmen, its sole purpose is to make recommendations to the BOS as to how the Benson property should be developed and used. If that is not a structure you are willing to work under then you should reconsider your membership on the committee. That would be unfortunate as I believe that you have expertise which will be valuable to the committee in making those recommendations. The first charge of the committee will be to review the deed, to understand the restrictions we will be working under and to review the Benson's Master Plan, which was developed by the first Benson's Committee. We have much work to do, but rushing into it without a clear direction will not prove helpful. The committee needs to define the projects which need immediate attention, assign a priority to each of them and form sub-committee's, including individuals from beyond our committee, and then come up with attack plans for each of those priorities, including budgets. Those plans will then be presented to the BOS for consideration. Each of the approved projects may involve several aspects, including professional and volunteer work. Any further discussion should wait until the first meeting of the committee. Shawn

Dear Shawn. Pain in the neck Jerry here! I may not understand the laws under which you operate. But I do understand my rights as a citizen, taxpayer, and voter of Hudson. I did vote for you, so in my respect for your superior intelligence over a poor commoner like me, I have taken your advice and started doing my homework by reading the

deed from front to back. I must say, it was very interesting reading. Especially item 10 on page 19! Apparently you didn't do your homework! I'll be at town hall at 6:45 tomorrow if you would like to discuss this matter in private. Depending on how that goes, I may have comments for public session. Jerry Desrosiers/citizen/Benson's committee member

Jerry, This isn't going to work this way. No doubt you are referring to the section of the deed about the property being open to the public. That section is intended to speak to when the park is just that a public park, not in it's current condition. I did my homework. I spent several years working on that deed. If you would like to sue, be my guest, the DOT will back us, the property is a not ready for the public. I was looking forward to working with the Benson's Committee, I no longer am. I have no desire to argue and debate the cans and cant's with a member of the committee. I don't need this in my life, I told you that this discussion should wait until Thursday, you said:"OK". But you have started right back up again. Given that, I will not have a private conversation with you about this matter. If you feel the need to comment in public be my guest. Frankly if you do and you continue down this path, I will offer the Board of Selectmen my resignation from the committee. We need committee members who are willing to first understand their charge, not try to bully their way around and offering sarcastic insults, before we even have our first meeting. After all these years, I wanted to get going on this project, now thanks to you, I just want to run away from it.

Selectman Jasper said that's how he feels at this moment. This has been totally non-productive. The committee was appointed just two weeks ago, and the first committee meeting will be in two days. Due to a number of conflicts, mainly on his part, they were unable to meet last week. He has a lot going on in his life and he can't spend all of his time arguing back and forth.

Mr. Desrosiers said he wasn't trying to do anything official; he was just trying to get to know the people, doing personal research in preparing material for when he did go to the meeting. He felt he was being suppressed, and then the e-mails started, with egos fighting egos, and it escalated with each e-mail. He was sorry for probably getting out of control.

Selectman Maddox said he learned something the hard way 10 years ago—government is glacial. He knows Mr. Desrosiers wanted to get things done 'yesterday,' that he was very enthusiastic, but they have to have a meeting and the committee has to decide what to do. The committee has to decide how to proceed. This is setting things off on the wrong foot. Selectman Jasper, who he has argued against many times in the past, is right in that there needs to be structure. The other committee members may not agree with what Mr. Desrosiers is doing, so he hoped he would hold off and try to see if they can get this thing to work in the structure they were stuck with in that damned democracy thing. They need to have a vote at the committee meeting. If they meet amongst themselves, if they have a quorum, they get into the whole Right to Know issue. He knows Mr. Desrosiers wants to charge forward, but there are some steps that need to be taken. He hoped that both Selectman Jasper and Mr. Desrosiers will be at the meeting on Thursday night and some progress is made towards getting to where they all want to be, to have that as an open, passive park, at least at the beginning so people can see what it's like.

Mr. Desrosiers said he agreed, but one of the concerns with him was, yes, they had a meeting scheduled, but the agenda says they are going to choose officers that night and he was just desperately trying to get to meet these people. He went to the Ice Cream Social and talked with one person for an hour and one other person for five minutes and that's the only interaction he's had with this committee. When people run for office, they put out signs and campaign and try to get everyone to know as much about them as possible, but he's expected to go to a meeting Thursday night and choose officers when he didn't even know the people. He was just trying to get the people together so he can meet them and know a little bit about them.

Selectman Jasper said that is how things work. The Board interviewed the candidates for the Benson's Committee, and there were multiple candidates. That was their only time to meet them and decide who to put on the committee. They came forward and told a little bit about themselves. If the committee decides it does not want to elect officers that evening, and would like him to continue as the Selectman liaison to run the meeting for a period of time, that is the prerogative of the committee. It was his responsible to set a normal, organizational agenda. He didn't see that concern in any of the e-mails from Mr. Desrosiers; had he done that, Selectman Jasper could have responded to that concern. The agenda he set is a typical agenda for a first organizational meeting of any committee. He can't assume the committee wants him as liaison. He called the meeting and was questioned as to why he was calling a meeting by the Chairman, so he explained that, as no chairman of the committee, the liaison, he called it. The intent was to let the committee organize itself; it's not up to either him or Mr. Desrosiers to decide.

Mr. Desrosiers said he was sworn in and eager to go. He made it known he suggested that they meet informally first in order to get to know each other, and then have a formal meeting, but there didn't seem to be any interest in that.

Selectman Massey said sometimes you don't see the forest for the trees. A lot of the things the Board takes as a given, they assume people know. It's probably unfortunate, but the state Right to Know law says that any body that meets must first post the agenda and meet in public in a place where anybody can be. Any meeting outside of that constitutes an illegal meeting. Someone who is not into the trappings of government might have missed it. It has to be a public, posted meeting and any meeting outside of that environment constitutes an illegal meeting under the Right to Know law. He apologized on behalf of the Board for not making that clear at the beginning. He hoped Mr. Desrosiers would not drop out of the committee.

Motion by Selectman Maddox, to give the members of the Benson's Committee access to the property this coming weekend, seconded by Selectman Massey.

Selectman Maddox said they've been discussing this for a half hour and he wanted to move it along. The question they had was how to do that, and they've been given that guidance. He suggested that the liaison run most of the meeting and hold the

elections at the end. They'd see who would come forward as chairman and vice-chairman. Selectman Massey said he agreed. This was another way they could get a first-hand look with official commentary as to what the status of the property is and to see the three critical buildings on the property that are part of the preservation requirements.

Vote: Motion carried 5-0.

Selectman Nadeau said the former Benson's Committee did their last walk and they wrote some notes down of the trails, etc. Mr. Desrosiers had a copy which he handed to Selectman Nadeau, who thought it should be copied to the Board and to the new committee members. It lists the trails that are in great shape, the ones that need to be worked on and that would be a good thing to start on at their meeting. The last Benson's Committee did an inventory of what they have bought over the years and where it is stored. If they were to open up Benson's, the list, prepared by Ken Dickinson, would be a quick fix. It's a good working document that was generated from their last site walk. They also said Curt Laffin, who gave a presentation to the old Benson's Committee, would be willing to do one for the new Benson's Committee. He believed the Audubon Society was doing something up there. Mr. Desrosiers said they were planning a site walk, but he didn't know if they had permission or not. Mr. Malizia said yes, they do; they've always asked for permission.

Selectman Massey said since they were talking about Benson's, this would be a good opportunity to reiterate what the Benson's Committee is all about. There are a lot of things that need to happen at Benson's, both in a start-up mode and an on-going operations and management mode. Each of those things is going to require a project plan that is detailed as to what the project entails, costs involved, where the monies will come from, etc. Those are all things the Board of Selectmen must approve. When this committee was formed as a standing committee, as opposed to the original committee, they all talked about a committee that would look at the overall needs of Benson's—projects relative to the three buildings and the on-going operations and maintenance and formulate plans that then, through the use of subcommittees, because each one of those things may require a different set of expertise and there may be some people that want to be interested in preserving the barn, but not interested in trail maintenance—and that's what he understands the committee to be; to look at the board picture and manage the overall project, under the umbrella of the Board of Selectmen.

Chairman Coutu said he was at the meeting where Mr. Desrosiers presented himself, his credentials and his reasoning for wanting to be on the Benson's Committee. Having had conversations with his peers on the Board of Selectmen, it was evident that he brings a tremendous amount of expertise to the project and they were enthused with his application. That's why he was selected. He can understand the anxiety about getting this opened as quickly as possible and making it available to the public. He shared that enthusiasm; yesterday isn't soon enough. It took them eight years to get this far. He had the utmost respect for the amount of time, energy, effort and work Selectman Jasper put in over the past eight years to help the town acquire Benson's. Benson's was acquired as a result of all of that startup work. It was not a wasted eight years; it just took too long and all he did was help facilitate the process, and that's all he did. The other people laid the groundwork and the foundation, but it's time to move on and work together in unity to provide for the public, both in Hudson and the surrounding communities—and in the state of New Hampshire. It's an opportunity for them to explore that property and to bring it to the beauty and nature that it offers and can be presented to the public. He looks forward, during the year he serves as chairman, to having the committee report back to the Selectmen, through the liaison, the accomplishments that will be achieved this year. He believes they are going to make slow but steady progress. He was sure that some parts of it would be accessible by mid summer. He thanked Mr. Desrosiers for his observations and comments and he looks forward to having a forward-thinking, progressive committee. He hoped that Mr. Desrosiers and Selectman Jasper can put their differences aside and move forward to get the job done. Mr. Desrosiers thanked the Board for its cooperation, saying he'd be at the meeting on Thursday.

Jake Nazarian, 9-1/2 Belknap Terrace, said they heard him a couple of weeks ago regarding motorized vehicles on town property and he wanted to follow up with some of his concerns.

Selectman Massey called for a point of order, saying these remarks should be made during the public hearing, which was going to be help. Several sources clarified that the two public hearings have already been held. Selectman Massey agreed that this was the appropriate time for Mr. Nazarian to make his comments. Selectman Jasper said they already held two public hearings and he'd hate to see them get into another whole public hearing. He went back to the old rule under public input that former Chairman Cole always had, one person per subject, to prevent this from turning into another public hearing. Chairman Coutu said that was then, this is now. Selectman Jasper said he didn't want to go down the road of having a third public hearing because they've already had two on this. Chairman Coutu ruled that he'd allow Mr. Nazarian time to speak, but asked his comments to be brief.

Mr. Nazarian said there has been more discussion on this subject and the Selectmen requested some more information from Mr. Pearson regarding the RSA's, so he was curious to hear some of his feedback. Some of his concerns are specific to the town ordinances, that any breach of town ordinances are going to be paid directly to the town, as opposed to a state RSA that's going to be paid to the state. He was concerned about creating a revenue stream. He also believed the amounts were excessive—\$100, \$250 and then \$1,000; it's a bit ridiculous because there isn't any other motor vehicle violation that isn't a misdemeanor or felony where the fine is \$1,000. That's very excessive. He was concerned about enforcement and the cost of that, as well as punishing only a few in the financial hardship that may impose on families. \$1,000 is a ridiculous amount of money to charge for a local ordinance. Are they trying to create a revenue stream? Who is enforcing these now?

Selectman Jasper called for a point of order, saying Mr. Nazarian was essentially repeating his testimony that he gave at the last public hearing, and that's not appropriate.

Chairman Coutu said that point was well taken. Relative to evidence that's going to be presented by the Assistant Town Administrator, that would be heard very shortly. Unless Mr. Nazarian had another new to add... Mr. Nazarian said he did, which he thought was a really big deal. It was explained to him that going forward, it will be up to the officer as to how he writes up the infraction that is given out. He will be able to choose whether or not a town ordinance or a state law was being enforced, and where those monies go. He was concerned about any favoritism that may occur in terms of how one person is punished versus another person. He was a bit disappointed the Board didn't give him five minutes of its time after he and his son sat there for 40 minutes while they continued on with something. Chairman Coutu ruled Mr. Nazarian out of order.

There being no further speakers, Chairman Coutu declared the Public Input segment closed.

5. CONSENT ITEMS

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

A. Assessing Items

- 1) Abatement Applications, M/L 198/2; 203/2; 197/214, w/recommendation to approve and to deny 203/1.
- 2) Abatement Application, M/L 179/34 w/recommendation to deny.
- 3) Current Use Lien Release, M/L 100/3, w/recommendation to approve.
- 4) 2008 Abatement Applications, M/L 243/24-1 & 24-2, w/recommendation to approve.
- 5) Timber Tax Warrant, w/recommendation to sign – M/L 115/005; 123/001; 140/001; 150/014
- 6) Excavation Tax Warrant, w/recommendation to sign - M/L 122/002; 140/001; 141/001; 150/013
- 7) Settlement for Property Taxes, M/L 222/11, BTLA 22884-06PT/23417-07PT, w/recommendation to approve.
- 8) Multiple Tax Exemptions and Credits for 2009 Tax Year–Veteran's Tax Credit, M/L 203/105; Elderly Exemption, M/L 203/105; 190/096; 184/005; 111/021; 185/045; Disabled Exemption, M/L 178/013-001; 133/045, w/recommendation to grant.
- 9) Institutional Exemptions–Charitable Exemptions, M/L 183/100; 190/015; 242/058; 109/010; 147/027; 237/057; Veterans' Organizations Exemptions, M/L 182/022 & 030; 136/036; Religious Exemptions, M/L 140/047; 228/054; 166/001; 166/011 & 017; 210/010; 182/129; 235/009; 176/034; 128/005; 156/032 & 035; 182/049 & 052; Exempt by Specific Statute, M/L 168/122, w/recommendation to grant.
- 10) Charitable Exemption, M/L 105/007, w/recommendation to deny.

B. Licenses & Permits

- 1) Request to fundraise by VFW Hudson Post 5791 at Wal-Mart and SAM's Club on May 23 & 24, 2009.
- 2) Raffle permit requested by Alvirne High School On Stage for May 16 at Alvirne High School

C. Acceptance of Minutes

Minutes of the Board of Selectmen's Meeting of April 28, 2009

D. Calendar

5/13 7:00 Planning Board in CD Mtg. Rm.
5/14 5:30 Sewer Utility Committee in BOS Mtg. Rm.
5/14 7:00 Benson's Committee in CD Mtg. Rm.
5/18 6:00 Recycling Committee in CD Mtg. Rm.
5/18 6:30 School Board in BOS Mtg. Rm.
5/19 7:00 Cable Utility Committee in BOS Mtg. Rm.
5/20 5:00 Water Utility Committee in BOS Mtg. Rm.
5/20 7:00 Library Trustees in BOS Mtg. Rm.
5/20 7:00 Hudson Seniors in CD Mtg. Rm.
5/21 9:00 - 10:00 a.m. Citizens' Hour w/Matt Lahey from Senator Gregg's Office
5/21 7:30 Budget Committee Meeting in CD Mtg. Rm.
5/25 Memorial Day Holiday - Town Hall closed
5/25 2:00 American Legion Parade from Hannaford on Route 102
5/26 7:00 Board of Selectmen in BOS Mtg. Rm.
5/27 7:00 Planning Board in CD Mtg. Rm.
5/28 3:00 Trustees of the Trust Funds in CD Mtg. Rm.
5/28 7:30 Zoning Board of Adjustment in CD Mtg. Rm.

6. OLD BUSINESS

A. Votes taken after Nonpublic Session on April 28, 2009

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

Motion by Selectman Jasper, seconded by Selectman Coutu, to hire Kate Giaquinto as a student intern in the Community Development Dept at \$12/hr. commencing May 10, 2009 and terminating on August 21, 2009, carried 5-0.

Motion by Selectman Maddox, seconded by Selectman Coutu, to adjourn at 8:45 p.m. carried 5-0.

B. Ordinance 09-01 Restricting the use of Motorized Vehicles on Town Property

Chairman Coutu said as a bit of history, on January 27, following the acquisition of the Benson's property, staff was directed to draft an ordinance restricting motorized vehicles on the property. The first draft came before the Board on February 3. At that time, the Board wanted the ordinance to include snowmobiles. On February 24, this ordinance came before the Board a second time, at which time staff was directed to include a sentence stating that town-accepted streets were exempt. On that date, it was sent to the two requisite public hearings—April 14 & April 28. At both public hearings, the majority of the residents spoke in opposition to it. On April 28, the Assistant Town Administrator was asked to provide the Board with a copy of the state regulations on OHRV's and prepare a response to citizens' questions and concerns for tonight's meeting. If this is not voted on tonight, the whole process will have to start all over again because of the time requirements between public hearings and final resolution.

Assistant Town Administrator Mark Pearson and Chief of Police Jay Lavoie were recognized. Mr. Pearson said what the Board had asked for was included in the packet, including his memo dated May 6, 2009. He cited RSA 215 A 29 XI Written Permission and RSA 215-C-49 XIII Snowmobiles, Written Permission. He included the fine schedule to illustrate to the Board what the state violations were. There are a lot of violations and the only one the Board was attempting to address was the OHRV activity and preventing it at the Benson's property, which is how the evolution of the drafting of this ordinance came about. Only those two sections of the state law are duplicated with the town ordinance—the written permission from the landowner. The distinction between the state law and the town ordinance is that state law prevails unless the town adopts an ordinance that is stricter than state law. In this case, it's stricter in the fine schedules that were put into the draft ordinance. The first one was \$100, as compared to the state fine schedule of \$72. In theory, a person who continues to ride on town property without permission from the landowner would receive a \$72 ticket, and the second time, a \$72 ticket and the third time and subsequent times, \$72, \$72, etc. Under the town ordinance, the first time would be \$100, the second time would be \$250 and the third and subsequent times would be \$1,000. There has been some concern by members of the public about the fine schedule. If it's illegal, the first offense, regardless if it is enforced under the state law or the town ordinance, it's illegal. The town ordinance would carry a higher penalty. The goal is to seek voluntary compliance and stop that type of activity. That was the thought through the drafting process, with participation by the Board members, to draft a town ordinance to stop that type of activity. He thought the Chief might like to respond to some of the questions that were given to him by members of the public during the public hearings.

Chief Lavoie said he concurred with Mr. Pearson. The \$72 over and over again really doesn't do anything; it doesn't help with compliance. There's no teeth to it. With the proposed ordinance, the \$100 fine for the first offense is reasonable and gives the police the opportunity to explain why they can't be doing that activity, operating without landowner permission. At that point, they should be able to get voluntary compliance. If there isn't something with some substance in it, people will keep doing things over and over again. To respond to the people who are concerned with the steepness of the fines tells him they don't care about the state law, that they fully intend to violate them. That's why they are trying to get the numbers reduced. However, Chief Lavoie thought the fines were reasonable. It would be advertised on the town's web site, the HLN and HCTV, which would be a way to educate people on the matter. The town has a reasonable ordinance and the Police Department supports that.

Selectman Massey wanted to get an issue clarified that was raised during the public hearings. If this ordinance was adopted, and a violation occurred, where does the fine money go to? Chief Lavoie said if the violation was cited under the state law, the fine would go to the state, but if it was cited under the ordinance, it would go back to the town.

Selectman Maddox asked how many citations were issued last year under the state statutes. Chief Lavoie said since they were short three people last year, they were unable to put OHRV's out. He made some changes to staffing and so far, they've been keeping an eye on the Benson's area four out of the five past weekends. Thus far, there haven't been any occurrences. Also, their tracking system identifies this just as a motor vehicle stop, not as an OHRV stop. That is something that will be changed, however, so they will be able to have accurate numbers in the future.

Selectman Maddox said the only difference he saw in the state statutes and the town ordinance was that the state law didn't have painful enough penalties. They are making an ordinance only to create the higher fees. Chief Lavoie said that wasn't the only reason for this ordinance. The Board asked them to draft an OHRV ordinance, and that's what they have done. If they mirror the state ordinance, there's no point in having a town ordinance. Selectman Maddox asked what the difference was. Chief Lavoie said it was to get voluntary compliance from the people. A resident spoke about that during the public hearing, saying that they do need to be out there. They need to have something with some substance in order to get people to comply.

Selectman Jasper said an issue that was raised during public input was worth addressing, that the police might pick and choose as to which statute they would charge someone, under state law or the ordinance. He hoped that if the ordinance was adopted, and if someone was found on town property, the only choice would be to charge them under the town ordinance. Chief Lavoie said he'd make that directive.

Mr. Pearson said in light of the comments made by the public and in consulting with Chief Lavoie and Captain Avery, and doing some research, he also had an opportunity to speak with Atty. LeFevre, who was involved in drawing up a similar ordinance in another community. If the Board was inclined to adopt the ordinance, there were a couple of minor changes he suggested. Also, there seemed to be some opposition going from the second offense of \$250 to

the \$1,000, so another level was included in between those two numbers. The first offense would be \$100, the second offense would be \$250, a third offense would be \$500 and a fourth and subsequent offense would be \$1,000. He then distributed copies of the amended version of the ordinance, incorporating that extra level for fines and Atty. LeFevre's suggested changes. The title would include the word, 'certain,' i.e., "Restricting Use of Certain Motorized Vehicles on Town Property." On the second page, add the word, 'owned,' and 'and unmaintained roads,' i.e., "Town-owned Land" shall mean any and all land acquired/owned by the Town of Hudson whether by purchase, gift, tax deeding, easement, or any other means in accordance with the laws of the State of NH, including but not limited to: designated conservation areas and established recreational facilities and sports-fields. Town-accepted streets and unmaintained roads are exempt from this Ordinance." All of these would clarify some legalese, and the last change would be to add another level to the fine schedule. Mr. Pearson wanted the Board to know that they did do some research, taking the comments from the public and, perhaps, incorporating them into the Board's final decision.

Motion by Selectman Massey, seconded by Selectman Jasper, to adopt Ordinance 090-01, an Ordinance restricting use of certain Motorized Vehicles on Town Property and to amend the existing ordinance to include the words "certain" on the title, and on Page 2, under C, add "acquire/owned," and in that same paragraph, include, "and unmaintained roads," to the last line after, "town-accepted streets."

Selectman Massey said there were several people at both public hearings testify that they did not think this ordinance was appropriate. There was also some concern about the amount of money involved. Firstly, they are talking about a very clear state statute that says the use of an OHRV on any property requires the written or verbal permission of the landowner. To his knowledge, the town has never given permission to anyone to operate an OHRV on town-owned property, so those folks who came forward have nothing to worry about because if they are truly are saying they observed the law, then they are never going to be impacted by this ordinance. Secondly, they know that there is a certain element that thumbs their nose on this issue. He's seen it in his neighborhood and others have seen it in their neighborhoods. They actually had an individual testify about that. The \$100 for the first offense seems reasonable to him. As for the \$250, if you don't get it the first time, then the \$250 is a pretty steep price to pay. If you haven't gotten it on the second time, then the \$1,000 will really get your attention that you need permission to be on somebody's property. He didn't think the intermediate \$500 rises to that level. People need to understand they can't ride on town property without paying a penalty, if apprehended by the police. People who testified all said they were law-abiding citizens, so this ordinance does not impact them one bit. From the perspective of the Conservation Commission, the Musquash Pond area has got serious problems with erosion because of the people who ride over there. They see it in the town forest, and they will have to address it with the Benson's property. When you put all of those things together, it does rise to the level that the town needs an ordinance that has teeth in it. If someone gets a \$1,000 fine, that will absolutely get their attention. The message is town property requires permission to ride on it, and that's why he is supporting the ordinance.

Selectman Jasper said he seconded those remarks. He was puzzled by some of the testimony at the public hearings because they testified about the fact they obeyed all the laws and this wasn't necessary, but don't do this because the kids have to have some place to ride, which was a contradictory statement. They also heard about it not causing any damage. There is an area at Musquash that was a nice flat piece of land and they have mounded up on the corners by continually going around the corner, throwing the dirt up. It made a real mess of the property. Years ago, he was out there with his daughter walking on the trails and when you hear three or four of those things coming at you which sounds like 100 mph, it's frightening for kids. That's not where they belong. That's a public forest and you should be able to go out there with your family and enjoy it. Literally, every time he's been out there, he's had that situation where things have been racing through that area, not just under the power lines. That's a problem they had when his family was in the poultry business. Nearly 40 years ago, the power lines went through their property and they'd race around the hen houses to watch the chickens go berserk, which cost them thousands of dollars because the birds would go out of production. It only takes one or two people to spoil it for everybody. He feels sorry for those who say the town should have a place for them to go, but the reality is they are loud, noisy and nobody wants them in their back yard. The state has developed trails up north for these vehicles where they don't bother people. There just is not enough vast, open space in Hudson where they could do this without creating some sort of problem on town property. He agrees that this is necessary and he agreed with the fine schedule.

Selectman Maddox said he was going to vote in opposition. He sees a state law that if it was enforced repeatedly, if someone got four \$72 tickets, it still sends the educational message. Hudson doesn't need its own ordinance. Do they then start doing their own speed enforcement on the highways? If there was nothing on the books, he'd agree with this, but they have a state statute that's more than adequate. This is just another town ordinance that in three years, nobody will even think about. The damage is still going to be done until they have the manpower able to get in and no matter what they charge, being able to track that and the restoration part of being able to fix things. He didn't see the need for this.

Selectman Nadeau agreed with Selectman Maddox. If a person is operating an unregistered one, it's \$120; if they're on property without landowner permission, it's \$72, so you're up to \$192. If they post the property like it says they should do and start charging \$72 for using property without landowner permission, and if they start to see they are getting 10, 20, 30, 40 of these, then maybe they should look at a town ordinance. He was against this ordinance for the fee structure and the state already has a law that can be enforced—and the money goes to the state.

Selectman Massey said if this ordinance were to pass, he'd make a second motion that would require all fees collected be put into a special account to be used for conservation of the properties so it wouldn't be seen as a revenue stream for the town. It would be used for the purposes for which the fines were collected, which is damage to town property.

Chairman Coutu said he didn't want to be in this position, but he was going to be the swing vote, and he was on the fence. He asked Chief Lavoie what enforcement provisions were any different in the town ordinance, other than the fine structure. Chief Lavoie said just the fine structure. Chairman Coutu said with or without this ordinance and considering the value that is placed on the Benson's property, which is what precipitated the drafting of this ordinance, if they didn't have this ordinance, will the Police Department still enforce the use of OHRV's on properties that are used by people who did not have the permission of the owners of the properties. Are they going to enforce the state statute with regard to illegal OHRV operations in the town? Chief Lavoie said his plan is to have the OHRV officers out riding, enforcing statutes and ordinances.

Selectman Jasper said there are a couple of differences. The town ordinance has a purpose and an intent, which spells out why they are doing this, and they are important purposes. This ordinance will be found on the web site, which will be made clear. He wasn't aware that there was a statute that covered this on town property. When most people think of a landowner, they don't think of the town as a private landowner. People, as residents, feel it is their town, their property, so they have a right to be on it. The town ordinance makes it clear that isn't the case. The fine structure is also very important and that Selectman Nadeau was mixing apples and oranges because the vehicle may or may not be registered, which is a finable offense either way. The issue is the \$72 which probably has the additional court fines... he didn't know if this applies like the motor vehicles, where there is another 10% added on, so it may be \$72 plus now, but regardless, it's \$72, \$72, \$72 and for some people it's 'oh well, it's only \$72 and how often will I get caught?' There really is no incentive. Getting caught only once a season can be seen as cheap pretty entertainment. With the town ordinance, a second offense means facing a pretty big fine. \$72 won't do what they're looking to do. He said people should go and look at the mess these things are making on public property, and who is going to pay for it? They need to send a very strong message that this is not appropriate on town property. If for no other reason, the fee schedule is the reason to adopt this. People aren't paying any attention to the state law now. The police are not going to be able to be everywhere, but the first time they get someone the third time, and they pay \$1,000, that is going to be out there in the community of the violators. \$72 is a joke.

Selectman Maddox said if the Police Department is going to make a conscientious effort to enforce whichever, if the Chief came back to the Board next spring and said that they had four people fined three times under the \$72, then he would be in support of this. Until they go out and do the education, maybe it drops off and they only catch them once. He didn't see the need for a town ordinance on top of the state's.

Chief Lavoie said it's not just Benson's property; it's any town property. People are not driving with their OHRV's in tow, parking them by the property. They are driving over multiple back yards in order to get to their destination. By enacting something by making people think twice about it will also throw in some support to all of the residents in the community that they are trying to protect their property rights, as well as provide some quality of life with reduction of noise, etc.

Selectman Massey said as a last point, Selectman Jasper brought to their attention that there is an assumption on the part of people that town property is their property since they pay their taxes, so they have a right to use it. This ordinance was very clear, that it was to protect town property from misuse. By enacting this ordinance, it is made very clear that there is a penalty if they violate the OHRV statutes. They didn't get into this for some wishy-washy reason; they understood what the problems were with Musquash and the town forest, and now that they were acquiring Benson's, they suddenly were faced with another 165 acres that were going to be subject to this. The Chief is right. When people ride OHRV's don't just park at the town property; they've apt to be coming from somewhere else on to that property, which means they are probably on somebody's private property without permission. He reiterated that the people who came before the Board said they obey all the laws, so they won't have any problem with this ordinance being enacted. If they abide by the law, they will never pay these fines because they are never going to be on town property.

Selectman Jasper said he was puzzled by the opposition. It seems, 'well, it's just redundant and, therefore, it's not necessary.' He couldn't disagree more because this is clear as to what the intent is and it will be on the web site. Yes, they could reference the state law and put that on the web site, but the ordinance makes it clear. They've gone through the process and put staff time into it. They've held two public hearings on it. As far as the fines being higher, he wants the fines to be higher. He wants to make sure public property is protected. He really didn't understand the opposition. Maybe it's something he'll look into for another session because there should be an escalation in the state law, but they have the opportunity here to make a strong statement. If this is defeated tonight, they will be sending a statement that, 'oops, we think the fines are too much, therefore, it's not so bad to do this on town property.' He wants to send a statement that this is not acceptable and they will do everything in their power to make sure that the town property is protected and the people of the town can have the quiet enjoyment of the Musquash conservation area, which is a mess because of these bikes. The Benson's Park, not the Benson's motor cross trail. Those are the reasons to do this.

Selectman Nadeau said looking over the state law, one of the things he picked up on after hearing Selectman Jasper talking about apples and oranges, it says, "damage of property, \$120 fine." If someone is doing damage to town property, it's \$120. He asked if they could add the \$120 to the \$72 to get the \$192, and then if they are driving an unregistered vehicle, add in another \$120. He asked if more than one could be added on, if different rules were being broken. Mr. Malizia said yes, the charges could be accumulated. If three sections of the state law were violated, that would be three charges. Chief Lavoie said he'd have to look into the statute about causing damage on someone's property; that may be an inclusive one. If someone was causing damage on someone else's property, they were on their property without permission. The other one was is someone was just driving along and may not be causing any damage in the particular area they were observed in by the officer. If the person was doing donuts, they'd use the \$120 fine, but if they were just driving along, but didn't have owner permission, it would be the \$72 fine. The rider is not always observed in their entirety that day or afternoon. They would be observed in a small glimpse and that's what they have to go on.

Chairman Coutu asked if it wasn't also true that property owners, including the town, still have recourse in civil court for damages caused, over and above any state statute. Chief Lavoie indicated that was correct. Chairman Coutu said if the damages were in excess of \$120, they could ask the court to amend the charges to include the fines through an appeal, or they could be charged for damage to the property and try to seek damages to restore the property, over and above the fines. Private property owners would have to do it civilly, but the town could go after them. Chief Lavoie said they could go after them civilly and decide whether to hire an attorney to go after a couple hundred dollars of damage. He didn't know what the attorney's fees would be for something like that.

Selectman Jasper said that \$120 is a fine for causing damage, not a reimbursement to the landowner. The town wouldn't get the money. They'd have to go under the ordinance, to set up the process to clearly reimburse for damage done, versus civilly going after somebody. That's the reason why this is a good ordinance. It's probably going to be nigh unto impossible to catch somebody in the act of doing damage, but there will be times... the fines for the damage goes to the state. It does not reimburse the town for damages. Chief Lavoie said the town has to take that person to court.

Chairman Coutu said when the Police Department decides to do a directed patrol in a neighborhood for an extended period of time, when after the patrol is done, they hear comments that they noticed speeds had declined, but then it starts all over again--but immediately following a directed patrol, there's an abatement of speeders. Chief Lavoie agreed that that was the case. When they leave, the speed is right back up. Chairman Coutu asked if it would be fair to state that considering the fact they've had no strict enforcement of the state statute, up until now, that if they now conduct strict enforcement of the OHRV state statutes, that in and of itself should be a deterrent for those people who are going to violate the ordinance. He asked if it would be fair to say that if there was strict enforcement of the OHRV RSA's, that there would be a lessening of the violations. Chief Lavoie said he couldn't predict that because, in most cases, they were looking at a \$72 ticket. People will comply for a little while, and then come right back out and do the same things. He couldn't say whether or not it was because the fines were too low. There will be repeat offenders. In a directed patrol, people need to move their vehicles from Point A to Point B, going for groceries or going to work, but there are specialized places the state has set aside for OHRV's, and that's not in other people's back yards or on town property. Throughout the state, there are designated trails, including maps, that outline those places for people. The department has enforced OHRV laws, but they not last year because they were understaffed. They came up with this ordinance because of the OHRV problem that is occurring.

Chairman Coutu asked what they would do with a 16 year old, and what the penalty would be. Chief Lavoie said they'd probably end up contacting the parents, having them come out, and take it from there. The penalty would be the fine. Chairman Coutu asked if the fine would be assessed to the 16 year old, or to the parents. Chief Lavoie said to the operator.

Selectman Massey said two things—they have had directed patrols on the OHRV in the past and it hasn't stopped the illegal use of these vehicles. He can visualize what Selectman Jasper said. When an individual gets the \$1,000 fine, the buzz in the OHRV community is going to be intense and there will be a lot of people who, all of a sudden, especially if the 16 year old's parents are the ones who have to pony up the \$1,000. They really need to make sure people understand they're not doing this because they want to raise money; they're doing it because they're trying... the intent and purpose is to protect town property. It costs money when damages are done. In his mind, they need to have it so people clearly understand they are doing this because they are trying to protect the taxpayers' land. He guaranteed that when an individual gets that \$1,000 ticket, there will be a lot of buzz in town. Don't forget they are doing this because people are not obeying the law, and the \$72 has not been any deterrent for them not to obey the law. He keeps going back to the point that all the people who said not to do this said they don't go on any property where they don't have the written permission. Those folks are not going to be impacted by this ordinance. The people that are going to be impacted by this ordinance are the folks who are illegally riding their vehicles on property that they don't have permission to ride on.

Selectman Jasper said if they don't pass this, they are sending a very clear message to the town that they don't think it's so bad. They have two very clear choices in front of them. One existing law that has been there that many, many people don't follow. They know the police have tried to enforce that for years. That's why the town bought them a number of years ago two off road vehicles to try to control this problem. It has not abated. It clearly has not abated, so

here they are with what has failed in the past. What they have is an ordinance that they want to try and they're saying they want to continue doing what they've done. When you always do what you've always did, you always get what you always got. They need to try something... they're saying this is not acceptable and they want to put a stop to it and they want to put teeth in it. If they defeat this ordinance tonight, they take the teeth out and say OK, \$72 is entertainment. He went out to a movie with his family the other night and it was \$50 for movie tickets and popcorn, so \$72 to ride your OHRV wherever you want is pretty cheap entertainment, particularly if you do it long term without getting caught. Frankly, most of them tend to go over the speed limit, and they don't get caught that often. But if they got caught and it goes to \$1,000, you're not going to do it any more. If it's cheap, you don't think about it as often. He implored the Chairman to do the right thing, to send the right message, and move on with this and not just say, 'Eh, it's not so bad.'

Chairman Coutu asked Chief Lavoie if someone received a ticket for an OHRV violation, if that went on their motor vehicle record. Chief Lavoie said no, it was a separate violation. But if they are under suspension for any kind of motor vehicle offense, they don't have the right to operate an OHRV. Chairman Coutu said he's heard all the arguments and there are laws on the books against speeders and they try to enforce them, but they continue to speed. There's laws on the books against drunk driving and they're arresting people in some areas that have up to 16 offenses, so the laws on the books really don't help, no matter how much they try to enforce it. Whether it's by this ordinance or state statute, he strongly feels that if they do some strict enforcement, what they have is adequate. For the life of him, he can't understand why they have to create another law when there already is a law on the books. If there is strict enforcement, the word will get out. It's like going up and down the street 50 mph in a 30 mph zone. Once the cruiser is there, they start slowing down and the violations ebb. That's what they need to do; they need to enforce it.

Vote: Motion failed 2-3. Selectmen Jasper and Massey voted in favor.

Chairman Coutu called for a recess at 8:33 p.m. The meeting resumed at 8:44 p.m.

C. Sale of Town-owned Property, 47 & 49 Ferry Street

Town Administrator Steve Malizia said earlier, he passed out post-auction information. The agenda was prepared last Thursday and the auction was the following Saturday. The town has received a bid of \$236,000 for the two properties, so it's up to the Board what it wants to do. There were 17 registered bidders. The auctioneers attempted to auction the properties separately, but a higher number was received when they were offered together. As a point of reference, 47 Ferry Street was purchased for \$198,000 and for 49 Ferry Street, \$115,000 for a total of \$313,000.

Motion by Selectman Jasper, seconded by Selectman Massey, to reject the bid.

Selectman Jasper said they were not in need of the money at this time, but that price was well under the total assessment and they would be foolish to sell at that price. The properties aren't costing them anything to maintain. He didn't know what the other options were.

Mr. Malizia spoke to the attorney about it because it was presented to the voters via warrant article, which is a little than tax-deeded property that must go through public auction or sealed bid. Because of the way the warrant article was written, the Board can determine under whatever reasonable commercial terms or conditions they'd like to sell the property. According to the attorney, the Board has the option of going through a real estate sale. Selectman Jasper said that's what he suggest they do; reject the bid, then place the properties, either both now or one and see what happens with it.

Selectman Massey said the property has a much higher assessed value than this. Also, the expectations of what the auctioneer thought they could get was higher than the bids. He agreed with Selectman Jasper.

Selectman Maddox hoped someone has spoken with the Library Trustees because this money is for them to do certain outfitting of the new facility and they may need the money. Mr. Malizia said it's still under the Board of Selectmen's purview to accept or reject. Selectman Maddox understood that, but if the Library Trustees needed the money, that would sway his vote. Selectman Jasper said there was no pressing need for the money for the library.

Mr. Malizia said if the Board rejects the bids, the auctioneers would be entitled to \$250 flat fee for each of the two properties, or \$500, plus their advertising costs. At this point, the flat fee plus the advertising is less than \$3,000. If the Board wanted to move forward with some sort of real estate sale, perhaps they'd want to put together a bid package and solicit local realtors to submit either commission rates or, possibly, a program to sell the properties, such as, "we'll hold five open houses, we'll do this, we'll do that."

Selectman Maddox said with the real estate market where it is, they can sit on these for awhile. He just didn't know what they would get at the end of all of this. They're spending \$3,000 to get nothing from the auction. What they really need is X amount of dollars spent internally to kind of make them presentable. If you're going to bring people in, especially at a real estate type of level, there's 30 other houses in town that aren't of that vintage that had work done to them, as opposed to what they are trying to sell these two for. As much as this is a low price, that's where the market is, so he's not sure they want to sit on these for another six months and get another \$10,000. He didn't see the

sense. Selectman Massey said he was kind of going down that same line, but in talking with the Town Administrator this morning, people that go to auctions... first of all, you have to have 5% that you have to post on a certified check the date you're there and you have to be able to close within 45 days, so the type of person who is apt to show up at an auction is normally a different type of person than, for instance, a first time buyer that may take 60 days to close, and they don't have to know what they are going to pay until after they see what the price is and then they go to the bank to get approval. They may be in a much better position if they go to a real estate agency because now they are almost certainly going to be looking at a different class of buyer.

Selectman Jasper agreed with Selectman Massey. He was talked with a fellow legislator who has made a lot of money in going to auctions. He's buying up properties at unbelievably low prices right now at auctions. Someone just sold a house in Hudson that was on the market for about two weeks. When you look at that, less than \$115,000 a house, you can't even buy a buildable lot for \$115,000 in Hudson. To sell those for that, as Howard Dilworth would say, "wouldn't be financially prudent."

Chairman Coutu thought they could do considerably better on the open market than what was offered for the properties. If they have to wait two or three months... people have been telling him they got a good deal and some of the properties were in the same shape as these, if not worse condition. Therefore, he will support the motion.

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

Motion by Selectman Massey, seconded by Selectman Maddox, to direct the Town Administrator to put together a bid package to local realtors, seeking their fees and commissions and market plan with regard to the sale of the properties for presentation to the Board of Selectmen for final approval and selection.

Chairman Coutu asked if this was going to be restricted to the town of Hudson, or would they just advertise it. Selectman Jasper said there were enough hungry real estate agents in Hudson. It's not like there is only one real estate agent in town. Mr. Malizia said he'd post it on line and put it in the HLN. That way, they'll get whoever they get.

Vote: Motion carried 5-0.

7. **NEW BUSINESS**

A. **Budget to Actuals**

Town Administrator said this was through April, the 10th month in the fiscal year. They do have the FEMA reimbursement money now. There were a couple of items that came up during the budget cycle last year that they can talk about. The Board talked about wanting to consider a couple items at the end of this fiscal year, if there were monies available—in-car video cameras for police and the façade at Robinson Road fire station. In addition, there was an issue with the roof. Selectman Jasper said the roof was the highest priority. Mr. Malizia said he had a copy of the minutes, which talked about the façade. Selectman Maddox said they talked about both. Selectman Jasper said the roof was the first priority... or the pointing would be first... that was split into two, but the roof was the high priority.

Mr. Malizia said when Chief Gendron and Officer Balukonis retired, they took very large payouts. In order to not tap the already low earned time trust fund, they may want to reserve some funds from this budget to cover those. They're not the norm where people buy out at the end of the year, or they take some of their time. Those were very hefty hits. He looked through the various areas of the budget and identified on Pages 12 & 13 some monies that may still be available at the end of the year. At this point, they haven't touched the majority of the contingency account, nor have they touched the money they transferred for gas; not the original gas contingency that the Selectmen made a vow not to touch, but the \$90,000 during the year that they did transfer from Engineer savings and other areas, gives them about \$132,000 available. When he looks at where they are, actual versus budget expenditures, those monies will still be available. It appears everyone else will make their numbers. That will be available, if the Board chooses to do something. He strongly recommends they do the retirements because the earned time trust fund is fairly low. In order to build that back up, they just can't take more money out than they are putting in and for those two retirements, they need to get the money from somewhere. To summarize where they are at, they will make the year under budget. Those are the recommendations going forward, before the end of the year. On the revenue side, they continue to track lower than budgeted in automobile registrations, but in general, items such as ambulance revenues, are up. It is a tight year; a tough year.

Selectman Massey agreed with the Town Administrator. Their first priority for any unexpended balance, as they come to the end of the year, should be for those termination payments so they do not have to dip in to the employee earned time fund. He suspects that's less than 50%. Mr. Malizia said the numbers were on Page 15 of the packet. Currently, they are around 14%, fairly low. Selectman Massey said when that fund was created back in the 990's, it was hoped they would get to a minimum of 50% funded, and they've never come close to that. Mr. Malizia said over time, with some of the contracts that have been negotiated and some of the caps placed in, they shouldn't have the accumulation they've had in the past. Unfortunately, they had two major retirements that were pre that situation. Selectman Massey said his second priority would be the roof at Central Station.

Selectman Maddox said he was going to take a different road, that at least one of those termination pays should come out of what it's there for. They are going to be \$24,000 short in the calculations at this point. If they took at least \$20,000 out of that fund, they'd be closer on Page 13 to where they want to be, if he's reading that correctly. They are \$24,000 short budget transfers. If they took \$20,000 out.. and that's what that fund is there for. They're trying to do the right thing by taking it out of the department that it affects, but at times you have to do what it's there for. If they took the lower one out, they'd be a lot closer to where they want to be to do the other items. That fund is there for a reason. It's at 14%; it's never going to get to the 50%. They might as well... but they've been as low as six and as high as 23, so the 14 is not bad. Taking the \$20,000 out does a number of things to the positive.

Selectman Jasper said they were a ways from determining that. The Town Administrator has looked at only two accounts to get to that \$24,000. Mr. Malizia said he looked at all the accounts; it's death by 1,000 paper cuts--\$100 here, \$50 there. He was trying to figure big chunks for the big effort. Selectman Jasper said what he intended was they will have a much clearer picture on that part of it in another month. There's no rush to do anything at this time. If they look further into the minutes subsequent to October 23... they initially said \$30,000 for Robinson Road, and then they realized that was sort of stupid, the priority should be the roof, so at a later meeting they swapped the two around so the final priority was the roof on the ladder bay and not the Robinson Road station.

Chief Murray said he had the same problem because he was confused about whether they were doing Robinson Road or the Central Station. When they looked at the pictures of the Central Station, the edge has deteriorated and that was the priority. They talked about, if there was some money left for Robinson Road, they could at least start. Selectman Maddox said that was he remembered. Selectman Jasper said something was done subsequent to October 23. Mr. Malizia said this can be revisited at the first meeting in June, but he thought it would be important to at least put it in front of the Board so that they are all aware of what is out there. As time goes by, they tend to forget what they talked about in October.

Selectman Jasper said it looked like there wasn't much money for his other pet project, the roads. Mr. Malizia said this is what the Board discussed and why he brought the items to the Board's attention. If they take these are the priorities, he has identified the chunk of money they would use for something like that. It's probably 1,000 different costs centers, a little here and a little there. It is a tight year and they have worked very hard to keep a close budget.

B. Fiscal Year 2010 Default Budget

Town Administrator Steve Malizia said at the April workshop with the department heads, the Board discussed the upcoming default budget they'll be forced to operate under. In some members' minds, there was a need for another worksheet that showed the cost centers that were asking for transfers, what they planned on doing, what they didn't plan on doing and how they wanted the money allocated to cover whatever shortfalls they have. They are not looking to add to the default budget; they are only looking at items they may not expend under the default budget and moving monies to other priority items. Department heads were present to answer any questions because they were asked to explain what they were not going to do in the upcoming year, versus if there was some money that could be transferred, what they'd like to put back or be able to do. He handed out a supplemental sheet to the information that was already distributed in the agenda packet. They don't have to do everything, but they need to formulate a plan for the upcoming fiscal year.

Chairman Coutu said when he looked at Chief Murray's plan of action to cover the shortfall, the figure that jumped out at him was to decrease overtime by \$47,796. He asked why he picked that and how he planned on doing that. Chief Murray said being level-funded over the last five years. In past years, he'd look to suppression and operations budget and some of the salary lines, which often had vacancies or positions that were left open and not filled immediately. The result of level-funding, and then coming into a default budget this year, he had no other choice but to focus on the overtime budget in suppression. When they went to a default budget, he was short in all of his overtime lines by \$11,000 so when they tried to balance out his budget to try and meet what they needed to do, under the overtime section, he would have to come up with some different staffing strategies, which may include closing a fire station, moving people around, not filling shifts, etc., and work with the overtime funds that he has. It may mean a reduction in some of the public education and services that is provided to the public. When they looked at their budget in total, there wasn't anywhere else he could go to make up the \$114,000 shortfall because of the default budget.

Chairman Coutu said for the purpose of disclosure, asked the Chief if they've already discussed this. Chief Murray said yes, they have. Chairman Coutu said the citizens need to understand they are having this discussion because of the default budget. It's not a scare tactic when they hear a fire station may have to be closed. That is the reality. There are certain budgetary matters that transpire regardless of the default budget, such as contractual raises, step increases and grade increases. Those add to the impact of the shortfall. Both the Police Department and the Fire Department are constrained by the numbers they have to work with, and there wasn't that much fat in last year's budget, so there will be absolutely none in this year's. These are both public safety departments, and they are looking at possibly cutting back on services, refocusing some of the things they wanted to do and won't be able to do. They won't be able to continue with the vehicle recycling and other things. He didn't want to not have crossing guards this year because he didn't want to put children's safety in jeopardy. He wanted the citizens to be aware of the amount of time and effort the Police Chief and Fire Chief have put into this. They haven't even started this budget, but they can already see where there will be some problems. He asked what the Police Chief has had to do in order to try to restructure in order to maintain a high level of public safety which the town has become accustomed to.

Chief Lavoie said if someone has to take a pay cut at work, can they maintain their same status level? Probably not, and that's what's happening with the Police Department. They can't maintain things they've done in the past, if their budgets are being cut. They will be doing without a new police officer. That's why he is hoping there is money that can be transferred to put the crossing guards back in the budget. If they don't continue with the vehicle replacement program, and they get out of that cycle, that will have a negative impact on the budget down the road. The intent was to consistently take little bites of the apple, as opposed to requesting \$1 million to buy a new fleet of vehicles. This would disrupt the cycle, but it helps them get where they need to be.

Selectman Massey said when the warrant article was presented, it said the default budget was only going to be \$48,000 less than the budget that was submitted. In fact, that was made up of three components. It was made up of the town operating budget, the Sewer Utility operating budget and the Water Utility operating budget. If you subtract the Sewer Utility and Water Utility out of the process, because those are separate entities, then they are really looking at approximately \$305,000 shortfall in the town operating budget. The \$48,000 is misleading if people thought that's what they were dealing with. They are really dealing with \$305,000. Relative to the shortfall of \$114,000, Chief Murray prioritized by taking a decrease in the call pay, a decrease in the overtime, a decrease in the training, a decrease in the medical supplies and a decrease in the turnout gear. Those are hard choices, but they are faced with the fact they have \$114,000 less than anticipated to cover everything. In order to have the transfers he requested, the \$59,400, he still would be taking overtime down and the call pay down because none of the items they have requested for transfers are the action items he was asking to... that if he had to do the entire money, those are the things. He couldn't understand that. The Police Department was going to be taking three items out of their budget, but they are asking the Board to replace two of those three items. He didn't see that in the Fire budget.

Chief Murray said the \$114,000 was more difficult to get to because the Police Department had vacant positions, much like with the Town Engineer's position. The decrease in those lines, when you go to a default budget, fluctuates. For example, he can say he'll decrease the turnout gear by \$17,000. The reason the \$17,000 is there is because in FY-08, the Board budgeted gave him money to purchase 25 sets of protective clothing. In the default budget, that money comes back. The decrease in overtime is real money. There's no excess money there, but he had to cut that line. He had to let the Board know what is truly a priority, dealing with the default budget. He wants to maintain emergency services; it becomes a balancing act.

Selectman Massey said he interprets that to mean that the Chief will see a decrease in his overtime line item because he wants to fund the fire station repairs and the other items. Chief Murray said yes, but if the Board authorizes the transfer of the funds that have been identified, and he is provided with \$59,000, it takes away some of the sting, which he'll use to decrease the overall impact on his budget. Selectman Massey said he interprets this as that in order to take some of the priorities that are critical to the department, the Chief has decided that the areas he wants to fund are the requested transfers that he will wind up decreasing the call pay and the overtime accounts. Chief Murray said that was correct. Selectman Massey said that's the hard decision they were talking about when they are dealing with less than what they started with. You have to make hard choices.

Selectman Maddox said shame on the Selectmen; they didn't do a good job marketing. The just assumed everyone watched the budget ordeal and thought the Board did a good job. They probably did, but they didn't do a good job explaining to people that \$48,000 delta. Most people thought \$48,000 would be easy to find. They never thought about the \$300,000 impact to the town departments. To that end, he will not be in favor of removing the crossing guards. While he didn't disagree that when they take a cut in pay at work, they look at disabling HBO, fertilize their own lawns, etc. They've got to find the monies to do the things that have to be done. Unless there is another plan, he didn't see how they could eliminate the crossing guards. That would be money not well spent. Selectman Massey said he's only proposing to eliminate the crossing guards if they don't accept the request to transfer out of the other areas. Selectman Maddox said that's where he was heading. They need to look at other options. There's not an hour of overtime out of the budget, but to simply take the crossing guards out because it's a politically charged item, they've got to keep that. They got to continue to look at where there are monies.

Selectman Jasper said they can play number games from now until the chickens come home, but the real cut to the Police Department is \$73,000. The real cut to the Fire Department is \$54,000 and the real cut to IT is \$2,714. Are these reasonable numbers? Are they willing to support the plans and look at the net effect? That's the question. They have excess monies in other places that won't be spent. Are they going to automatically put that in surplus? That's not realistic. They shouldn't be playing games. "If we didn't give you this money, what would you cut?" They ought to give them the money and end this charade. They should either say yea or nay, and if the answer is nay, then they have to find another plan. There is a plan in front of them and, as proposed, he finds it to be an acceptable and reasonable plan. He was ready to make a motion to approve the plan, as presented. He didn't know, however, if that accomplished the goal or not.

Mr. Malizia said they were trying to put some ducks in a row. For example, in the IT Department, if they don't make some decisions soon, that will have some impact. Selectman Jasper asked if the document before them would do that, if it would get them from Point A to Point B. Mr. Malizia said that would be the document they looked at on April 7. This was just additional information.

Motion by Selectman Jasper, seconded by Selectman Massey, to approve the plan presented on April 7, 2009, which would reallocate some monies for the Fiscal year 2010 budget, carried 4-1. Selectman Maddox voted in opposition.

C. Auditor's Report

Mr. Malizia said Selectman Jasper had asked to put this on the agenda to discuss the findings of deficiencies by the auditors—Preparation of Financial Statements, Segregation of Duties over Water Billings, Past-due Water Accounts, Computer Controls, Tax Collector reporting to Registry of Deeds and Non-compliance with Government Accounting Standards Board-34. The Board did not feel it was prudent to do the GASB-34, due to the costs involved. This is a standards that takes the finance accounts and presents them in certain ways so that the public can look at them in a different manner than they are accustomed to looking at them. The town is working diligently on the water. Now that there is a full and part time person, they are getting a better handle on that. There are 6,000 water accounts and before, one person was doing everything. Now, there is a bit more segregation on the collection efforts and billing efforts. They've become more aggressive in the collection efforts because they have the manpower to follow through on the collection of the water utility accounts. As a result of that, more cash has come in, which has been reported to the Board.

Selectman Jasper said he just wanted to make sure the town was addressing the auditor's comments, but not necessarily comply with every one of them. He wanted to make sure there was a response, what was being done or why they might disagree with the auditor's conclusion, just to make sure there was a record of how they were dealing with them. He didn't want this to be filed and forgotten and why he wanted to go through this exercise.

Ms. Carpentier said the deficiencies are brought to her attention and discussed during the audit process, so there were no surprises to either her or the Town Administrator. Part of the follow-up for next year's audit would be to do a management letter, addressing what was done to rectify the deficiencies. The worst thing is the have the same deficiency appear again, without any action. GASB, unfortunately, keeps appearing, but that's not considered a significant deficiency. Relative to computer controls, they are limited in space, so other than a new town hall, they will have those issues.

Selectman Massey said he had two areas; first of all, GASB-34. He tried three years running to get this item funded. They know from experience the school district underwent that and paid \$35,000 and the auditor significantly underestimated... what they are talking about is significantly changing from the way they report to the way you see a public body or corporation, debits and credits; you have assets valued at current, plus replacement value. It takes a lot of time to take all of the capital assets we have in town and convert them to replacement value, and then to see something you haven't ever seen before from the town, basically, a balance sheet that shows debits and credits, so it's not an insignificant thing. He gave up his quest to do it because, as the Town Administrator has pointed out, the one area where you could be impacted by having a financial statement that the financial community may think is harmful is when you go to bond. They have yet to be penalized on their bonding efforts because they don't have GASB-34. Make no mistake about it, they are talking about a significant amount of money. In his mind, the prudent thing is, because ultimately this will be showing up every year, since he's been a Selectman, six years, it has been management deficiency for that time. Ultimately, it catches up with it. They might want to consider, in the coming year's budget, to create a capital reserve fund to do it, maybe five years from now. Finally, he is always surprised at the observations they make on the water utility because, in fact, they are saying we recommend that all maintenance be approved by someone in the Finance Office and the Water Utility Commission, when in fact, every abatement goes to the Finance Director where that recommendation is made, then it goes to the Water Utility Committee that reviews it and then makes a recommendation to the Board of Selectmen and, acting as Water Commissioners, they are the ones that have approved or disapproved every abatement that comes before them. He's a little surprised...

Ms. Carpentier said they haven't been doing that forever. The timing is off. Selectman Massey said they've been doing it at least two years. Ms. Carpentier said not all of the abatements. Now that the policies are approved, she sees the items under \$100 and signs off on them. Anything over \$100, the Water Utility Committee sees. It's all about the policy—following it and documentation of action.

Selectman Massey said the last piece of that is, one of the rationales they offered to the town to hire, to create the part-time clerk, was to provide the Water Utility with the ability to aggressively go after the delinquent accounts. He didn't have the numbers in front of him, but when they issued the shut-off notices this spring, the amount of money they took in was significant. They've also reduced the accounts payable balance from well over \$250,000 to where it's below \$100,000. They are making strides. When you look at this, you might think wow! we've got trouble, but once they hired the part-time clerk, they have made significant strides in getting the Water Utility billing system under control and to go after the past-due bills.

Selectman Jasper said in terms of GASB accounting, he had suggested at least a couple of years ago that perhaps one way to accomplish this goal, at least part of it, would be to hire interns who would begin the inventory process because that's the most expensive part of this. It could be done over a number of years. He's not a big fan of a previous Finance Director many years ago—and it wasn't Steve, because he's been a fan of his—but what she did begin was to label very piece of equipment the town had. That practice seems to have been discontinued. Every chair had a label, and that's what these interns would do. There would be a computerized inventory and every single thing would be assigned a number. They would have an inventory of what it was, where it was, and that's how you accomplish GASB; you have to know what you own, and that's the only way you can do it—track it. If they are going to do this, and he was opposed to it because, in some aspects, he didn't see a great deal of value in it, but there is a great deal of value in knowing what you own. That's valuable, but it takes a lot of work to get it done. This is an intern

program they should be working towards, and that's the answer to the auditor—they are beginning the inventory process. The fire trucks and police cars are easy, but there are literally thousands of items of town that would need to be accounted for. They really ought to know what they have. If it's not a consumable item, they ought to know what they have and where it is, and that's one way of doing it.

Selectman Massey said typically on capital assets, you set a minimum value and right now, they don't capitalize anything under \$2,000. Selectman Jasper said he personally feels that it would be well worth having a much better inventory system, things that had a life of more than a year, to have those listed and inventoried.

Ms. Carpentier said they do have a \$2,000 threshold. Most communities who are GASB-34 compliant have a \$5,000 threshold, so she might be coming back to the Board to increase it to \$5,000. That's for fixed assets, which is a little different from inventory. With fixed assets, they actually go back to replacement value costs when it is purchased, depreciating the assets, what the real world does, including streets, pipes, etc. That's fixed assets. An inventory is a little different. They did buy a fixed asset module and are beginning to load in the insured items, so they are starting towards getting an inventory of the fire engines, police vehicles, ambulances and those kinds of things.

Selectman Maddox said after they've spent the cost of doing all of that, it's the maintenance of that that is just astronomical. Interns can inventory everything in town, but who documents a chair that is lost? It becomes a nightmare. He knows some businesses that try to do that, and you have to hire a staff just to keep track of all of the paperwork because it becomes problematic. Relative to Computer Controls, it says the town does not have a formal process in place for notification of personnel changes. That is not true. The Chairman signs his name regularly, so he was surprised that form didn't transfer down to IT when there is a new hire.

Chairman Coutu said he thought the same thing when he was reading this. Considering what they have to sign in terms of hiring for either temporary or permanent employees, they have a document on file with the person's name and pay rate, and they go to Finance to fill out their tax forms. That should automatically go over to IT. Ms. Carpentier said she informs IT, but didn't know if that person is supposed to have e-mail, or telestaff. There is no document that indicates the level of security or access that those employees should have. Chairman Coutu said maybe they should work on designing a general check-off list, checking off the areas that apply to a particular person, and send that down to IT so she knows what they are dealing with—permanent, temporary or part-time position. That's what he would recommend.

Chairman Coutu said in reviewing the document, he was somewhat concerned about the observations that were made with regards to the security of the copy room upstairs, but the rest, he wasn't, except when you read the preparation of the financial statements, which applies directly to the Finance Director, based on the language that is there, it can be misconstrued. He asked for a general overview of what they were saying and what the town has done to correct that 'significant deficiency.'

Ms. Carpentier said the auditors were working towards a new standard, SAS-112 and they were trying to figure out how to manage it, and they were told they can no longer prepare the financial statements for the town, that the town should be preparing them. Some of the smaller towns that only have a bookkeeper that works part-time does not have the knowledge base to do their own financial statements. Ms. Carpentier said she does, but that's not the way it has ever been done before; the auditors have always done the financial statements. She is going to be doing a template and working on creating the town's own financial statements. Although the auditors have always prepared the financial statements, she and Mr. Malizia have always reviewed them and sign, saying they take full responsibility for them. The auditors are supposed to be watching what is prepared, not preparing it for them. She has been taking classes once a month at the Local Government Center Academy in getting shared templates from other communities that are now doing their own and working on preparing their own financials, at least partially this year. During the audit, she put in a lot of hours and this is just additional. With improvements they've made in other areas, some of this is achievable, if not all. She will see after this summer.

Chairman Coutu said he was concerned, not that he thought it was a negative, he thought it was the opposite. In going back to his accounting classes, he thought the best method of checks and balances was to have the auditor prepare the statement on the basis of factual numbers that they are able to derive from the audit. Ms. Carpentier said she gives them the numbers with the detail and they fill out the forms in the audit book, but they want her to fill out the forms and they would spot check it, review it and that type of thing. It's an administrative/clerical task, basically. Mr. Malizia said it just changes the way they operate. When he got here, that's how they did it. He gave them all the data and they filled out the forms; they did the trial balance and he reviewed it with them. If the Board wants them to hire more people to do that, OK, because that's what it takes - people. More funds, more activity, more action. The town can either pay the auditors, who have been doing it, or the town can do it. The town has had the same accountant for the past X number of years. There's just more stuff. What they are saying is their auditing standards are telling them to get away from that, but there's no way towns like Woodstock can do it. That's just the way it is.

Chairman Coutu said he was glad Selectman Jasper suggested this, but when you look at the document, there's nothing really critical in it. The town is fine. He didn't want the town to panic and wonder what this is all about. Mr. Malizia said this information is also in the Annual Report, which is on line. There's nothing that is not accessible to the public, at large. Selectman Jasper said, the Implication under Lack of Segregation of Duties over Water Billings—"The lack of segregation of duties enhances the opportunity for errors and fraud." He felt it was important for them to

discuss that and how they were dealing with that because, as a resident, when you read that, you say, wait a minute. We hear that all the time. Gee, we don't need to look any further than Litchfield. They need to be aware of what's going on and make sure they are exercising their due diligence to make sure there are no problems. He knew there aren't serious problems, but you read this statement and if the Board of Selectmen just says, oh, well. What's wrong with these people? They haven't even discussed it? That's why he put it on. Chairman Coutu said that's why he said he was glad Selectman Jasper raised this issue. The word 'fraud' scares a lot of people.

D. Authorization to apply for the 2009 Assistance to Firefighters Grant

Fire Chief Shawn Murray said the town has been the recipient of two grants from this program. The first one was the installation of the diesel exhaust system in the fire stations, as well as generators for Robinson Road and Burns Hill stations. The most recent one was the acquisition of protective clothing for the firefighters. The 2009 application period continues to May 20th. They are seeking authorization to apply for the grant on two venues. The first is to once again apply for a 2,500-3,000 tanker. They currently have a 1987 Ranger International tanker that will be 23 years old in 2010. It was scheduled to be replaced in 2007 and it is not pumping to capacity and it holds only 1,500 gallons of water. It no longer meets the NFPA standard. This would also parallel with their apparatus replacement program and, hopefully, assist them in taking the cost burden off the taxpayer. There is a 10% match on the grant itself.

Motion by Selectman Jasper, seconded by Selectman Nadeau, to grant the Fire Department authorization to apply for the 2009 Assistance to Firefighters Grant, as outlined in the Chief's memo of May 7, 2009.

Selectman Jasper said before Selectman Maddox say they should apply for a Quint, they've been applying for a tanker for a number of years and there is a lot to be said for consistency when applying for something. This is a real need and they keep looking for this year after year; they're not jumping around. That's always a budgetary concern. If they go to the Budget Committee for something one year and they don't get it, then they go for something else and they don't get that, they say they don't really need it, they don't continue to look for the same thing. They don't need another aerial device, in his opinion, but they certainly need a tanker. Consistency is a good thing.

Selectman Maddox said in his book the definition of insanity is doing the same thing over and over again and expecting different results. Why aren't they getting it? Other communities have gotten equipment. Is it because of the population? Gross property value? Why aren't they getting even the tanker they've applied for four or five times? Chief Murray said it's all of that and more. A lot of it has to do with the population, budget, etc. He'd be glad to forward the grant narrative and guidance document that talks about all of that. They go out and prioritize with those communities that have the most need. They continue to decrease the total amount of money they are giving out for grants and it becomes more and more competitive. Windham received a tanker from the grant and it had everything to do with their demographics. They are considered more of a rural community than Hudson; Hudson is considered suburban and rural. Hudson has hydrant districts, so that puts the town lower on the priority list.

Selectman Maddox asked if it would be to the town's advantage to partner with an abutting town so that... because they will go to mutual aid if they need a tanker. Maybe putting two names on there moves them up the ladder. This is the fifth time they've applied for the tanker. Is there something they are missing? Chief Murray said in every grant narrative, they talk about the regional impact this tanker would have, how they share resources with other communities. They may never get a grant for fire apparatus, but recommended they continue trying. Selectman Maddox said he still wants the Quint.

Chief Murray said they have finished the digital radio project, but they do have a dilemma coming up. If you've heard the news about the FCC re-banding, they know the digital transition that is going to occur in June, they can also reallocate frequencies for public safety. They've been very successful with the digital radio program. They have obtained over \$400,000 in grants in over to convert over from analog to digital, so things have been going very good. He spoke to the Board last year about looking into changing the radio system so that they will go to a repeater system. The radio equipment they received from all of the grant monies before allows them to do that, so they went out and have to reapply for licensing. When they reapplied for the licensing, they were informed that by 2013, all public safety agencies will be required to lower the power output of their radio systems. The long and short of it is, in order for them to be able to continue to have an effective digital system, they want to apply for the Assistant to Fire Fighters Grant, which will allow them to be able to transmit automatically from their three digital radio stations instead of having to switch manually because of the lower power requirements they will be held to work under. Because of the topography of the town, they feel this is an enhancement they'd like to try and get to be able to meet that. It's not adding more equipment. Their part is done. It's not the Federal regulations coming out and saying they're only going to allow them to transmit at so high of a wattage.

Selectman Massey asked if there wasn't any reason they couldn't include in that grant application the software required to be able to do total encryption between the Police Department and Fire Department at all times. He understands it's not possible to do it today, but would it be consistent with what this grant is about, to allow them to put that in as a request. Chief Murray said it would fall under the parameters of it, and it wouldn't hurt them if they did. They've got the 10% match, so he'll look into that and check the cost of it and get back to him.

Chairman Coutu said this was like déjà vous all over again. He remembered having this discussion last year when they were talking about the tanker and commit to a joint venture with a local community. He didn't know who was

responsible for the bulk of the narrative of the grant application, but he suggested that they not only talk about the town's demographics, but include something that graphically depicts Hudson's geographics, the size of the town and those areas that are critical water need areas, such as the top of Sanders, out near the Litchfield line—they do have some homes that were lost as a result of not getting water to them. In one case, someone off of Gowing lost their home because the pumper having to go all the way down Dracut Road to get water. They just didn't have the water capability and each year, this tanker is getting older and older and its ability to be able to pump at a rate they need in order to be able to contain a fire is diminishing quite rapidly. Quite recently, they had a duplex up on the Litchfield line, which the Fire Department was able to contain in short order, despite the fact they had to pull in equipment from other towns and one of them was a pumper. They need to take the narrative one step further, not just give them the same language every year, and show how critical it is, considering the size, the geography and the demographics and outline those areas and try to highlight the area in general, how large the area is that they have a critical need and how many homes are in those areas, such as the Gowing Road and whatever parts of town don't have as many hydrants as the center of town does. He'd go further and discuss the shortfalls in the budget. On paper, Hudson looks like a rich town, but it's not. They've been able to hold the line, but now they're being constrained even more. If they show a financial need, they might have a better shot at it. Changing the narrative may give a whole new perspective on the need. Chief Murray said he would look at doing that.

Vote: Motion carried 5-0.

E. Authorization to apply for the 09-10 US Department of Hazardous Materials Emergency Planning Grant

Fire Chief Shawn Murray said both of the Deputies have been working in their respective areas to come up with these grants. Back in 2002, the town developed a Hazardous Materials Response Plan, which encompasses a lot of the requirements of the Federal government to get further grants. Back then, it focused on the response to a hazardous material release in the community. Back then, they had W. R. Grace and other chemical companies. Because they have now left, it's time to go back and re-write and update that plan. There is some grant money available through the state to have that plan revised and updated.

Motion by Selectman Jasper, seconded by Selectman Maddox, to apply for the 2009-2010 US Department of Hazardous Materials Emergency Planning Grant, as outlined in Chief Murray's memo of May 7, 2009, carried 5-0.

F. Walk NH Week 2009

Recreation Director Dave Yates said the Governor has declared the first week in June as Walk NH Week to promote walking and, hopefully, a continuing habit for people. The Recreation Department would like to sponsor a walk in Tuesday, June 2, beginning at 6:00 at the Community Center, with a rain date of June 3. He's coordinated with the Chief of Police and checked the proposed route. This is the second year they've done this.

Selectman Massey said this was something he'd like to do, but the Board of Selectmen meet that night. Mr. Yates said he did forget the Board was meeting that night because he had hoped they would participate. Selectman Massey asked if the date could be changed to June 1, so he can participate. Mr. Yates said he could because the flyers haven't gone out yet.

Motion by Selectman Massey, seconded by Selectman Maddox, to approve the request to participate in Walk NH Week on the week of June 1, with a rain date to be determined by the Recreation Director, carried 5-0.

Selectman Nadeau asked if the Recreation Director could tell them a little about the dance that was going to be held on Friday. Mr. Yates said Friday night, from 6:00–8:00 at the Community Center, they have a Father-Daughter dance. They did this two years ago and it was a great success with over 200 couples there. The girls will receive carnations as they come in, and they will get a picture of them and their Dad. Refreshments will be available. Last year, the little girls were from three years old up through high school. It's a great event. Mr. Malizia said he had his tickets.

G. Anti-business Sentiment (discussion)

Selectman Ken Massey said he listened to the April ZBA meeting and he thought they had an agreement with the land use boards that any requests for support for any member of those boards would go through the chairman of the board to the appropriate department in town. The purpose of that was to make sure that they didn't flood the department heads with a lot of different requests and that, by going through the chairman, would ensure that all members of the board receive any follow-up information. In the course of the meeting, allegations were made by a member of that board by at least two businesses in town. He thought the only time you can say that a business is in violation of either their site plan or an ordinance is if a formal request is filed with the Zoning Administrator, who investigates it and issues a determination that a violation is or is not there. For a member of a land use board to make a public statement that an individual has violated their site plan without having had any contact is grounds for removal from the board. The Board of Selectmen cannot allow this to continue happening. They cannot allow the town's businesses to think that they are anti-business. There is no excuse for it and he asked the Board to consider asking the chairmen of those three boards to make it very clear that that kind of conduct is not acceptable. If it is done once, that person is censured; if that person does it twice, he or she is up for revocation of their membership on the board.

When he listened to what was going on, names were named and, in fact, to his understanding, there were no violations. The Board of Selectmen should take appropriate action to prevent that from happening in the future.

Selectman Jasper agreed with Selectman Massey and with the recommended course of action. It is totally inappropriate for those boards to be bringing up and discussing anything specific which is not before the board for action that night. For a land use board to randomly be bringing up someone who was not there to defend themselves, and to make an example of them, is totally inappropriate and should not ever happen. That's not what they should be doing. A letter should go out from the chairman, or the chairman should speak to the three chairman, or they invite the three chairman in for a discussion—and that may be the most appropriate thing to do, so they can hear directly from the full board how they feel about what's going on and what the proposed course of action would be. They need to do something.

Selectman Nadeau agreed with the two previous Selectmen. The three land use chairman should be invited to come in to a Board meeting so the Board members can explain how they feel about this and the recommended course of action. Maybe that should even become a policy. This is something they should do sooner rather than later.

Chairman Coutu asked if this should be done at a regular meeting or at a workshop. Selectman Massey said this rises to such a level of important that it should be at the earliest possible time they can get it on the agenda. They can't allow this to sit in limbo for very much longer. Selectman Jasper said he wouldn't be at the next meeting, but he's sure they can handle it without him.

Selectman Massey said nothing he suggested would preclude any person acting as a private citizen to come down to town hall and file a formal complaint with the Planning Department, but when they do that, they are filing as a citizen, and they go through the process that any citizen would if they wish to bring a potential violation to the attention of the town. What he was talking about was somebody using a public forum, in an official capacity, making allegations that, in some cases, are not true, or that the Zoning Administrator has not yet had the chance to investigate and made a determination. The issue is making allegations that shouldn't be made in that forum. If something is not on the agenda, it's unfair for an individual to be singled out by name and not be able to defend themselves.

Chairman Coutu asked the Assistant Town Administrator to apprise the Board members of the e-mails he has been inundated with by a land use board member. Chairman Coutu said he's aware of it because he was included in the e-mail cycle from the board member directly. He asked if the policy was that they were going to start accepting such e-mails instead of a formal complaint being filed in the office.

Mr. Pearson said within the past couple of weeks, he has been inundated with a bunch of e-mails from a particular person—the scatter approach. “Down a certain road, there's this,” and “Down the road over here, and what are you going to do about this,” and “what about that,” etc. The Zoning Administrator, Bill Oleksak, is performing four functions at any given point in time. He is working actively on over 50 different zoning violations, as well as fulfilling the rest of his other job duties. Between health issues, building, code enforcement and zoning and all of these code violations, which involves multiple visits, it involves a lot of time. It has to be investigated, files researched, owner contacted, letters are generated, meet with them to seek voluntary compliance, and then follow up on it and all of that involves five or six contacts with each one. Multiply that by 50, and that's a lot. Over and above that is this e-mail that if they don't immediately respond to those issues, then those e-mails get sent to the Chairman of the Board of Selectmen, who then wants to know the status of it, so that is explained to him. They did not drop the ball on this case. When they got the scatter approach to all of the alleged violations, they immediately were at a disadvantage because the Planner was away at training, so he sent the Code Enforcement Officer out to investigate. Town Planner John Cashell is involved with site plans and he was away, but he was communicating at night with the office and contacting owners. This activity was taxing the department unnecessarily. He was looking for direction from the Board to adopt a policy that if an individual citizen had a particular issue that they would come in and file the complaint and give the department the option to investigate it, instead of e-mailing it in, sending them out and interfering with the proper investigation. Every time Bill is taken off a code enforcement violation to go to another one, somebody else falls by the wayside. If it's a game of seeing how much someone can make the department run around, something will suffer because of the running around. They like to plan, organize and prioritize, but they've been inundated alleged violations and they've been with running around, trying to investigate them on top of all of their other duties. It's taxing staff and the department.

Chairman Coutu said within the past week, the same person generated an e-mail that covered one type of complaint against several businesses in the community. He asked how many violations Mr. Pearson observed on the one street he was on, how many such violations did he estimate to be in the whole town and how much that would tax the department to follow up on. Mr. Pearson the issue has to do with a propane cylinder display, which is commonly found in front of a lot of businesses. When he went down Lowell Road, traveling south from Town Hall, he counted over 20 of them. These displays are everywhere and they didn't come in overnight. They've come in over the years. He, along with the Town Planner and Zoning Administrator, determined it's an item of commerce that can't be stored inside the building, so it's stored outside, like Coke machines, ice coolers, mailboxes, water machines, trash barrels, etc. They just can't go after every one of these people who has those items and say they are in violation of their site plan. Where do you draw the line? In some cases, it's ancillary to the business. He and other members of the Community Development Department made a determination that that was not an item that was going to trigger site

plan review. It's not people trying to circumvent the planning process. The Fire Department did some research on national and state standards, of any kind of dangerous incident with these particular things, and nothing was found.

Chairman Coutu said he wanted to point out to the Board that this was the same individual on a land use board that consumed a great deal of staff time, which was generated as the result of an e-mail.

Selectman Jasper said he was on the same page; his conversation with Mr. Pearson last week was essentially the same. They cannot be responding to these e-mails. If someone has a complaint, they need to come in and do the paperwork; everybody needs to follow the same process. If they respond to people who just shoot off e-mails, they will be hiring 20 people to do investigations. There needs to be a complaint form that's filled out, and it should be in person because it needs to be signed. This is getting ridiculous. Gas cylinders are a customary and normal use. If a business has outside activity, nobody can be in compliance with their site plan 24/7 because there are so many things that change in the day to day operation of the business. Some things rise to the point of being a real problem, but site plan review is about making sure someone has an attractive business, well planned out and well thought out, not so somebody can go around and nitpick every little thing that isn't exactly as it was envisioned to be 20 years ago. If they started going after everyone with a Coke machine and Rhino tanks, they'd be run out of town on a rail. He didn't know if there was some unhappiness or vindictiveness involved because of another decision, but they'd have to say these types of things don't rise to site plan violations. They shouldn't spend a week researching these things because it can get totally out of control, particularly when they are down a person in that department. They've all noticed the fantastic job that Bill has been doing; he's been doing three of four jobs right now. One person was doing the code enforcement and Bill seems to be doing three times the work in a month than they were getting from someone doing it full time.

Mr. Pearson said Bill does do a lot, but it's a joint effort and there is administrative back up that helps him. The Town Planner also assists and he (Mr. Pearson) helps out, too, to be another set of eyes—but it does tax them. He strongly recommended setting some type of policy so they are not accused of playing favorites by not answering an e-mail, etc. He has no problem telling people that if they have a concern to come in and put it in writing. It's easy for someone to just fire off a bunch of e-mails to get staff jumping through hoops.

Selectman Massey said it should be a formal application. If someone believes a piece of land is in violation of either the zoning ordinance or site plan, if they could do it by having someone come down with the form, or to have an application that they could fill out on the web and fill out and submit it that way, but only if it contained a name and address. Anonymous requests for determinations should rise to a level of going after... otherwise, you get into the problem of Hatfield and McCoys. If someone feels strongly enough that an ordinance or site plan has been violated, they should be obligated to identify him or herself by name and address when filling out the form. If it were on line, as part of the requirement, it would have to include name, address and e-mail to verify that it was legit. They should require all requests for zoning determinations or site plan violations to be formally... and he thought they established that last year... and if they have to reiterate, he'd move to have the town adopt a policy that all requests for determinations on site plan or zoning ordinance violations be formally submitted to the Community Development on the appropriate application forms, which was seconded by Selectman Maddox.

Selectman Jasper thought it would be appropriate for that motion to be withdrawn and have the Community Development Department come in with a policy that would cover that, rather than just a motion. An adopted policy that could be posted on the web site would be clearer than just a motion. Selectman Maddox didn't want to withdraw the motion, saying they've already done this. It was a regulation that they've already enacted that has fallen by the wayside. Selectman Jasper said the problem is that it's a motion that only exists in the Selectmen's minutes. They need a policy that is in the policies and procedures... Selectman Massey thought his motion was to establish that the policy is that if you wish to require a determination, you file a written request with the... Selectman Jasper thought what was needed was something that details a little more of how that's done, who you file it with—the Zoning Administrator—give them a time line that they will respond in some manner, because that was one of the issues here that was by e-mail and they were doing the research, looking into it, and the person who sent the e-mail wasn't happy that the response time wasn't quick enough, so then this started another whole thing. They can do a better job than a 30-second motion. They've already done this once and it didn't get them any place. Maybe Mr. Pearson doesn't have any better ideas, but he has a feeling he does, for a policy that is clear and can be posted and accessible to everybody. If they put that motion out on the web site, then they can post that one sentence policy, but he thinks they can do better.

Selectman Maddox withdrew his second, but he knows they've already done this, so that's why he thought the motion was just reaffirming what they've already done. Someone interjected that that didn't work. Selectman Maddox said another ordinance by the Selectmen that didn't work. Selectman Massey said what they are all struggling with, he thinks they already did exactly what this motion did, last year, and they never did get a formal policy that when anybody said to do this, and they get an e-mail, they can refer them to the web site and say see the procedure for filing a complaint. That's what they didn't do, so it would make sense for the Assistant Town Administrator to come back with a formal policy that would be adopted by the town. He withdrew his motion.

Chairman Coutu said he can't tell them how many times he sent an e-mail to Mr. Pearson, asking him if this was the result of an e-mail, or if a formal complaint was filed. Chairman Coutu thought that was the policy, but apparently, it never got down to Mr. Pearson and the policy being discussed was prior to his coming on board. He's not faulting Mr. Pearson, but he was just trying to make a point that they are not going to start accepting e-mails as complaints. They

can see what happens to e-mails, going back and forth. They had this exact same problem with a Budget Committee member, sending a series of e-mails, seven or eight within a two-hour span, going back and forth. They just want to rein some of this in.

Selectman Maddox said as part of that policy, they should include FIFO, first in, first investigated. If you sent an e-mail or letter saying due to a backlog, this will be investigated the week of... May 24... again, you can't do everything instantly. Selectman Jasper said if somebody was saying Joe Blow at 3 Oshkosh Drive is filling in wetlands today, they can't put that off for three weeks. There has got to be... Selectman Maddox said he didn't disagree... first in, first investigated, with priority. He was saying they can't expect to get a response the next day because they've become a very 'right now' society. (Talking over each other.)

Selectman Massey agreed with Selectman Jasper. They have to leave the policy at the discretion of the Zoning Administrator as to what kind of response is back—I'll be there this afternoon; I've put it on my queue and will get back to you on June 3rd, 2012, or whatever. They have to leave the discretion as to how they respond to, based on the allegation, itself, because that's going to determine... absolutely, if someone is filling in a wetland, you want to be out there today. Selectman Maddox said if they've been there for 20 years, they'll wait another week.

Mr. Pearson said it's not just receiving an e-mail, it's the fact that they are sending the e-mail to a Selectman, and then the Selectman makes an inquiry on their behalf, asking what is being done about it. He feels obligated to respond back to the Board member and he doesn't always know if the issue is a priority for the Selectman and they should look into it ahead of others. He was trying to accommodate everybody, and he thinks they have. They dealt with the issue that came in the best they could with the people they have on staff. He didn't think they dropped the ball, but they had to put other things aside and the e-mails got crazy. He was pretty clear about what the Board wanted. He felt that the Board wants the person to come in, and if he receives an e-mail tomorrow, he will tell them they need to come in and fill out the appropriate paperwork and they will look at it in the course of their investigations. He was comfortable with the sense of the Board.

Chairman Coutu said if Mr. Pearson gets an e-mail tomorrow, reply that he received it, but don't address the subject matter until they come in. Also, Mr. Pearson should not get the impression that the Board is trying to micro-manage his department; he needs that latitude to make a decision on what is a priority need. Chairman Coutu is satisfied that the Community Development Department is being very responsive to those complaints that are coming in, but they don't need to compound this by having a ton of e-mail complaints because some of it is getting nasty. He resented some of the language, for them to make comments, such as "here we go again," "nothing is getting done," "that's the Community Development Department," and "business as usual." Things have changed and the way they operate is going to change. The Board has given its direction; if Mr. Pearson comes back with a policy, they will adopt it and will post it, if that's the wish of the Board, to which the members informally replied it was.

H. **Site Walk at Benson's** (Jerry Desrosiers' issue—see Public Input)

8. **OTHER BUSINESS / REMARKS BY THE SELECTMEN**

Selectman Jasper said they all have the memo about the property tax liens that were filed. It's all in the eye of the beholder because the Town Clerk said there was only a slight increase over 2007, but it depends on how you look at it. It's a small amount. Last year it was only 1.18% of the value of the town. It went to 1.81, which represents a 53% increase, which is significant increase. When you look at the actual parcels, it's 128%. Now, 143 of those were in one condo development, but they don't know how many of those were last year, but it's still worth noting that there is some distress out there with people's ability to pay their property tax and that has increased by 53% in dollar value. They need to remain mindful of the fact that people are having a difficult time. It's up to 381 properties in total, at this time, that were liened, which is not an insignificant number.

Chairman Coutu asked if Selectman Jasper would be able to make the Budget Committee meeting. Selectman Jasper said no, he could not make the May or June meetings, but he could pick it up after that.

Selectman Massey was pleased to report that approximately 70 volunteers and their guests came to the Ice Cream Social. It was a phenomenal success. There were about three times as many people that came this year. He publicly thanked Country Brook for their generous donation of the Blake's Ice Cream. He thanked the volunteers for taking the time to come out and enjoy a nice social event and they should continue doing it in the coming years. Only by repetition will they get only bigger participation.

► He asked to have on the July workshop, a look at the Vehicle Replacement Plan, as they get ready to start the budget cycle. Selectman Maddox asked if they were going to have a July workshop because, historically, they haven't had one. After a brief discussion, it was decided to move it to the August workshop. Selectman Massey said a vehicle that doesn't get replaced on a cycle it was supposed to does not automatically mean you can push everything out. Ultimately, the schedule will collapse because of the deterioration of the fleet. Chairman Coutu said they'd also want to discuss the roads at the workshop, too, because, over a period time, they will continue to deteriorate.

Selectman Nadeau thanked the Selectmen who helped the Recycling Committee review the Earth Day essays. Prizes will be given out at Nottingham West School this Thursday. There was a large response and it worked out well. Next year, they hope to expand it to additional schools.

► This Saturday, there will be a car show at the High School, put on by the Mechanics Club.

► The Father-Daughter Dance will be on Friday, and he will be there.

Selectman Maddox asked if the Sewer and Water Committees got invited to the June workshop. Mr. Malizia said they can be, if the Board liked. Selectman Maddox said there were a number of questions with the policies and questions of how they get to a point. He got a copy of the collection/water turnoff and he had some questions as to how that all works.

► He thanked Selectman Massey for his undaunted, unflappable persistence in Volunteer Day. Three years ago, he didn't think it was a great idea, but he managed to keep pushing it to where there was a great attendance. They don't recognize those volunteers who make their jobs and the town run enough, and the Ice Cream Social is a chance to do that. Selectman Massey does *all* the work. He hounds every department, hounds every committee, to get a count so he has enough jimmies and all that stuff. Great job.

► Mr. Oleksak, who is now the Zoning Administrator/Code Enforcement is doing a great job, but he is also hampered by the fact that he is doing multiple jobs. He asked Mr. Pearson to move faster rather than slower to get a part-time building inspector on to the agenda. Some of the reason he is getting e-mails is people are doing some of that stuff. Mr. Oleksak is actually looking at these things and following up and people are enthused, but he didn't want him burnt out by the fact he's trying to do the building inspections, the health inspections and the zoning. Hopefully, they can get that moving. Mr. Malizia said now that the default budget is rectified, they have some direction there. He wanted to make sure they knew where they were getting the money. It was the intention to come to the Board with a proposal, or at least a part-time building person. Selectman Maddox said that would at least carry them to... it's getting into construction season, so he'd like to see something done sooner rather than later so they can continue on with a fair and consistent zoning procedure.

► They have all been invited to walk, once again, for the American Legion Parade on Memorial Day. It's a great honor, as Chairman of the Board, to make that speech. Maybe it's appropriate for the 2009 Annual Report to list all of the men and women in the Armed Services who have given their lives in the State of NH over the conflict since 9-11 and maybe that would be a fitting tribute that they could do from Hudson and maybe that would catch on to other communities. There's always that "who do we name," and as Memorial Day comes closer, it would be fitting for however many... if the town could recognize all of those military personnel that have lost their lives so that they can have a spirited debate on occasion, they can have disagreements because they have a form of government that other countries want. He hoped they could look to do that.

Selectman Massey said he'd support that. Chairman Coutu said because of Selectman Nadeau's affiliation with the American Legion, he asked if he would ask them to research the names of all those who have died since the first shot was fired in the war in Iraq to this date of all those servicemen from the State of NH. The town could dedicate a page to them. Selectman Massey said it's since 9-11, not since the Iraq war. Selectman Maddox said it's almost the same thing. Chairman Coutu said 9-11 was fine. He asked if Selectman Nadeau would do that. Selectman Nadeau said he would.

Selectman Coutu said he, too, was glad Selectman Massey has been tenacious about the Ice Cream Social. The turnout was great. Over the past year, he has spoken in jest about Selectman Nadeau and his eating habits, but that night, Selectman Nadeau had only one little dish of Ice cream, but man, oh, man, can ZBA Chairman Seabury eat ice cream! Next year, they will need an extra tub just for him! He's healthy and fit, and it has to be the ice cream.

► At the Community Center, there is an ice machine that is not working and he wondered if it was repairable. Mr. Malizia said no, it was not. Chairman Coutu said the Recreation Committee asked that he bring this subject up. One committee member suggested that they put a donation box at the Community Center to try to solicit funds for an ice machine. He hoped this town never had to get to that level. It was incumbent on the town to try to provide such things. He asked the Town Administrator to get a price on a relatively good used ice machine. Mr. Malizia said he wasn't sure there was such a thing. They looked for ice machine replacements, but they are not cheap. He went to the Hudson Police Relief Association to see if they'd be willing to contribute towards one, but they were not.

Selectman Massey said there was a restaurant surplus company in Manchester where you can buy any number of things, and they may or may not have ice machines. Selectman Jasper said those machines are expensive to operate, and it would be cheaper in the long run to buy bagged ice, when needed, and store it in the freezer. If they buy a lot, it would be cheaper to buy a chest freezer for the ice, rather than buy an ice maker. Mr. Malizia said there are freezers available. Selectman Maddox agreed with Selectman Jasper. Besides, if an ice maker isn't used regularly, they might have a health problem. The use would probably be limited. They'd be much better off buying bags of ice rather than buying a used piece of equipment that might not last for that long. They'd end up with a pig in a poke, and they'd probably end up using a lot of electricity. Chairman Coutu didn't disagree. He agreed that if an organization needed ice, they could provide their own.

► Bill Geikas from the Recreational Trails Program of NH called him relative to funding for the Benson's property, trails monies. There is a grant through the Federal Highway Administrator that is available, but the grant applications are available in October and the web site is www.nhtrails.org. He asked Mr. Pearson to make a note that on or about October, the grant is available on line. They have until January to apply and the selection is made in March. However, the President is going to make some

serious budget slashing recommendations in the next Federal round and one of the areas he is seriously considering doing away with is the monies available in the Federal Highway Administration budget for trails and if that is cut, the state will lose approximately \$1 million it has been receiving. The town qualifies for that kind of funding for the Benson's property, so he suggested to the members of the Benson's Committee, and those people in the public who are interested seeing the Benson's property developed, attend on May 21 at 9:00 in the Selectmen's meeting room, a meeting with an aide from Sen. Gregg's Office and ask him to use whatever influence he might have to try to dissuade the President—for all the good that might do. The effort might be worth it. Mr. Malizia said people can also contact the Senator's Office directly.

9. NONPUBLIC SESSION

Motion by Selectman Jasper, seconded by Selectman Maddox, to enter Nonpublic Session under 91-A:3 II (b) The hiring of any person as a public employee; (d) Consideration of the acquisition, sale, or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community, carried 5-0 by roll call vote.

Nonpublic Session was entered into at 11:05 p.m., ending the televised portion of the meeting. Any votes taken upon exiting nonpublic session will be listed on the Board's next agenda.

Motion by Selectman Jasper, seconded by Selectman Maddox, to seal the Nonpublic Session minutes, carried 5-0.

Motion by Selectman Jasper, seconded by Selectman Massey, to hire Kyle Janco as an intern in the Engineering Department at \$13 per hour, from May 26 through August 21, 2009, as recommended by the Acting Town Engineer, carried 5-0.

10. ADJOURNMENT

Motion to adjourn at 11:26 p.m. by Selectman Massey, seconded by Selectman Jasper, 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