

HUDSON, NH BOARD OF SELECTMEN
Minutes of the October 7, 2008 Workshop Meeting

1. **CALL TO ORDER** by Chairman Ben Nadeau at 7:00 p.m. in the Selectmen's Meeting Room at Town Hall.
2. **PLEDGE OF ALLEGIANCE**, led by Esther McGraw.

3. **ATTENDANCE**

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

Staff/Others: Steve Malizia, Town Administrator; Applicants to serve on the Chief of Police search panel; Gary Webster, Acting Town Engineer; Kevin Burns, Road Agent;

4. **CONSENT**

Minutes of the Board of Selectmen's Meeting of September 23, 2008

Motion by Selectman Coutu, seconded by Selectman Massey, to accept the Minutes, as presented, and refer to file carried 5-0.

5. **OLD BUSINESS**

Motions taken after Nonpublic Session on September 23, 2008

Motion by Selectman Jasper, seconded by Selectman Massey, to hire David Morton as Fire Dispatcher, a non-exempt position, effective October 5, 2008, at an hourly rate of \$14.37 and then to Step 1 after successful completion of probation, in accordance with IAFF Local 3154 union contract, as recommended by Chief Murray, carried 4-0. Selectman Coutu abstained.

Motion by Selectman Massey, seconded by Selectman Jasper, to hire Sean Peterson as a full-time police officer, effective September 26, 2008, at \$20.37 per hr, in accordance with the Police Union Local 3657 union contract, as recommended by Chief Gendron, carried 5-0.

Motion by Selectman Coutu, seconded by Selectman Jasper, to hire Ed Peterson as the 2008-2009 Instructional Program Basketball Director for the fee of \$1,000, Steve Porter as Boy's League Basketball Director for the fee of \$2,100 and Frank Girginis as Girl's League Basketball Director for the fee of \$1,600, as recommended by the Recreation Director, carried 5-0.

Motion to adjourn at 10:02 p.m. by Selectman Massey, seconded by Selectman Jasper, carried 5-0.

6. **NEW BUSINESS**

- A. **Interview of Applicants to serve on Panel for Chief of Police Search**

Selectman Massey suggested that all of the applicants leave the room and only the applicant they would be interviewing would be present. Once that person is interviewed, they are free to stay. His rationale was that by the time they got to the last person, all of the answers would have been known and easy to see what should or shouldn't have been said. The Board would get a fresh look at each individual if the others aren't privy to their testimony. Selectman Coutu concurred.

Chairman Nadeau said they'd take the individuals alphabetically, as listed on the agenda, starting with Keith Bowen. The rest of the candidates were ushered to the upstairs foyer to await their turn.

An unidentified individual in the audience asked when the appropriate time would be for him to raise an issue to the Board he had talked about with Chairman Nadeau. Chairman Nadeau said there was no public input tonight, but after the interviews, if the Board so desired, they could have public input. If not, then at the next meeting. The unidentified individual said he'd like the search committee individuals to be able to hear his questions and concerns.

1. **Keith Bowen** said he lives at 24 Cottonwood Drive and is the Assistant Principal for Academics at the Middle School. He is also a member of the Recreation Committee.

Selectman Coutu asked why the Board should select him to serve on the panel. Mr. Bowen said he has considerable working relationships with two School Resource Officers over the past seven years as Assistant Principal at Hudson Memorial School, so he has a good idea of how the Police Department operates and functions. Also, when he was growing up in town, he volunteered for various programs, such as CHIPS. He was also part of creating a program called KNOT, Kids Night Out on the Town with Officer Donna about 12 years ago. They targeted teenagers to give them an open night at the Rec Department when he was the Rec Director. He's had the opportunity to work with the Police Department in the past and get to know members of the force. As a member of the community, he has grown to appreciate the philosophy of community policing that has been promoted by Chief Gendron. He'd like to see that continue because it affects kids and the community in a positive way.

Selectman Coutu asked if he was related to anyone working for the town. Mr. Bowen said his mother works at the Library and at HO Smith.

Selectman Coutu asked how he would rate the HPD on a scale of 1-10, with 10 being the highest. Mr. Bowen said 10.

Selectman Coutu asked what he saw as Hudson's policing policy strong points. Mr. Bowen said the community policing and advocacy with police being involved with the community and interacting with the youth of Hudson. They take a pro-active approach to things, as opposed to a reactive approach to offset any types of problems that may arise.

Selectman Coutu asked if he could think of any weak points and, if so, what they were. Mr. Bowen said he couldn't think of any.

Selectman Coutu asked what the term community policing meant to him. Mr. Bowen said it means that the officers, from the Chief down to the newest hire, are involving themselves with the community. They are interacting with the people. They hear the concerns. They are active members of the community. They show that they care, that they are willing to get involved and they want this to be a positive place for all who are involved in it.

Selectman Coutu asked if he'd ever had any interaction with a Hudson police officer. Mr. Bowen said yes, all positive.

Selectman Coutu asked what he was looking for in a police chief. Mr. Bowen said a quality leader who cares about the people, who is going to be fair, open-minded and reasonable, for somebody who understands the benefits to the community policing philosophy that has been adopted by the Hudson Police Department over time, and somebody who is going to pick up where Chief Gendron has left off and make it a better place, if that's possible.

Selectman Coutu asked if he felt there were qualified candidates to select from within the Police Department, or had he preferred the Board opted for a regional search outside the department. Mr. Bowen said they have fantastic people within the department.

Selectman Coutu asked if he'd been approached by anyone soliciting his support for a potential police chief candidate. Mr. Bowen said no.

Selectman Massey asked if Mr. Bowen has publicly made any statements favoring or disfavoring any member of the Police Department for this position, if he has support any individual publicly. Mr. Bowen said no. He remembered having a discussion about two of the candidates and their pluses and minuses, but he wasn't supporting either of the ones he knew.

Selectman Maddox said that was a difficult question inasmuch as this job hasn't been posted yet, so they don't even know who the candidates are. Selectman Massey said it was far because they've already had three people come forward in support of a candidate for the job and he was wondering if those candidates made a similar request to others, whether it be internal or external. Selectman Maddox asked when they were going to post this. They've known about it for awhile and wondered what they were waiting for. Selectman Jasper said the question should be a little more pointed because "public" means that it appeared in print. They don't know who the candidates are going to be, but there may be people who have already made up their mind. The question they should be asking is, "Have you, in your own mind, decided who the next Chief of Police should be?" Mr. Bowen said no, he has not.

2. **Cheryl Darisse** said she lives at 4 Lenny Lane.

Selectman Coutu asked why the Board should select her to serve on the panel. Ms. Darisse hoped she could bring a different perspective to the panel. She works primarily with victims of crime, so this is extremely important and she's hoping to have a part in selecting the next chief.

Selectman Coutu asked if she was related to anyone working for the town. Ms. Darisse said no, she was not.

Selectman Coutu asked how she would rate the HPD on a scale of 1-10, with 10 being the highest. Ms. Darisse said 10.

Selectman Coutu asked what she saw as Hudson's policing policy strong points. Ms. Darisse said there were many, but mostly their community service. They have excellent services for victims. They are extremely friendly and most of the children are not afraid to approach them.

Selectman Coutu asked if she could think of any weak points and, if so, what they were. Ms. Darisse said doing what they were doing tonight was the only thing that concerned her. It would have limited the citizens if they didn't look outside of the department, but the department itself is run very well. She was afraid that if they don't look for the most experienced and qualified person, they'd be doing a disservice to the town.

Selectman Coutu asked what the term community policing meant to her. Ms. Darisse said the Police Department has interacted through several events they hold throughout the year and the community enjoys attending those events.

Selectman Coutu asked if she'd ever had any interaction with a Hudson police officer. Ms. Darisse said yes, she has and it was extremely professional.

Selectman Coutu asked what she was looking for in a police chief. Ms. Darisse said someone who would listen to their employees and who would be concerned about the safety of the community.

Selectman Coutu asked if she felt there were qualified candidates to select from within the Police Department, or had she preferred the Board opted for a regional search outside the department. Ms. Darisse said she not that they are not qualified, but she appreciated the fact that they are looking outside of the department. Selectmen Jasper and Coutu clarified that they are not doing a regional search. Selectman Coutu said the Board of Selectmen has opted to allow police officers within the department, who meet certain criteria, to apply for the position. There will be two panels who will be interviewing—a professional panel who will be hired, and a citizens' panel. Both panels will be interviewing those candidates from within the department who apply, and then each panel will rate them independently, then both panels would rate them together and, hopefully, they will come to a mutual agreement on one candidate. Ms. Darisse said she didn't know that had changed. She was under the assumption they were looking to the most qualified and not limiting themselves. Selectman Coutu quipped that Selectman Massey says only three people watch the show, and now he's ready to believe that. Ms. Darisse said that was the last information she was aware of, that they were opening the search outside of the department, but she has no problem with the candidates who are within the department, if they are qualified to do that job.

Selectman Coutu asked if she'd been approached by anyone soliciting her support for a potential police chief candidate. Ms. Darisse said not at all.

Selectman Massey asked Ms. Darisse what her understanding was of her responsibilities on this panel. Ms. Darisse to take the information that they hear of the candidates that are applying and discuss that amongst the panel and come to some sort of a decision, based on that information, who would be most qualified, and forward that information to the Selectmen.

Selectman Jasper asked if she, in her own mind, has already decided on a candidate. Ms. Darisse said no.

3. **Steven Flaherty** said he lives in Hudson at 6 Wagner Way and he is the General Manager at Sam's Club.

Selectman Coutu said in the interest of full disclosure, he wants it known that he knows Steve because he owns a business that does business with Sam's Club. Steve Flaherty did list Selectman Coutu's name as a reference because he knows him, but that won't influence his position in determining who should or not serve on the panel.

Selectman Coutu asked why the Board should select him to serve on the panel. Mr. Flaherty said he's had a relationship with the Police Department and Chief Gendron. He has been asked to do interviews for police officer candidates and, as the General Manger of Sam's Club, he likes to get involved in the community. He would like to see someone placed in the position who is going to have as much integrity and develop the Police Department from where the Chief left it and expand from there and make it an exceptional department. Right now, it's great, one of the best in New Hampshire, but he'd love to see it elevated and raise the standards of the whole department.

Selectman Coutu asked if he was related to anyone working for the town. Mr. Flaherty said he has a sister who is an Assistant Principal.

Selectman Coutu asked how he would rate the HPD on a scale of 1-10, with 10 being the highest. Mr. Flaherty said eight. Any time he has had any issues or concerns in his building, he always gets a quick response. They always show up right away and they are always polite and professional when they deal with anything, and he's had numerous officers of various ranks come in the building, whether it's dealing with shoplifting, fake checks, forfeits, etc.

Selectman Coutu asked what he saw as Hudson's policing policy strong points. Mr. Flaherty said community involvement. They do a great job. As a General Manager, he likes to get involved, too, and he enjoys going to Old Home Days with his son and things like that. His son was able to go into some of the vehicles and talk to some of the officers and they can educate him of what's going on and how they try to keep drugs and crime out of Hudson.

Selectman Coutu asked if he could think of any weak points and, if so, what they were. Mr. Flaherty thought some of the officers have different agendas, and even though the Chief has improved that in the last few years, it could stand improvement.

Selectman Coutu asked what the term community policing meant to him. Mr. Flaherty said that means getting the community involved with what goes on with the Police Department, whether it's education throughout the community in hiring or placing new officers in. He was invited into that, interviewing candidates who want to become officers in Hudson.

Selectman Coutu asked what he was looking for in a police chief. Mr. Flaherty said integrity, trustworthiness, for someone who is going to raise the overall standards of the Police Department. It's pretty high right now, as far as NH goes, but there's no limit to where it can go. Chief Gendron brought it to a point and someone with enthusiasm will drive it even farther, someone with high expectations to set the standard and lead by example to drive the force.

Selectman Coutu asked if he felt there were qualified candidates to select from within the Police Department, or had he preferred the Board opted for a regional search outside the department. Mr. Flaherty said he saw quite a few who have put in for the position who have a lot of knowledge and have the same kind of developments that the Chief has started. It would probably be better for the town to have someone who has been mentored by the Chief take over so they can take over and develop where he is leaving off; they can take the ball and run with it to make a better Police Department.

Selectman Coutu asked if he'd been approached by anyone soliciting his support for a potential police chief candidate. Mr. Flaherty said no.

Selectman Massey asked what his understanding was of the responsibilities of the position. Mr. Flaherty said overall, to replace the Chief of Police and bring forth a new leader into the Police Department who is going to raise the expectations and develop community involvement and grow the knowledge throughout and keep the drugs out and keep the kids educated on why the Police Department is here. The Chief of Police is a spokesperson throughout the community of what they should be doing as a community and he should be out there 'gripping and grinning' with everyone, showing that the police aren't just bad people who are going to pull you over and give you a ticket, that they are the people who are protecting you and trying to get you to understand they are here for safety reasons.

Selectman Coutu asked, in light of the fact that Mr. Flaherty listed him as a reference, and in light of the fact that he often goes into Sam's Club, if he, at any time, discussed the questions that he just asked with him. Mr. Flaherty said no.

Selectman Jasper asked if Mr. Flaherty, in his own mind, has decided who the best candidate is for Chief of Police. Mr. Flaherty said no. Interviews are the biggest point and he does that consistently at his own business. He also goes out to interview for managers in other Sam's Club in his market, and there are 10 clubs in New England. You interview the best candidate. It doesn't matter if the person has been here 10 years or 2 years, whoever presents himself in the best manner, who you think can do the job and get the team around him and will support him 100% in the community.

4. Jeremy Griffus said he lives at 203 Central Street.

Selectman Coutu said in the interest of full disclosure, both Jeremy and Keith Bowen are members of the Recreation Committee, of which he is the Selectman liaison. He asked if he ever discussed with Jeremy any of the questions he was about to ask. Mr. Griffus said no. Selectman Coutu said although theirs is a working relationship for the town, it will not influence his decision in voting for members of the panel.

Selectman Coutu asked why the Board should select him to serve on the panel. Mr. Griffus said he was a loyal town volunteer, serving on several boards, with the Recreation Committee being one of them. He also serves on Benson's Committee and CHIPS. He is a town employee and is honest and would be willing to serve the residents in choosing the best candidate.

Selectman Coutu asked if he was related to anyone working for the town. Mr. Griffus said he was a behavioral paraprofessional for the Hudson School District.

Selectman Coutu asked how he would rate the HPD on a scale of 1-10, with 10 being the highest. Mr. Griffus said 10. Chief Gendron has done a wonderful job. He didn't have as much experience as some in observing how the Police Department has grown. They are clearly quite a police department. They've grown to be one of the highest respected police departments in New Hampshire, which is great. Too many times, you can see police departments where their names just go down in the mud, but Chief Gendron, and the officers who serve under him, have done a phenomenal job. For that, he'd give them a 10—100%.

Selectman Coutu asked what he saw as Hudson's policing policy strong points. Mr. Griffus said their consistency working through the residents. The most beneficial attribute they bring is their relationship with the residents. Their community policing is above being rated. They respond to their calls and that's what he'd look for in the next Chief, to be sure they would be willing to go the same route and direction as the current Police Chief.

Selectman Coutu asked if he could think of any weak points and, if so, what they were. Mr. Griffus said, as with any department, he was sure there are some, but he didn't know of any. He could research it, but he wasn't prepared for that question. He didn't see any at this time.

Selectman Coutu asked what the term community policing meant to him. Mr. Griffus said that the police are actively involved with the community, not only the Police Chief responding to e-mails and phone calls, but the officers that are out on the street, riding their bicycles around, stopping to talk with the kids, and even adults, who may have a question. They are always on the ball. He sees them at the skate park all the time and he commends them for that because it has helped the Rec Department quite a bit.

Selectman Coutu asked if he'd ever had any interaction with a Hudson police officer. Mr. Griffus said yes, both positive and negative, but being pulled over probably wouldn't be a positive.

Selectman Coutu asked what he was looking for in a police chief. Mr. Griffus said an individual that would be willing to continue on the same path that they are on now, the nice road that Chief Gendron has paved for the town. He has done a wonderful job, but he would welcome new blood to bring in fresh ideas and see what else they can do. He didn't think anyone would be looking for drastic changes overnight.

Selectman Coutu asked if he felt there were qualified candidates to select from within the Police Department, or had he preferred the Board opted for a regional search outside the department. Mr. Griffus said the command staff in the Police Department were well qualified and his first choice would be to choose one of them, but he wouldn't want to tie himself down to just those individuals. He's not 100% sure how the process would work. He feels that there are well qualified individuals already for that.

Selectman Coutu asked if Mr. Griffus has been approached by anyone soliciting his support for Chief of Police. Mr. Griffus said no.

Selectman Massey asked Mr. Griffus what his understanding was of the responsibilities of the panel. Mr. Griffus said to join together to come up with someone they felt was well qualified to be Police Chief. The panel would work together to come up with questions, interviewing and addressing the concerns of the citizens.

Selectman Jasper asked if he, in his own mind, has decided who the next Chief of Police should be. Mr. Griffus said no.

Selectman Maddox said Mr. Griffus' application indicated he had an Associates in Criminal Justice and Law Enforcement, so he would bring a unique perspective. He asked for an overview of where that would be beneficial, if he was chosen. Mr. Griffus said he couldn't begin to understand what a Police Chief's job would look like. With that degree, he understands the structure of a police department and he understands the rankings and he has served with the Department of Safety with the Marine Patrol Bureau, so he can understand the structure of police departments, the rankings and how that effect. That might bring a different perspective. He is not a police officer, but he understands the structure of what an effective police department needs, and how it needs to run.

5. **David Jelley** was not present.

6. **Lee Lavoie** said he lives at 58 Windham Road and believed most everyone knew him. He is currently serving on the Hudson School Board and CHIPS, the civilian committee for the Police Department, where he was president for three years. They hold the annual Fright Night, a Halloween party for the children.

Selectman Coutu asked why the Board should select him to serve on the panel. Mr. Lavoie said he was born and raised in Nashua, but spent most of his adult life in Hudson. He probably knows the Hudson Police Department, as a civilian, better than most people.

Selectman Coutu asked if he was related to anyone working for the town. Mr. Lavoie said no.

Selectman Coutu asked how he would rate the HPD on a scale of 1-10, with 10 being the highest. Mr. Lavoie said 10. He thinks Dick Gendron has done a great job; he turned around this Police Department.

Selectman Coutu asked what he saw as Hudson's policing policy strong points. Mr. Lavoie said community policing.

Selectman Coutu asked if he could think of any weak points; if so, what they were. Mr. Lavoie couldn't think of any.

Selectman Coutu asked what the term community policing meant to him. Mr. Lavoie said the department hosts the blood drive, they help with Fright Night, they do bicycle safety classes, and that kind of thing.

Selectman Coutu asked if he'd ever had any interaction with a Hudson police officer. Mr. Lavoie said yes, he's been pulled over, but it was a positive experience.

Selectman Coutu asked what he was looking for in a chief. Mr. Lavoie said to continue with community policing.

Selectman Coutu asked if he felt there were qualified candidates to select from within the Police Department, or had he preferred the Board opted for a regional search outside the department. Mr. Lavoie said there were quality candidates within the Police Department.

Selectman Coutu asked if he'd been approached by anyone soliciting his support for a Police Chief candidate. Mr. Lavoie said no.

Selectman Massey asked what Mr. Lavoie's understanding was of this panel. Mr. Lavoie said to offer a selection so the Selectmen could make the final choice.

Selectman Jasper asked if Mr. Lavoie has decided, in his own mind, who the next Police Chief should be. Mr. Lavoie said no, he has not.

7. **Timothy Malley** was not present.
8. **Lori Mayo-Robicheau** was unable to be present, due to a family emergency.
9. **Donald McCrady**, 36 Bockes Road.

Selectman Coutu noted that Mr. McCrady's former occupation is Police Lt. for the Town of Hudson. Mr. McCrady said he's been a town resident for 50 years and has been involved with the Police Department for the better part of 30 years, full and part-time. He retired from the Police Department as a Patrol Lt. in 2003. He has been involved with the Hudson Police Department from the worst years to the best years. During that time, he has seen it grow from one of the worst rated police departments to one of the most respected police departments. He has been through about five police chiefs during that period of time, so he is familiar with different management styles, how the officers and employees respond to the different styles. The town has benefitted him with a lot of police training and police work in administrative duties and leadership skills. During his time with the Police Department, he filled just about every position that was there. He started with the town as an Animal Control Officer, part time, at \$300 a year.

Selectman Coutu said he graduated from the 108th Police Academy and asked Mr. McCrady which one he graduated from. Mr. McCrady said the 48th. There were too many academies going at the time. They were running an academy out of Pease and they ran a special academy, LaSalette Seminary in Enfield, and that's where he was.

Selectman Coutu asked if he was related to anyone working for the town. Mr. McCrady said no.

Selectman Coutu asked how he would rate the HPD on a scale of 1-10, with 10 being the highest. Mr. McCrady said 10. It's one of the most professional law enforcement organizations in the New England. Under Chief Gendron, who was hired at about the same time he was, he has brought it to a nationally accredited agency that is respected throughout the law enforcement community. The multitude of community programs that the department has, has done wonders for the town and the people. One of the things he instituted under the Chief is the Citizens Police Academy, which was very well received by the residents, including a Senior Citizens Police Academy, which they still run.

Selectman Coutu asked what he saw as Hudson's policing policy strong points. Mr. McCrady said the level of professionalism they have in the officers. He was involved in the recruiting process for about five years and Hudson is one of the hardest police departments to get into. If you get to the point where you've gone through the whole process, you've truly accomplished something, well worth being considered for the position of police officer. He's seen many, many people that have been tested, but gone to other agencies and have had wonderful careers, but Hudson hires only the cream of the crop. Occasionally, something slips by, but they are quick to recognize that. Professionalism is one of the strong points of the department.

Selectman Coutu asked if he could think of any weak points and, if so, what they were. Mr. McCrady said the overall facility, which needs to expand, but would be tough to do in these financial times. Combined Dispatch needs to happen, which has been discussed for years. That would benefit the town. That might be the only shortcoming.

Selectman Coutu asked what the term community policing meant to him. Mr. McCrady said it's based on the philosophy that the police can't do the job without the help of the people. They need to work together to achieve the goals and provide a safe environment to live in. If they don't have the help of the people in the community, they become reactive instead of proactive.

Selectman Coutu asked what he was looking for in a police chief. Mr. McCrady said someone with high integrity, someone that will be a good leader, that will carry on the programs that are in place and expand on those. Dick Gendron has done a wonderful job. He has brought the department a long, long way and he'd look for someone similar to him. Integrity is the important thing, someone with good leadership skills that's respected.

Selectman Coutu asked if he felt there were qualified candidates to select from within the Police Department, or had he preferred the Board opted for a regional search outside the department. Mr. McCrady said he retired only in 2003 and he worked with the entire administrative staff, from the Sgts. up to the Chief. He knows them all well and honestly believes they have some very professional, well-qualified people within the department. He's lived and worked with the results of bringing in outside people and knows the transition they have to go through. He's seen them come and go. The first place to look is within the department, which would best benefit them. If they didn't have qualified people, that's something else, and they'd need to go outside, but they have a number of very qualified people that are running the department now.

Selectman Coutu asked if he's been approached by anyone soliciting his support for police chief candidate. Mr. McCrady said no.

Selectman Coutu said if there were exceptions to the rule, and the history of the Police Department, having lived in town approximately 11 years, prior to that he lived in Woodstock but worked in Hudson some 25 years ago, coming to Benson's and the race track pretty much all of his life, if Mr. McCrady represents the Police Department of the past, he was a glowing light. He was impressed and appreciated Mr. McCrady applying.

Selectman Massey asked what Mr. McCrady's understanding of the responsibilities of the panel. Mr. McCrady said to aid in the selection of a police chief, but he didn't know exactly how that would fall in with the professional panel.

Selectman Jasper asked if Mr. McCrady has determined in his own mind who should be the next police chief. Mr. McCrady said he has people in mind who he thinks would be better qualified, but he was open-minded to listen to all the candidates and give them all equal and fair consideration.

Selectman Coutu asked Mr. McCrady if he's pre-determined a particular candidate. Mr. McCrady said no.

10. Esther McGraw, 69 Kimball Hill Road.

Selectman Coutu asked why the Board should select her to serve on the panel. Ms. McGraw said because she's lived in Hudson all her life and has been involved with the town.

Selectman Coutu asked if she was related to anyone working for the town. Ms. McGraw said not to her knowledge.

Selectman Coutu asked how she would rate the HPD on a scale of 1-10, with 10 being the highest. Ms. McGraw said 10. Any time she's needed them, they've been there.

Selectman Coutu asked what she saw as Hudson's policing policy strong points. Ms. McGraw said that was tough.

Selectman Coutu asked if she could think of any weak points and, if so, what they were. Ms. McGraw said only when they are called about Benson's, they don't always appear.

Selectman Coutu asked what the term community policing meant to her. Ms. McGraw said it means they are all over the place.

Selectman Coutu asked if she'd ever had any interaction with a Hudson police officer. Ms. McGraw said not yet.

Selectman Coutu asked what she was looking for in a police chief. Ms. McGraw said she was looking to hire from within. They are qualified men already working for the town and she'd like to see them move on up.

Selectman Coutu asked if she felt there were qualified candidates to select from within the Police Department, or had she preferred the Board opted for a regional search outside the department. Ms. McGraw said they have candidates that are qualified from within.

Selectman Coutu asked if she'd been approached by anyone soliciting her support for a potential police chief candidate. Ms. McGraw said no.

Selectman Massey asked what her understanding was of the responsibilities of the panel. Ms. McGraw said they were going to vote for a Chief for the town.

Selectman Jasper asked if she has decided, in her own mind, who the next Chief of Police should be. Ms. McGraw said no, she has not. She didn't even know who has applied.

11. Thomas Murphy, 17 Gabrielle Drive, said he's lived in Hudson for seven years and is the Assistant Principal for a large High School in MA. He has served on the Planning Board, CIP Committee and the Library Building Committee.

Selectman Coutu asked why the Board should select him to serve on the panel. Mr. Murphy thought he was asking the question in terms of why somebody would want to serve on a committee like this and what impact that would have on the community. What he thought about before he put his name in for consideration was, for a father, he wants to make sure the next person who assumes leadership of the Police Department has community goals in mind, specifically with the younger children. Secondly, he has to have a great relationship with the schools in town, a person who would be able to establish a strong leadership position to foster the relationship with the younger generation in the community. That's a valuable skill asset he would be looking for. He has served on other selection committees for similar positions, looking for those skill sets.

Selectman Coutu asked if he was related to anyone working for the town. Mr. Murphy said no.

Selectman Coutu asked how he would rate the HPD on a scale of 1-10, with 10 being the highest. Mr. Murphy said 9. They have a great relationship with the schools, which is very important. He has met some of the officers at his son's school. He knows other people who work in the school district who has spoken very highly of the relationship that those School Resource Officers have built with the students.

Selectman Coutu asked what he saw as Hudson's policing policy strong points. Mr. Murphy said presence. They are actively involved in a lot of the fundraisers; community involvement. They host events at the Community Center, the

annual Halloween function they put on every year. The kids respond very positively to that. They are at soccer games, baseball games, so community involvement is a critical piece.

Selectman Coutu asked if he could think of any weak points and, if so, what they were. Mr. Murphy said he knew that there were some programs where community members can get involved, but maybe more public relations or advertising for some of those opportunities to get more people involved. Maybe establish more community policing in neighborhoods.

Selectman Coutu asked what the term community policing meant to him. Mr. Murphy said a joint partnership between the Police Department and residents of a particular section of town, working together towards common goals for a safe and healthy environment.

Selectman Coutu asked if he'd ever had any interaction with a Hudson police officer. Mr. Murphy said yes, all positive.

Selectman Coutu asked what he was looking for in a police chief. Mr. Murphy said someone that has strong leadership skills that could continue to lead a department that has established a good relationship with the community, for somebody who has exceptional communication skills, not only with the people under their charge, but with the community, at large, somebody who is visible and has a presence in the community, somebody that has a passion for their job and passion for the residents of the Town of Hudson.

Selectman Coutu asked if he felt there were qualified candidates to select from within the Police Department, or had he preferred the Board opted for a regional search outside the department. Mr. Murphy said he didn't know who the candidates are, so he didn't know if they were qualified or not.

Selectman Coutu asked if he'd been approached by anyone soliciting his support for a potential police chief candidate. Mr. Murphy said no.

Selectman Massey asked him what his understanding was of the responsibilities of this panel. Mr. Murphy said to establish questions and criteria to select the best candidate to be the next Chief of Police

Selectman Jasper said none of them know who all the candidates are because the job hasn't been officially posted. He asked, based on people he may know within the department, decided who the next Chief of Police should be. Mr. Murphy said no.

12. **Charles O'Donaghue** said he lives at 15 Jefferson Drive and has been a resident for about 30 years. He and his wife have four children. Two of his sons are policemen, one in Derry and one in Litchfield, but is currently in Baghdad, doing his police work over there. His two daughters are both students. He retired from Verizon in '98, as a property manager and he went to work for Derry, as their Director of Facilities and Recreation. He left there in 2004 and has been retired since. He's been very active in Hudson. He is the former president of CHIPS and he was president of Hudson Pop Warner football for six years. He has served on the Zoning Board and have done various volunteer projects with the Police Department, such as hiring the new hires, so he is familiar with police work.

Selectman Coutu asked why the Board should select him to serve on the panel. Mr. O'Donaghue said he was a big advocate of community policing and he has worked with the department for many years, trying to follow some of the principles of community policing. He believes their policemen should be out there, which will make it better for the community, in the long run. A lot of people grew up fearing police officers, but this town, under the direction of Dick Gendron, change toward the community aspect. That's what he's pushing for and would like to see stay with Hudson, and grow with Hudson—community policing.

Selectman Coutu asked if he was related to anyone working for the town. Mr. O'Donaghue said no. Selectman Coutu said this wasn't something that would be held against any candidate, and not a significant point, but it's just something he'd like to have out in the open.

Selectman Coutu asked how he would rate the HPD on a scale of 1-10, with 10 being the highest. Mr. O'Donaghue said 10. This department is accredited, which is quite an accomplishment in this state. Secondly, he's worked with the department, and his two sons got into police work because of the men and women that served this department through the years. Chuck Gilbert is a close friend of his and Chuck has worked with the Justice Band and at the High School. Bill Pease is another one. These met got out into the community and got to know the kids, started this mentoring process, which they are now using at the High School, which is probably the best public relations tool they have. It makes kids grow. Since Chuck's presence at the High School and the presence of an officer after him has inspired others to get involved in law enforcement. That's what he's seen with his kids, and he's fiercely proud of that job and he's fiercely proud of the fact that his kids have pursued law enforcement. They owe it to those guys who are in the department now.

Selectman Coutu asked what he saw as Hudson's policing policy strong points. Mr. O'Donaghue said community policing. For example, Kevin Sullivan and the dog. It has such an impact on everybody in town. They have the bike patrols, which are excellent. One of the biggest problems he saw in the Town of Derry was a bike path that no one

patrolled, so they had kids drinking and fighting with trouble all over the bike path. Hudson has these guys on bikes, getting out into the community, and it's a great help to all of them and it has a great impact on all of them. Elderly people would like to walk on these paths and enjoy some of the recreational facilities, but a lot of time they are afraid because of the hoodlums. With a police presence, you don't have to feel that any more. You know they are out there; you know they are going to be there, somewhere nearby, and they can feel confident and comfortable with that.

Selectman Coutu asked if he could think of any weak points and, if so, what they were. Mr. O'Donaghue said manpower could be a weak point. There are a lot of problems in the south end of town. They all have to remember that Hudson is no longer a little community that it was when he came here. They have a lot of influx from Tyngsboro and Lowell and Nashua, so a lot of the element comes into Hudson, and a lot of the element likes to do business here, but the Police Department is getting so strong that they don't really want to come into Hudson any more, and that is such a plus for all of them.

Selectman Coutu asked what the term community policing meant to him. Mr. O'Donaghue said it means a lot. He grew up in the Boston area, back in the 50's and 60's. When he got in trouble, he didn't get taken down to the station. He got a kick somewhere and the officer told him to straighten out. The impression made more to him than anything. He got involved with what back then was called the Junior Police. They had a thing on Monday night and they'd go watch the Three Stooges and have a raffle of a football. They met all the cops there, and that was fantastic. On Fright Night, the kids get to meet all the officers, and they love it. Imagine a guy like Officer Emmonds coming in—they call him Tank—with a costume on. It's incredible and promotes a lot about the Police Department and the people of Hudson.

Selectman Coutu asked if he'd ever had any interaction with a Hudson police officer. Mr. O'Donaghue said many, all on the positive side. As a parent of teenagers, he always knew when they interacted with an officer because he'd get a call, "Hey, Charlie, straighten him out; he's speeding."

Selectman Coutu asked what he was looking for in a police chief. Mr. O'Donaghue said he was looking for someone very similar to Dick Gendron because he's done such a marvelous job, but he's also looking for someone who is very personable, who can get out and talk to people like the current Chief has done, for someone who can be very responsible and positive about the future, thinking about better ways to police, better ways to get to know the community, better things to protect the officers, such as bullet-proof vests, or the police gear they currently use. This is one of the best departments in the state, if not THE best, but they've got to keep making sure they fund that department to stay that way. They also have another advantage over other people in the state. The residents can feel a lot safer because of this Police Department, and it has always been progressive and on-going.

Selectman Coutu asked if he felt there were qualified candidates to select from within the Police Department, or had he preferred the Board opted for a regional search outside the department. Mr. O'Donaghue said he honestly believes that some of the at-home talent is excellent and certainly deserves a consideration. Public relations-wise, it says a lot to the guys in that department when you take one of their own to put into that CEO position. He'd like to see the position stay at home, although having worked in Derry, he knows there are some excellent candidates out there. But for the morale of all the policemen, they should probably keep that position right at home.

Selectman Coutu asked if he'd been approached by anyone soliciting his support for the position of Chief of Police. Mr. O'Donaghue said positively not.

Selectman Massey asked what Mr. O'Donaghue's understanding was of the responsibilities of the civilian panel. Mr. O'Donaghue assumed they were the same responsibilities that he had when he had new officers. Make sure they are what they want, make sure they understand the law, that they are well qualified to handle that position. Like anything else, the qualifications are there and he was sure they were going to establish a list of what they are looking for, and he's sure that during the oral process, they check off different things the candidate had mentioned. He's looking for someone who has experience. That position is going to require someone who has been in law enforcement, preferably someone who has been educated in law enforcement, someone who has a proven record in law enforcement and they've got quite a few people here in town who meet those qualifications.

Selectman Jasper asked if Mr. O'Donaghue has already decided, in his own mind, who the next Chief of Police should be. Mr. O'Donaghue said no.

13. **Michael Pitre** said he's been a member of the Zoning Board for seven or eight years and a Hudson resident for almost 13. He was at a Hudson-Litchfield practice because he coaches that program. He thought he represented a lot of town citizens. He hasn't lived here forever, and he didn't just move here. He came at a time when Pond View and Provencial Heights were being built and a lot of people came to this community at that time. He has made a lot of friend in those communities and other areas of town. It's a great community.

Selectman Coutu said, for full disclosure, he is a Selectman liaison to the ZBA, a board on which Mr. Pitre serves. He has developed a friendship with Mr. Pitre, who comes into his store and they play golf together. He asked Mr. Pitre if he ever discussed any of his questions with him, or the selection of a Police Chief. Mr. Pitre said no.

Selectman Coutu asked why the Board should select him to serve on the panel. Mr. Pitre said he recently completed the Citizens' Police Academy and has an understanding of the department and saw their professionalism. It was a great experience. At a ZBA meeting, he stated that if anyone had the opportunity to attend the Police Academy should do so.

Selectman Coutu asked if he was related to anyone working for the town. Mr. Pitre said no.

Selectman Coutu asked how he would rate the HPD on a scale of 1-10, with 10 being the highest. Mr. Pitre said 9. He lives in the south end of town, on the last street, Joan Ave., and behind Hudson Fish and Game. It's a very quiet neighborhood, so the interaction with the Police Department, in that area, is not great, so they don't see a lot of police cars—and that's a good thing. Prior to his attending the Citizens' Police Academy, he hadn't had much interaction with the police.

Selectman Coutu asked what he saw as Hudson's policing policy strong points. Mr. Pitre said every year, his kids look forward to the trading cards. It's fun to see the police officers out on their bicycles, but you're seeing more and more of them. As a sales representative, he travels in New England a lot, and he doesn't see in other towns the high exposure of officers that there is in Hudson.

Selectman Coutu asked if he could think of any weak points and, if so, what they were. Mr. Pitre said his own neighborhood. There's not a lot of action down there. That's good that they don't see them. He's sure the police have other priorities. His part of town is not active.

Selectman Coutu asked what the term community policing meant to him. Mr. Pitre things like having a sub-station at Wal-Mart, having a branch there, and there may be other satellite locations in town. Being involved with the community and working with the citizens. His kids go to Nottingham West and there is an officer there that his kids know and that's good involvement. They just had a party for him.

Selectman Coutu asked if he'd ever had interaction with a Hudson police officer. Mr. Pitre said yes--nothing negative.

Selectman Coutu asked what he was looking for in a police chief. Mr. Pitre said someone to lead the department, that is involved with the community. He didn't know how the hierarchy worked, specifically, but he thinks the Chief reports directly to the Board, but it's not just that. The people in the community need to see the Chief, need to know him.

Selectman Coutu asked if he felt there were qualified candidates to select from within the Police Department, or had he preferred the Board opted for a regional search outside the department. Mr. Pitre said he hasn't seen resumes or knows who is applying, so he couldn't answer the question fairly.

Selectman Coutu asked if he's been approached by anyone soliciting his support for a potential Police Chief candidate. Mr. Pitre said no.

Selectman Massey asked what he understood as the responsibilities of the civilian panel to be. Mr. Pitre said to give input from a citizen's point of view.

Selectman Jasper asked if he, in his own mind, decided who the next Chief of Police should be. Mr. Pitre said no; he didn't know who the applicants are.

14. **Benjamin Sargent** was not present.

15. **Michael Shumsky** said he's been a Hudson resident for 60 years.

Selectman Coutu asked why the Board should select him to serve on the panel. Mr. Shumsky said he did the Citizens' Police Academy, which indoctrinated him into what the police do and he's had some legal dealings with the police and they have always been there to meet his needs and issues. He thinks it is a top notch force, and he'd like to keep it that way. Dick Gendron is going to be a tough act to follow, so he'd like to see a good qualified person in to fill his shoes.

Selectman Coutu asked if he was related to anyone working for the town. Mr. Shumsky said no.

Selectman Coutu asked how he would rate the HPD on a scale of 1-10, with 10 being the highest. Mr. Shumsky said 10. When he has called them, they have always been there for him and they are always very polite, courteous and professional.

Selectman Coutu asked what he saw as Hudson's policing policy strong points. Mr. Shumsky said they have been groomed to be a very professional force. He has seen how other police departments work, and there is just something about the guys in Hudson, who are very courteous and professional.

Selectman Coutu asked if he could think of any weak points and, if so, what they were. Mr. Shumsky couldn't see any.

Selectman Coutu asked what the term community policing meant to him. Mr. Shumsky thought it meant too much intervention. They shouldn't be breathing down your necks all the time; they should be there when you need them, but they shouldn't be tell you what to do every step of the way, such as giving a ticket for jay-walking.

Selectman Coutu asked if he'd ever had any interaction with a Hudson police officer. Mr. Shumsky said yes, and it was always positive.

Selectman Coutu asked what he was looking for in a police chief. Mr. Shumsky said someone that can fill the shoes of the current Chief, that meets or exceeds it.

Selectman Coutu asked if he felt there were qualified candidates to select from within the Police Department, or had he preferred the Board opted for a regional search outside the department. Mr. Shumsky said there were good candidates right here in town.

Selectman Coutu asked if he had been approached by anyone soliciting his support for a potential police chief candidate. Mr. Shumsky said no.

Selectman Massey asked what his understanding was of the responsibilities of the civilian panel. Mr. Shumsky said he didn't know.

Selectman Jasper asked if he has decided in his own mind who he thinks the next Chief of Police should be. Mr. Shumsky said no.

Chairman Nadeau declared a brief recess. The meeting was called back to order at 8:54 p.m.

Motion by Selectman Jasper to change the order of the day and take up 6-C, seconded by Selectman Massey, carried 5-0.

B. Pelham Road Dam/Bridge

Acting Town Engineer Gary Webster introduced John Byatt from CLD, Bob Stevens of Stevens Associates, who were all involved in the process of determining if this was going to be a dam or a bridge. He noted that Road Agent Kevin Burns was also present, as he had an interest in the final determination.

Mr. Byatt said he wanted to start from the beginning of the project to give the Board a little history of where this whole dam/bridge thing started, which he explained by using a PowerPoint demonstration. The Pelham Road dam/bridge is an undersized culvert through an embankment. On the downstream side is a dilapidated retaining wall. During the 2006 flood, the road over-topped. The water was so high, it went over the embankment, over the road and water actually shot out of the wall quite a ways. CLD was hired by the town to inspect the wall after the flood and they submitted a report, noting the wall was in very poor shape and should be repaired. The town has since made some repairs to the wall. It looks better, it's sealed up and holds some of the water out, but there are still concerns about the overall stability of the wall. A cost estimate was done to repair the wall. Around the same time, DES got involved and it meets their classification for a dam, so the cost estimate was to repair it as a dam. Construction is \$250,000 and design if \$100,000 which he believes was voted on last March. According to DES, Pelham Road is a high hazard dam; it holds back water and meets their criteria for such. There are a number of houses downstream that may be affected, if the dam did breach. They have to prepare an application for a dam, so they've been doing work which consisted of inundation mapping, before and after the dam breaches and is part of the dam permit. An important part of the application is the emergency action plan. If the dam breaches, you need to have an EAP to alert residents downstream that something very bad was happening. At the time they looked into this, there was an incident in western New Hampshire, where a culvert similar to this one failed, and there was loss of life, and this concerned Tom Sommers very much. To summarize, DES considers this structure to be a dam. The application has been put on hold because the concept of the bridge has come into play.

As a high-hazard dam, it has more stringent design requirements and there are fees and maintenance costs involved. He believes insurances costs are higher, as well. The Emergency Action Plan has to be maintained and there is always the risk of dam breach. DES is trying to remove a lot of dams around the state, as many as they can. The dam application was submitted, but is now on hold. As part of the dam application, they did a hydraulic analysis to look at the 100-year storm. Because it over-tops, it provides little flood control and it delays the flood about an hour. The next slide showed the flooding, with the dam in place, during the 100-year flood. Selectman Maddox asked what the 2006 Mothers' Day storm was classified as. Mr. Stevens said they didn't look specifically at where the storm would have gone, in terms of flooding, but because of that storm, they did a statistical analysis that included that storm and that statistical analysis showed that Mothers' Day storm between the 10 and 25-year flood.

Mr. Byatt said the question was raised if a dam was needed, or if it could be replaced with a bridge that would allow the flows to pass right through. What happens if they were to do that? They know the dam holds some water. What is the effect for the lesser storms, the five, 10 and 25 year storms? Is replacing it with a bridge an option? The last time they were before the Board, they were asking for funding for that analysis—and these are the results of that analysis.

At route 3A, a five year storm, water level increases 0.7 feet and overtops the road by 0.2 feet. The Q-10, with the dam, overtops the road by 0.1 feet. Without a dam, it overtops the road by 6 inches. Selectman Jasper said the dam just delays things for about an hour. Now, they're showing them slides that say it actually does more than delay it. Without it things increase. He didn't think those statements were in agreement. Mr. Stevens said they did the analysis for the 100-year flood for DES for determination of

hazard classification, if it becomes a dam and that 100-year flood analysis will be included in the Emergency Action Plan, if and when the town tells them to wrap that up. Because the results of the 100-year flood analysis showed that, in terms of flood control, the culvert/embankment/dam has very little effect, if any. They explained that to the town and said there may be some benefit to see if there are lesser storms, where the dam does have effect. That's what they did from that point on. Q-5 means a five year storm.

Mr. Byatt said at 77 Lowell Road (T-Bones), 5 and 6 Birch Street, the Q-10 without the dam, the water level would increase 2 feet and may inundate the structures. At 3 Rhona Road, Q-10 water level would increase .8 feet, which exceeds approximate basement elevation by 0.1 feet. Selectman Jasper said the Mothers' Day storm, which everyone said was a 100-year storm, the structure at 77 Lowell Road was not inundated. He heard that the effect of a 100 year storm didn't matter whether it was there or not. Were they saying that without the dam, the water may inundate the structures, but with the dam which a 100 year storm doesn't make any difference, the structures were not inundated, so he didn't really understand the analysis. Mr. Stevens said some people indicated that what was experienced on Mothers' Day 2006 was the 100-year flood, and that was probably for the Merrimack River. The 100-year flood for the Merrimack River does not necessarily correlate with the 100-year storm on second brook. Hydraulically and hydrologically, they may be very different events. They've taken the most recent storm data, precluding the 2006 Mothers' Day flood and the 2007 flood and incorporated that through the Northeast Climatological Center in Ithaca, New York, who provided the most up to date predictions for the 100, 50, 25, 10 and 5 year storms would be, and that statistical model would include those two floods over the last two years. The 100 year flood in 2006 is not the same as the 100 year flood in 2008 because before those two storms, they had a different prediction of what the rainfalls would be. It's like having a smart kid in class that drives the curve way up for the rest of the class. As soon as you have a high event, it changes the statistics of the whole model and drives up a 100 year storm.

Selectman Maddox asked if he was saying the 2006 storm was a 25-year event. Mr. Stevens said the table in their report where they modeled the smaller storms indicates the 2006 flood was somewhere between the 10 and 25 year floods and that's because the rainfall that occurred, that was measured in nearby gauging stations, was somewhere between the 10 and 25 year rainfalls that were predicted. Selectman Maddox asked if that took into consideration that fact that it was Mothers' Day and the ground was saturated. He's trying to get a perspective of what that storm was because he saw it. Say its 25, and they are talking about a Q-10 without a dam, the water would increase two feet. What would it, with the dam? Mr. Stevens said this says it's an increase of two feet over what it was with the dam.

Mr. Byatt said the Winnhaven and Riverview culverts, a Q-10 without a dam, water elevation would increase four to six feet. Water elevations near the top of the road, but no overtopping was predicted.

Selectman Massey believes they all saw the culvert, and the water was coming out at such a high velocity that it was actually not able to make that extremely sharp right turn, and it was going up onto the property that is in back of the T-Bones structure. If that's a 25 year, and a dam is there, now they're saying without a dam... he asked for an explanation, if that water was shooting out at a tremendous velocity, and was actually overrunning on to the other property, they actually sandbagged their garage to try and protect it, why, if it is going to raise four to six feet at 10 feet... Selectman Jasper said he was at the wrong spot. Selectman Massey asked if they did any modeling at that outflow from underneath, the culvert that comes out from under the T-Bones property. Mr. Stevens said all of the culverts were measured and surveyed and included in the model. (Talking over each other.)

Selectman Maddox asked if the pipe under T-Bones and the parking lot became, if not a dam, a restrictor. What they saw was that pipe was full and the water was going over 3-A. He was wondering how the numbers were getting there, if that's a function of you can only pump so much through there, it's going to spread down Lowell Road before it goes... Mr. Stevens said the spread down Lowell Road is incorporated in the model. Culverts were designed to work most efficiently when they are inundated, so if the culvert is submerged and there is water firing out of it at the end, that's how they are designed to work. In extreme events—10 to 25 year floods or above—it can cause problems; erosion downstream and those kinds of things. Culverts work most efficiently when they are submerged. Bridges, not so much.

Mr. Byatt said some of the numbers they used to compare the floods to, the numbers for the buildings in particular, were based on approximate planometrics that they got from the town and also on DES approximate survey, so the accuracy of some of this isn't quite what they'd like it to be. The reason for that is they would have surveyed the structures originally when they were going to do the dam application that could possibly be inundated by the different floods. They didn't do that because they thought they'd do the analysis first and that way it would narrow down the number of buildings they would have to go after, doors to knock on and basement elevations to get. If they said 100 houses would be affected, they'd spend money to do all of them, so they thought they'd do the analysis first to get a better idea of what houses they'd need to go after. The buildings shown in pink on his diagram were the ones that would be affected and the ones they'd like to get a more accurate survey on. A person from DES who went on some of the properties and got some elevations for the pop level. They are recommending getting a more accurate survey of those 25 structures. Mr. Stevens said that was for comparison because the model shows that with more accurate information, they can refine what is actually going to happen at those structures. Without knowing what elevation the first floor is, or the first livable space is, it's hard to compare the flood elevation. Once they did the analysis and determined what they expect the flood elevations to be based on the model, they are better able to say what structure would be beneficial to have more (not discernable).

Mr. Byatt said if, based on what they've heard so far, the Board is still interested in removing the dam as opposed to fixing it to meet the dam application standards that they talked about before, \$350,000 would be needed to do the wall repairs they talked about. DES is going to required that that be done. If the idea still appeals to the Board, they'd like to get a more accurate survey.

Selectman Jasper said turning it into a bridge no longer appeals to him. There's too many people's homes along the way that would be impacted very negatively on a very regular basis if they take that out for the five and 10 year storms. They need to repair it as a dam because the alternative isn't good. The other things that would need to be done to alleviate the problems would be much more expensive than \$350,000 for dam repairs.

Selectman Massey asked what the possibility was that FEMA would provide funds to buy out the most at risk homes to prevent a future flooding opportunity, similar to Alstead, to remove them from potential flooding in the future. The houses are gone. Mr. Stevens thought that was the FEMA flood insurance program; he didn't know for sure. Selectman Massey didn't think they were talking about the repair of an existing dam, but a replacement dam, because of the condition of the dam, such as the concrete. Mr. Stevens said without a doubt, it would be a better dam if they started from scratch, if they removed and replaced it, but they were talking about repairing the downstream face, probably with an embankment. They would remove part of the downstream edge and a portion of the road and reconstruct that as an embankment, similar to the upstream side. He talked to DES about that and provided they do the engineering necessary to warrant it, they are OK with that. Selectman Massey asked if that was within the \$350,000 figure. Mr. Stevens said that's what the estimate was based on. Selectman Massey asked if they ever estimated what it would cost to do a full replacement. Mr. Stevens said no, they didn't look at that, but it would be much more money.

Selectman Maddox said they were going to make some modifications to the embankment of the existing structure. He asked how the design cost came to a third of the price. Mr. Stevens said he wished he looked over the cost estimate for the engineering before he came here. Dams are very expensive to design. Selectman Maddox said yes, but they were just repairing it. How could it cost a third of the price to design something they already have. Mr. Stevens said he'd have to look at his estimate, which was prepared about 10 months ago. Selectman Maddox said that would be a question he'd have when they come back. Mr. Stevens said the \$100,000 was not out of line with other projects they work on when dams are repaired. Dams are not like culverts, relative to the engineering. It's much more extensive.

Selectman Maddox said before they flush the bridge, he'd like to hear from the Road Agent because he's the guy who will have to deal with the day to day issues. He'd like some input, some things he and his crew can do that may be beneficial. Maybe not a bridge, but something else.

Selectman Coutu asked if, in the process of their analysis, if they determined what the containment gallonage is, at present—the impoundment behind the dam. Mr. Stevens said they estimated it. Selectman Coutu said considering the repairs they want to do and the buttress, which would be either by increasing the berms on either side, are they going to increase the containment and, if so, by how much? Mr. Stevens said that was a good question and asked if they talked about changing the vertical curve there. Mr. Byatt said they were pretty much going to replace it like it was. Mr. Stevens said the way to change the capacity of the impoundment would be to change the height of the roadway there. That's a vertical curve adjustment. Selectman Coutu said then the containment would be the same. Mr. Stevens said yes. Selectman Coutu said he was concerned about increasing containment, if something should happen to the dam, increasing the danger downstream. If they are just going to repair it and maintain it as is, and make it more structurally sound, they're not going to increase the containment. Mr. Stevens said that was right. Selectman Coutu asked if in the process of their analysis, when they look at the structures that are identified in pink, in terms of what they are going to accomplish by whatever means, has anyone looked at the impact that insurance is going to either increase or stay the same for those homes downstream, as a result of whatever the town does—or are they in a flood plain, and it's not going to matter. Mr. Stevens said one of the factors involved was FEMA, and they issue flood studies under the Federal Flood Insurance Program. When you change the flood plain of a stream for a given interval of flood, a 100 year flood, a 10 year flood, you need to notify them so they can adjust their maps. There probably would be impacts downstream to insurance rates. One of the things they are hoping to talk about in the presentation is that, regardless of what happens here, the town needs to take a serious look at flooding downstream and replacing the culverts. If the town does that, even if it is replaced with the bridge, it will alleviate a lot of the flooding that's going on downstream because the flooding downstream is a function of what's going on at Pelham Road and all the culverts downstream where the water gets impounded during very high floods.

Mr. Byatt said someone asked if Lowell Road smokestack under there was a restriction; yes, it is, so they want to talk about the bigger picture, the flooding. He wanted to talk about the bigger picture and the problem with flooding with or without a dam. He pointed out the pipe under T-Bones parking lot, a smokestack, and it's corroding. (Someone interjected that it came over from Nashua in the 60's.) It also restricts flow. Whether they keep a dam or not, there are flooding issues and 3A gets closed every so often. They could look at increasing the capacity at all those structures, whether they can open up Lowell Road and build a bypass pipe to it, County Road, Winnhaven culvert and the Riverview culvert. In looking at how to solve these problems, with or without dam, develop a priority for increasing the size of these restrictions. It's best to get rid of Lowell first and solve the most problem now and maybe move on to County and Melendy and what happens with the hydraulics when you remove one and not the other and then establish replacement options, the sizes of the structures, the source of things and also calculate the cost for each structure they would open up over time. The last thing would be to establish the timeframe for that. They obviously won't open four bridges overnight; it will have to be an incremental process, based on the funds they have available. They've also been tossing around ideas of getting these bridges into the municipal bridge program. The state would pay 80% of the bridge cost and the town would provide the other 20%. Currently, the town has two bridges in this program. One is scheduled for 2009 or 2010 and one for about 2011. One is County and one is Melendy. Perhaps the Lowell Road project could be switched for the one being done in 2009. It's a very good funding mechanism. Get them in the program now and the town could get its 20% between now and then. This is an overall look at eventually solving the flooding issue that are there now. A lot of the problem is due to the restrictions at those locations.

Continuing, he said there were a couple of other options, aside from any study they would do. The town could adopt a comprehensive drainage and water management plan. This would plan and manage development, the flow off of developments. It would allow surface water infiltration, ground water discharge and upgrade drainage systems. Mr. Stevens said this approach is something they are taking a lot of times today because it helps manage drainage without having to change the hydraulically inadequate structures, which is a lot more constant and worth consideration by the town. It's an approach to help the town get its arms around the management of storm water so that structures like the ones downstream from Pelham Road aren't hydraulically inadequate. Many communities are taking this approach.

Mr. Byatt said they could upgrade the dam now at a cost of \$350,000 and fix the structures downstream incrementally over time, based on the money available. They would want to eventually replace the Pelham Road dam with a bridge, once everything downstream has been opened up, then maybe in the future, replace that with a bridge. It would cost about \$50,000 to decommission the dam. The dam has the annual \$1,500 fee. When they are ready to replace the dam with a bridge, the bridge would cost about \$600,000 in today's dollars. Or they could remove the dam now and replace it with a bridge and spend \$600,000 now to replace the bridge.

Selectman Coutu said the culverts, as they empty downstream, decrease in size, which lends to a more significant impact on the lower end of the down flow, as opposed to the culverts maintaining their consistency all the way through, in terms of size. He asked if that has been looked at. Mr. Stevens said the pipe that was put in at 77 Lowell Road is much smaller than the bridge and much less efficient, so it is creating a situation where they have more flooding than they would if it was the size of the bridge. Selectman Coutu said, assuming they were to make a change in the culverts, and they were to have a consistent flow rate, with all the culverts being the same size, would that alleviate the problem at 77 Lowell Road, but increase the problem further downstream? Mr. Stevens said the approach they suggest is that they not size all of the culverts the same, but that they design each one to reduce or eliminate the flooding downstream for the designed flood of the culvert or bridge. The design flow for most culverts in the state is a 50-year flood. Clearly, the capacity of the one on Pelham Road is much less than a 50-year flood. The ones downstream, likewise, are inadequate by today's standards. If the town was going to seriously consider replacing the culverts downstream, they would take each one and analyze the situation hydrologically and hydraulically and size it appropriately for that crossing. It would be likely the size would increase as they went downstream, because flows increase. Selectman Coutu asked, based on the existing culvert, if it would be fair to state that downstream they are at a Q5 to Q10. Mr. Stevens asked if they got over topping on Route 3A in the 2007 flood. Someone said no, but they did in 2006. Mr. Stevens said on Lowell Road, that culvert is now sized for a flood somewhere between a 10 and 25, but it impounds water upstream, it just doesn't overtop the road until they get above the 10 year flood. That impoundment is an increase in water elevation upstream and it has impacts to houses upstream. If they were to increase the capacity hydraulically, it would alleviate the flooding upstream. It's not just the flooding of the road itself they are talking about. It would reduce the flooding of the road, but it would also impact the housing upstream during those floods.

Selectman Maddox said the Pelham Road structures they now have, the culvert to road is going to be six, seven feet before it reaches the road. Mr. Stevens said the embankment is much more than six feet. Selectman Maddox said this was very confusing. Mr. Stevens agreed that it was complicated and why they wanted this meeting. He was encouraged by the questions. Selectman Maddox said this should be designed for Selectmen, not engineers. Selectman Maddox said if they showed the flow from Pelham Road to the Merrimack, what is the size of the structure, whether it's a dam, a culvert, etc., and what the potential during the 2006 storm of the overtopping of the roadway at those locations and what they might do. This goes all over the map and he's having a touch time following it. Maybe a simple map with that information in a graphic. That would be a lot easier for him to follow. He asked if the \$600,000 was the straight cost of a bridge and if they did this as a bridge, they'd get 80%. Mr. Stevens said they would approach the state about getting 80%. Mr. Byatt said Pelham Road is a little different. The bridge program mainly replaces existing bridges or rebuilds existing bridges. Currently, the Pelham Road structure isn't a bridge, it's a culvert. However, under the circumstances, if creating a new bridge is something they want to do, maybe they would allow that in the program. They've have to contact DOT to see if the Pelham Road structure could be plugged into the municipal bridge program. Lowell Road is a bridge, so that could be switched around in the program. Selectman Maddox said the Lowell Road smokestack was a private facility, so they would need to let that person aware that there are issues there and if they are going to do County Road, hopefully, they are designing it to this criteria and not to what it was.

Selectman Jasper said it was getting late and this is a very expensive project that needs to be undertaken at some point, but given the state of the economy right now, it's not in the budget parameters. He didn't see them putting a nickel into planning to do something down the road. The project that needs to be done under T-Bones parking lot is going to be extensive and very expensive and it's not going to be borne by the owner of the property. The only option they have to take care of this problem today is to do it as a dam at \$350,000 because even if they were able to get bridge aid, they'd create huge problems down the road until the other problems are corrected, which are probably millions, and they aren't going to get any aid for that parking lot. They need to do a dam, even if it's temporary, so he'd like to see them just move on tonight. They haven't done anything all night, so far, and they've been sitting there since 7:00.

Selectman Massey said from what he understands, especially from what he saw and observed and understood from the 2006 Mothers' Day storm, the Pelham Road culvert today is in distress. Even if they were to think the bridge was the right decision, the changes of them getting 80% match in the near future is probably slim to none. They had a hard time getting the money to do the Merrill Marauders Bridge update on Route 3. Even if the bridge were the right solution, it's not going to solve the current problem, which is that structure is deficient and another storm like 2006 could cause it to give, so he's in agreement with Selectman Jasper. They should be fixing the existing structure and look at what they have to do downstream and at some point in

the future, when miraculously money flows again, they can look at a bridge. But before he makes his motion, since Selectman Maddox asked, he'd like to hear from the Road Agent first.

Mr. Burns said in a perfect world, a bridge at Pelham Road makes sense, but only if the Board was willing to commit a lot of funds in a short period of time to correct downstream, which is going to have to be done, eventually. The big problem is a culvert that's on private property, whether that's ultimately their responsibility or the town's, that's holding everything up. He can't fix the flooding they have constantly on Bush Hill Road because then Pelham Road has to be fixed, and then they're down to County Road, then down to Lowell Road. If they spend \$350,000, they've secured the dam. He hoped they could go with the bridge, but felt he had to agree with Selectman Jasper. If they're not willing to commit a large period of money in a short period of time, the bridge is going to have a devastating effect on some of the residents along the brook downstream and, in this economy, he can't see the town committing what, in all likelihood, be millions of dollars to correct the problems along Second Brook.

Selectman Massey said if they were to do the bridge, the only way it makes sense is if they correct all of the problems downstream at the same time, so they're not talking about just a \$600,000 bridge, but several hundreds of thousands of dollars for work downstream. Mr. Burns said millions of dollars downstream. Selectman Massey said the only way they could do that is with a bond and a warrant article, which means that between now and November, putting together a cost estimate, which is probably not reasonable. From that perspective, he'd argue even stronger for a dam. Mr. Burns said the state would probably be lenient in forcing them to correct the dam if they knew the town had a short-term plan to correct it and replace it with a bridge and were waiting for funding from a warrant article to correct millions of dollars of problems. Selectman Massey said given what the Road Agent went through in 2006, is that a risk they should be taking, even if they could marshal the right things for the bridge. Mr. Burns said he was a couple of minutes away from getting off that road on Pelham Road. He thought it was going. He wouldn't want to be standing out there again, if it happened. Selectman Massey said they know that the driveway at the house next to it was washed away. Fortunately, for what Kevin's crews did, they were able to stabilize it, but he was concerned after looking at the pictures, and what he keeps going back to is the picture on the downstream side and he understood there are significant structural deficiencies with that, at the moment. Mr. Burns said he has seen the inside of the wall and if it is breached again, there is a strong possibility it could go.

Motion by Selectman Massey, seconded by Selectman Jasper, to authorize the Engineering Department to move forward with the plans to rehab the existing Pelham Road dam.

Selectman Maddox said if they do this, they put the band aid on and drive away silently in the night. This warrants, at least, to look at the corrective actions. He knows it will cost millions, but it has got to get done. Selectman Massey said if the motion passes, it would be appropriate to have another motion to have the Engineering Department look at putting a warrant article together for next year for a comprehensive downstream program. Selectman Jasper agreed with Selectman Massey. This year is not the year to even try to put the warrant together. They're going to be lucky to get a budget the way everything is going and just adding on things that, for most people, this is not going to appear to be a high priority. This will take care of the immediate problem and unless they get a storm much larger, and he didn't think anybody can envision that happening, what happened before will happen again and everybody feels they've lived through it, no big deal. This is what they need to do and if the economy improves next summer, they start looking at putting together some cost estimates and a long term plan to take care of this. They've got to have discussions with their attorney about the parking lot because the pipe goes underneath the building and if this is done, it's going to have to skirt the building and come out somewhere near the back of Citizens Bank, into the brook there, and that's going to be a very expensive project, with a lot of details to work out on that.

Mr. Webster suggested asking CLD and Mr. Stevens to give them an idea of a study, what has to be done, so they can come back in the future with what has to be done, and get a cost. If they don't want to do it this year, at least find out what it will cost. Mr. Byatt said they already have the costs.

Selectman Maddox said he wasn't disagreeing with his fellow Selectmen, but he feels they should be a little more pro-active. The day that culvert under Lowell Road fails, they'd have to shut down Lowell Road and divert traffic around that, and then they'd have an issue. It's better to be pro-active than just saying let's put up a dam. He didn't disagree they wouldn't put on a warrant article this year, but they need to know what those costs are going to be, what it's going to take to do this work, so they can come back with some details. Selectman Jasper said they just said they have the numbers. Mr. Byatt said it would be a full hydraulic study to look and see what happens downstream if you take this one out, prioritize. It would be to size and cost widening and replacement of five structures they've been talking about. That includes a geotechnical investigation, basically taking it up to conceptual level plans and estimates would be around \$160,000. That's the geotechnical. They can drop that down if they want to do something else later down the road. Right now, they want to know cost and sizes, maybe not do plans. They will have to do plans eventually, if they are going to replace the structures and they are going to have to do geotechnical investigations, so it's a matter of how much they want to do now versus later. He recommended going to conceptual level plans, cost estimates for resizing the structures, doing the geotechnical evaluations to see what's in the ground and that would be about \$160,000.

Vote: Motion carried 5-0.

C. Budget to Actuals

Steve Malizia Town Administrator said they are at 25% as they are a quarter of the way through the year. However, they do not always spend in a linear fashion. Payments have been made to capital reserve funds, cable utility, fire suppression and some other accounts. They fund those accounts right at the beginning of the year, so it tends to skew some of the percentages. Overall, they are where he expected them to be. When they have a commitment, such as the trash contract, they do a purchase order at the

beginning of the year to encumber all of the money, so that line item is skewed. It's typical seasonal stuff they do at the beginning of the year, summertime vacations and that sort of thing for some of the police and firefighters who have to substitute for each other. At least, that's the trend he's seen in the past.

Selectman Maddox said the Police are right on line but Fire is over. If that turns out, it's a \$350,000 differential. Because the police are right where they should be... Mr. Malizia said 50k of their budget was an expenditure to the capital reserve, so it bangs against that suppression account. Selectman Maddox said just looking at it makes it tough for them to figure out. Another one that jumps out at him is the Building Department at 34%. Mr. Malizia said purchase orders that they have contracts for are encumbered. The contract for the electrical inspector is encumbered at the beginning of the year and charge against it. If it's not all used, it gets liquidated at the end of the year. The encumbered amount was on the detailed sheets in the Selectmen's Office.. Selectman Massey said the other piece of that is they transferred a portion of the salary account for the Town Engineer out of that budget and moved it to the gas contingency. Selectman Maddox said but that would have been under Engineering. Mr. Malizia said they transferred somewhere in the neighborhood of \$100,000+ for gas which, right now, they are not paying what was budgeted. Selectman Maddox said yes, they are. Mr. Malizia said no, they're down around \$3. Selectman Maddox said they budgeted \$2.15. Mr. Malizia said right, but then they took another 70k from Contingency (talking over each other); he said his point was the whole effort was at \$3.75 and they're not paying anywhere near that, so they may have extra money there.

D. Tax Rate

Finance Director Kathy Carpentier said she was before them to ask their approval to set an appropriate tax rate for the 2008 tax rate. She recommends using the \$1.2 million out of the \$6,336,000 surplus to have an estimated tax rate of \$15.96 an increase of 6.3% over last year's total tax rate.

Selectman Jasper said they did budget the \$1.2 million and, just as a precursor to the upcoming budget cycle, years ago, previous boards did them no favors when they used even more than this. They knocked that down by \$250,000. The chickens are coming home to roost, as he predicted they would when he voted against using the astronomical amounts that they were using in years past. What that does is allow them to spend a lot of money and not impact the tax rate, but at some point, you run out of surplus and it comes home to roost. When they do this year's budget, they need to drop that down another \$250,000 or more. They are projected to be down to 5.1. If they take another \$1.2 million out of that, they're down below \$4 million. If they take another \$1.2 million out, another two budget cycles out, they're below the 5%, and now they're in trouble. They have to put the brakes on this and start ratcheting that number down even more. A real disservice was done to the town. It was up as high as \$1.6 million at one point and that just delayed the consequences. It's very much like putting spending on your credit card. That's what they are doing by using surplus.

Selectman Massey said they have to look at several things on this. First, if they go with the Finance Director's proposal, the town's cost portion of the tax rate goes up 4.95%. The School Department goes up 9.96% and the County tax goes up is not calculable because it's going from \$1.01 to \$1.03. When he talked to the Finance Director about this, if you look at the State Education Equalized Evaluation of \$6,432,420, if they were applying the town's valuation to that, that tax would be \$2.24 but because the state mandates that they take out utilities when they calculate the tax impact, it becomes \$2.32, so they are actually giving back to the state, because that's what this money is, it's money they're giving to the state, but they're giving at a higher premium than the citizens are paying for their current services. He looks at 6.3% and he looks at today's economic environment for everybody and while he understands where Selectman Jasper comes from, he thinks that these are tough times and it requires some different thinking. If they just go to a 5% increase and instead of a 6.3% increase, it would change it from \$15.96 to \$15.76.

Motion by Selectman Massey, seconded by Selectman Maddox, to take an additional \$560,000 out of surplus in order to keep the tax rate from not going up more than 5%.

Selectman Massey said in some manner, shape or form, everyone is hurting. The stock market was down again 508 points today. They haven't seen the bottom of the financial crisis and they have it in their power right now to at least alleviate some of that pain. Yes, he understands that next year it puts another \$560,000 on them, but he was having a hard time accepting the 6.3% increase. Selectman Jasper understood Selectman Massey's rationale, but most of it is on the schools and the reality is they are probably going to have people who won't be able to pay their taxes and the surplus is going to be all the more important in the operations of the town and 20-odd cents per 1,000 is not going to make or break most people, but the long-term ramifications of this is very severe because then you now commit to 1.7 the next year and he didn't think next year was going to be a better year and they are not going to have extra revenue.. They may have less revenues in the next year, which may further pull down their surplus. They're going to get themselves into a very bad situation. At some point, if you take that \$500,000 this year and they already know they're taking more than is sustainable, that's the problem. The 1.2 is only sustainable for a very short period of time and unless he is banking on a quick turnaround, they are going to make their situation much, much worse next year, or the year after. He implored the Board not to do this. People have to recognize, yeah, they didn't know how bad things were going to be in March, but they voted for the extra spending. They are now going to be able to go into the budget cycle and they are going to have to look at it very hard to keep that number from going up on the town side. They obviously weren't successful this year, but this is not the solution to the problem. This creates another whole problem. This is just the federal government all over again, living on credit. Make no mistake. This is \$500,000 of credit.

Selectman Coutu said in order for him to have a better understanding of town surplus, and he's listening to the arguments so he can make a decision, is the existing surplus based on the numbers presented here, \$6,336,000? Regardless of what they take out or don't take out, does that number fluctuate from year to year, or does it increase, taking aside they take money out? Mr. Malizia said surplus changes when you spend less than you appropriated in a year, or you take in more revenue, other than taxes, so it can

fluctuate. The don't know until they get to the end of a year and the audit is complete how much the surplus changed, based on those two factors. Selectman Coutu said assuming they never touched a dime of this in previous years, would it have grown or decreased? They would never have spent more than the budget, so obviously, it grows every year. Selectman Massey said if you look at last year, they lost \$314,000 from the surplus. Selectman Jasper said because they used \$1.45 so they increased the surplus roughly by \$1.1 million that year. In that particular year, they could have used \$1.1 without impacting. Unfortunately, they used \$1.45 so they impacted it negatively and they don't really know what the numbers are going to be, but he was suggesting that they are probably going to have less revenue from the state and block grant money for the roads because the road tolls are down 5%, rooms and meals, they probably aren't going to get what was projected because that has been decreasing. And motor vehicle fees, people aren't buying new cars. That's likely to be down. They're certainly going to be down on their building permits and everything else, so what they are going to see is they are not going to get their normal \$1 lapse at the end of the year. They are also very tight in their budget this year, tighter than they have been for awhile, so they are not going to get that. If they use \$1.7, they could see this potentially drop by a hell of a lot more than by what they might anticipate, and then they are going to be in a world of hurt in a snap.

Mr. Malizia said what he was saying was not to take it out faster than you are putting it in, which is what you'd be doing... Selectman Jasper said that's what they have been doing that got them into this problem to begin with. Selectman Coutu said he also understood that the state is in a bind, as well. There is already a prediction for a \$100 million shortfall with no anticipated way to make that up—or \$300 million; the Governor doesn't always get it right. In looking at Selectman Jasper's approach, he sees a lot of sense in that approach. Selectman Massey said there are two sides to this and... Selectman Coutu said if the average median price of a house in Hudson were \$300,000, the 20 cents is an impact of \$60 a year, so with regard to the state of the economy and the uncertainty of where it's going to go, knowing that it's cyclical and that at some point, things are going to turn around, in his lifetime anyway, probably they are going to be facing the greatest amount of hardship that he's ever faced in his lifetime, so it's time to rein in and become a lot more conservative and try to maintain as much in their surplus as they possibly can. At this time, unless something else dissuades him, he would support Selectman Jasper's position.

Selectman Maddox said he seconded the motion so they could have this very discussion. He doesn't want to belabor Chicken Little, but he has been yelling that the sky is falling and they need to be more cognizant. If you look at the news, it's not going to get better for awhile. When the Fed Chairman said what he said today, he was concerned, and one of the things, good or bad, that they may want is a few angry voters in the booth. Selectman Jasper is right. It's a lot easier to say two more policemen, \$130,000, I want this and I want that, and there's no consequences. They need to know that it costs money to provide, so as much as he agrees with Selectman Massey, that what they can find to save money to reduce the budget is a good thing, taking from the surplus, a surplus that, right now, probably gets them a very good bond rating, if they needed to do something. If something did happen, if the dam, God forbid, did go, they have the ability to borrow money with the credit rating they have with the surplus they have, so he cannot support the motion, as much as he agrees they need to do everything they possibly can, but this is not the one he is going to take.

Vote: Motion failed, 1-4. Selectman Massey voted in the affirmative.

Selectman Massey said he understands what Selectman Jasper was talking about, which he appreciated. The fact the vote went the way it did... but he wanted to comment on something Selectman Jasper said. One third of the budget is controlled by the five people sitting in the room, but when the people get their tax bill, 100% of the tax rate is attributed to the Selectmen. When he looked at the school, and saw that they have a total of 12% increase in their budget, if you want to know where your taxes are really being raised at, look at the School Department. A 12% increase over last year versus a 5% increase for the town. Selectman Maddox asked how much their budget was. Selectman Jasper said \$43 million; Chairman Nadeau added, "and climbing."

Motion by Selectman Jasper, seconded by Selectman Maddox, to use \$1,200,000 of the town's \$6,336,004 surplus in support of a tax rate of approximately \$15.96 per thousand, as recommended by the Finance Director.

Selectman Coutu said he was totally confused; he didn't think they were going to use the surplus. Mr. Malizia said Selectman Massey's motion was to take an *additional* \$500,000. Chairman Nadeau said the \$1.2 million is the amount they agreed to. Selectman Coutu asked who "they" was. Selectman Maddox said the four of them, plus Doug. Ms. Carpentier said this was the amount that was budgeted, as they were going through the budget to come up with an anticipated tax rate of \$4.66 for the town. This will leave them at approximately 7.6% surplus; they like to keep it between 5% and 10%. Selectman Coutu said it already sounds like it's a done deal. Why are they making a motion, if it was approved last year? Ms. Carpentier said the Board could increase or decrease that number. Chairman Nadeau said it could be adjusted, like Selectman Massey tried to do. Selectman Maddox said that's what they budgeted, not what they voted. When the budget was done over a year ago, there were different people on the Board. This is confirming what was theorized in the budget. It's important to keep 7-1/2% because when you're \$300 million short, he can see them curtailing some amount of school aid to make up that shortfall. There's only so many things you can do at the state level. They're not allowed to print money like the Feds. This is a reasonable percentage in the reserve and they should go with that.

Vote: Motion carried 5-0.

Ms. Carpentier asked for a consensus when she gets to Concord, if the revenue numbers are different, if the Board would like her to use less surplus or put it towards reducing the tax rate. The consensus by Selectmen Maddox, Nadeau and Massey was to reduce the tax rate. Selectmen Jasper and Coutu didn't voice their preference.

Selectman Massey wanted to make one more comment because he wanted people to really understand this. The town's budget is \$21 million. The school's budget is \$43 million. On \$21 million, they're going up 20 cents. If you double that budget and add \$2 million, you are at \$43 million. For a comparable tax increase, you'd be looking at about 42 cents. They are looking at 72 cents increase on the school side. When people are looking at these budgets and they look at the Board, and they look at the Board for \$15.96, they ought to be looking at the schools a lot more closely instead of putting all the burden on the Board of Selectmen because, as they all know, the Selectmen are the ones that will bear the brunt when people get their tax bills. He looks at the numbers and says it's really an eye-opener. Selectman Maddox asked if that's what his T-shirt is going to say on election day.

E. Property at 8 Pine Road

Steve Malizia Town Administrator said this property is ready to be sold, and he recommended that it be done so by public auction. They could dispose of it by charitable donation, if they wanted to give it away; sealed bid; or public auction. Based on some experience they've had with disposing of property, public auction was the most visible and competitive way to sell a property. This was a collaborative effort between the school and the town. The vocational program at Alvirne built a modular-type home. The town had some lots available. Some site work was done and the goal was to turn that property into something for the tax rolls and help the school out by selling the house with the land. This process has taken about three years, but he couldn't say why. The land has been sitting there for awhile. After meeting with the Superintendent and School Board Chairman, he was told they are ready to go. He wanted to get the ball rolling to catch the fall market. Mr. St. Jean has a mailing list of approximately 5,000 and they are a recognized leader in the auction field in this area and the town has engaged their services in the past. If they are successful in selling this property, there will be no expenses borne by the town; it will come out of the buyer's end. They pay a premium over and above what they bid at auction. They did this for two pieces of land they got when they purchased the water utility and were very successful. In Mr. St. Jean's letter, there are a couple of options. One, if it does sell for an acceptable bid, being no expenses, but there are some fees. If, for some reason a third party bids and are unable to close, or if the high bid fails to meet the town's standard, or if they remove the property, once they sign the proposal. It's in the town's best interest to at least get this out for the fall market. If they don't attract an acceptable bid, they would pay a flat bid to St. Jean auctioneers, which would probably come out of the town's contingency; it's a minimum number. The other option is to let it sit till spring. Selectman Maddox said no.

Motion by Selectman Jasper, seconded by Selectman Maddox, to contract with James St. Jean Auctioneers for the sale of property located at 8 Pine Road under the terms and conditions outlined in their proposal dated September 11, 2008.

Selectman Coutu asked, with regard to the flat fee they would pay St. Jean, if that was over and above the \$2,250 paid in advertising. Mr. Malizia said the \$2,250 is paid by St. Jean, not the town. The town would not get charged anything unless it was not successful. Selectman Coutu asked if it was appropriate to set a minimum bid. Mr. Malizia said that would be discussed in nonpublic session later on.

Vote: Motion carried 5-0.

7. OTHER BUSINESS/REMARKS BY THE SELECTMEN

Chairman Nadeau asked for the pleasure of the Board with regard to the candidates the Selectmen interviewed earlier. Selectman Jasper said he'd like to appoint tonight because his memory isn't going to get any better between now and next week. Selectmen Massey agreed. Selectman Coutu said he was prepared to nominate four people, and entertain any other nominees, which they could vote on. Selectman Jasper suggested doing it one nomination at a time because there might be some common candidates that they agree on easily, then they can whittle it down. If they put up four or five names, that could be very confusing.

Nomination of Don McCrady by Selectman Jasper, seconded by Selectman Maddox.

Selectman Jasper said Don has tremendous knowledge of the Police Department and the personnel there and he has an obvious love for the town and would be a real asset to the committee. The unfortunate thing is they have a lot of good candidates and they are not going to be able to put them all on. Sometimes they have only one more applicant for committees like this, and they put them all on, but that's not the case this time. They can't create a huge committee by putting them all on, but Mr. McCrady was an outstanding candidate this evening. Selectman Coutu said it needs to be said, so he'll say it. He, too, was impressed with Mr. McCrady, but he has to be concerned about the perception of the public. He's a former police officer in Hudson, which doesn't disqualify him from applying, but he wants to have a perception that this is an open, citizens' panel. He was an exceptional candidate, but Selectman Coutu was still concerned. Since he's new to the Board, maybe it's his naiveté, but he's looking to have as much a citizens' panel as they possibly can. He wasn't showing any disrespect towards the candidate, but he will not support the nomination. Selectman Jasper understood Selectman Coutu's concern, but Don has been a resident of town for 50 years, so that puts him in a different category, even though he worked for the Police Department for 30 years. He still cared about the town for 50 years. He would be more concerned had he just barely retired from the department and still had some of those very early withdrawal symptoms. With five years removed from the actual situation of being there, it allows him a perspective that few people can have because he worked with all these people and is going to be able to look at it a little differently than they all do. He fits all the categories very well. He wouldn't want to load up the Board with retired Hudson police officers, but he brings a tremendous perspective, as a Hudson resident. Chairman Nadeau asked if he was still employed part-time as a detail officer. Mr. Malizia believed he was still on the books, but can't say if he's done any details.

Mr. Malizia said there were four candidates who didn't show. He asked if those names would be removed. He was told yes.

Selectman Maddox said Mr. McCrady has the balance he was looking for in a candidate. He has been here for a long time and has an interest in Hudson. He's one of the candidates he circled as one of his choices, so he supports the motion. Selectman Massey said he wasn't going to support this candidate, for the same reasons Selectman Coutu gave. Chairman Nadeau agreed with Selectmen Massey and Coutu.

Selectman Jasper removed his motion; Selectman Maddox removed his second.

1. *Nomination of **Michael Pitre** by Selectman Maddox, seconded by Selectman Coutu.*

Selectman Maddox said at the ZBA meetings, you can see that he is level-headed, asks good questions, has a history they can watch on television, and he came across well this evening.

Vote: Motion carried 5-0.

2. *Nomination of **Charlie O'Donaghue** by Selectman Massey, seconded by Selectman Coutu.*

Selectman Massey said for the same reasons folks were looking at Mr. McCrady, Charlie O'Donaghue came across as being an extremely passionate individual about the Police Department and understands some of the critical issues there and would be an asset to the group. Selectman Coutu said, other than concurring, he wanted to echo what Selectman Jasper said about Donald McCrady, he was equally impressed with Mr. O'Donaghue passion as he was with Mr. McCrady. The fact that he has two sons serving in law enforcement, one in Iraq and one in another police department in NH, he has that passion and is concerned about the quality of police officer in Hudson, and what kind of leadership they need, so he supports this nomination.

Vote: Motion carried 5-0.

3. *Nomination of **Steven Flaherty** by Selectman Jasper, seconded by Selectman Massey.*

Selectman Coutu said he would support this nomination because he represents the business community. He is a gentleman who took the initiative to be involved with the Police Department and he also participated in the Citizens' Academy and he was impressed. He didn't let the fact that he has knowledge of Mr. Flaherty bias his opinion one way or another. He thinks he will be a good candidate on the panel and would support the nomination. Chairman Nadeau said he knew Mr. Flaherty and has seen him at a lot of Chamber events and other events and he would be a very good representative on this board.

Vote: Motion carried 5-0.

4. *Nomination of **Keith Bowen** by Selectman Jasper, seconded by Selectman Coutu.*

Selectman Jasper said this really comes down to the tough ones because they've got a lot of good people. Keith brings an important element, working with children. Jeremy sort of brings the same type of thing, but Keith is an administrator in the schools, dealing directly with the SRO's. That's an important relationship. The Superintendent is going to be part of this, who doesn't have the same working relationship with the Police Department in terms of the School Resource Officers that somebody in the trenches, in the schools, would have. Keith has also worked very hard over the years through the Rec Department. The youth of this town are certainly a large part of what the Police Department is involved with. There are always problems, but there is a lot of interaction and he can bring a different perspective and having him on there, or Jeremy, one or the other, balances out the committee very well—and it's critical to have a balanced committee.

Selectman Coutu said he was torn between those two candidates, Jeremy and Keith, because they both would bring a different kind of passion. He works with both of them on the Recreation Committee and he was impressed with their integrity, their willingness to cooperate and compromise when necessary, their demeanor, their posture, their attitude. They are both excellent candidates and he had to weigh very heavily Jeremy's background and education in law enforcement and Keith's daily interaction with the Police Department. Either candidate is acceptable to him. He hoped that if Keith does not get the nomination, they can move on to Jeremy because he didn't like leaving one of them out, but Selectman Jasper made some strong arguments in favor of Keith.

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

Selectman Massey said in all of the interviews, he didn't get the feeling that there was a strong understanding of the role that committee was going to play, so it would be important to have the five members of this committee meet with the Board when they get the thing fully rolling so they understand that they are an advisory board, not a selection board. Only one or two people even came up with the idea that it was advisory. Just a little flashpoint that he picked up when the interviews were going on. Selectman Jasper agreed, but didn't think a meeting was warranted. He didn't think they were going to be able to give them any better technical knowledge than just reading something from MRI, or meeting with MRI and telling them what is expected of them. He couldn't explain it better than one sentence, "We want you to look at the candidates and make a recommendation to us who you think is best." He's sure MRI will provide more information. Selectman Coutu agreed with Selectman Jasper, but Selectman Massey was right. There was a misconception by some people what this panel is. Some people even used the word, "select." What could conceivably happen, a worst case scenario, three candidates in one body recommended one, and the other body recommended a second and the Selectmen picked a third. Selectman Jasper said no, because the way MRI has this set up, the two bodies interview separately, then come together and make one recommendation to the Board. Only one

recommendation will come to the Board. (Talking over each other.) It's majority rule. Selectman Massey said MRI would be facilitating the interaction, if there is a difference of opinion, to get them to work through the differences, to come up with that final consensus. He expects they will get a single list of candidates and a single ranking. Selectman Coutu said as long as people understand that may not be the candidate the Board selects. Selectman Massey said that's why it's key they are an advisory committee, not a selection board. Selectman Coutu said he's sure the media will report that accurately.

Motion by Selectman Jasper, seconded by Selectman Massey, to authorize the internal posting of the job for Chief of Police, based on the criteria already set, carried 5-0.

Selectman Maddox said it should be a fairly short cutoff date. Selectman Jasper said if they're not ready to go, tough. Selectman Massey thought a week from this Friday would be sufficient. Selectman Coutu agreed, saying it was already well known. They should already have their resumes, or whatever they need, ready. Selectman Massey said his recommendation is Friday, the 17th. (Talking over each other.)

Motion by Selectman Massey, seconded by Selectman Jasper, that all nominations be in by Friday, October 17, at noon, carried 5-0.

Selectman Massey asked if there was any feedback from MRI if they've accepted. Mr. Malizia said yes, ready for the Chairman to sign.

Selectman Massey said the NH Special Olympic ball games are coming to Hudson on October 19, 2008 at Alvirne. As in the past, the Police Department will be hosting a NH Law Enforcement torch run from the Hudson Speedway to Alvirne HS. Runners will come down Old Derry Road and to 102 southbound. The Police Department will cover the intersections at no additional cost to the town. The race will begin at 0700 and will take about 30 minutes.

► Officer Chris Cavallaro has been selected to represent the NH Law Enforcement Community at the National Special Olympic Games in February, 2009, and he will be here next Tuesday to accept those congratulations.

► The Hudson Police Department was nominated for the New Futures Advocacy in Action award. The department was recognized for its contribution in reducing alcohol and drug problems in NH. New Futures is a non-profit, non-partisan advocacy organization working to reduce underage drinking in NH. The Hudson Police Department was recognized for its New Keys program, which was implemented in March 2008. The program is aimed at reducing underage drinking parties while parents are away on vacation. Since its implementation, the department has had seven families participate in the program and has helped in significantly reducing underage drinking in the town.

► The Police Department will be joining with the Pelham, Salem and Windham Police Departments to raise funds for victims and survivors of domestic and sexual assault. A five K run/walk-a-thon will be held at the Pelham Police Department on November 15, 2008. All proceeds will cover the costs of the race and will benefit A Safe Place in Salem and Bridges Domestic/Sexual Assault Support Services in Nashua.

► There continues to be some misunderstanding out in public land that when the Police Department issues a motor vehicle violation, and a fine is paid, the Police Department, re. the town, generates that income. The only fees that the town receives as a result of a motor vehicle violation are \$5 parking fees. All other fees, speeding violations, whatever, are sent to the district court. Whether they make 100 stops or one stop, they don't get any money except for the \$5 parking tickets.

Selectman Coutu asked if Selectman Massey said torch run, or torture run. Selectman Massey said given that it's only from the Speedway to the High School, torch, as in light the torch, is the right word.

► He received a communiqué from the Chief of Police with regards to Sherburne and Dracut Roads. They had been up there to look at what they could do to rectify the problem with the California rolling stops. The Chief had some directed patrols from September 18 to October 4 in that area and, as a result of those patrols, 55 people were issued warnings for rolling stops; four people were cited and there was one arrest made. There have been several calls about people complaining that the town was just trying to feed their coffers by writing out citations. They felt the Police Department could be doing better things. The populace needs to understand that stopping people who don't stop at stop signs and red lights and warning them, or stopping people from speeding, that's all part of community policing, part of making the community a lot safer.

► He wanted the Board to think about something for, possibly, the next meeting because they were running late tonight. The Recreation Department is looking at Eayers Pond and they ought to finally bring to a conclusion the funds that are available through Stop & Shop. He appealed to Selectman Jasper, who has been on top of this, if he has a contact at Stop & Shop, to appeal to them for the \$25,000 or if they'd be willing to give more to help develop the land at Eayers. Selectman Jasper said he's only spoken with the Attorney. Selectman Coutu said in that case, maybe they ought to take the \$25,000 and run. He'd like some assurances from the Board that, if they do take the money, and protect it for recreational use for development of a park in the south end of town and, specifically, they are looking at Eayers Pond. Selectman Jasper said, since he did come to Hudson in 1492, they have been down this road before with Eayers Pond. There's no parking out there and the residents are very concerned about that. About a dozen years ago, it was proposed by the Recreation Committee to build a facility out there, but because of the issues of traffic, parking, safety, it was shot down. He didn't think any circumstances have really changed since that time. Be aware that that's likely to cause a neighborhood problem, unless they can address the concerns. Mr. Malizia said what he has heard is that it's going to be more on the same scale as Merrifield Park, a playground structure. In the past, it was a soccer field with the need for a lot of parking. This would be more of a neighborhood-type park with a playground structure, some picnic tables, a buffer area and maybe an open field where dads and moms can throw a ball with their kids. Nothing where everyone shows up at the same time. That's what he's heard. Selectman Coutu agreed; passive recreation, maybe a walking trail. Selectman Jasper said that would probably create a lot less heartache, but a lot of people in the neighborhood aren't going to like the idea of people coming in from outside

their neighborhood, driving up and down the road and having strangers there. Maybe that won't be the problem, but he was just saying they've got to be careful how this goes about and certainly they'll need to have public input on it because when you get into these closed neighborhoods that are used to not having traffic, this becomes a big issue, and rightly so. Selectman Coutu agreed, saying their concerns will be taken into consideration. If it's a strong opposition, they'll do like they did before and abandon that project and let that five acres sit there until they decide what to do with it, but they're hoping to establish a passive recreation area for the south end, and that's a viable location to look at, so that's what they're doing. Selectman Maddox said the project that was presented before was kind of aggressive for that neighborhood. If they don't want it, the town should sell that parcel for someone to develop for houses or whatever they want to develop. They shouldn't just leave it fallow, if they don't use it for recreation. They will have to decide halfway and passive recreation, much like the one at Greeley Street, a smaller scale than they were proposing, is probably the balance most people can live with.

►His last item might make Selectman Maddox happy. The Cable Committee is looking for find a facility to be able to get full production up and running, having a studio to call their own. They spent a couple of hours with him at the store to discuss it and they are out looking at various locations they could conceivably put a studio and they are going to bring it back to the Board for consideration. He still thinks they have to look into the issues of the hiring practices of the committee. He asked if they've made any progress in that area. Mr. Malizia said he has an opinion from the attorney that he would bring to the next meeting about contractor versus employee. Selectman Massey said his only concern about a separate facility for cable is that unless it's big enough to accommodate the boards, it becomes de facto primarily a channel 20 community operation because you wouldn't be broadcasting any of the... unless they can do remote broadcasting... board meetings. That should be something they should look at, if they are going to do it. By remote, they would control from this location what's going on inside this meeting room. Selectman Coutu said he'll ask. Selectman Massey asked why you would build another facility if all it's going to be is for community broadcasting, not for the school or the government channel. Selectman Coutu said the funds that are available, considering it is a community facility, they want to provide a building for people in the community to have access public broadcasting, which they don't have because they are limited to this building, right now. As far as remote broadcasting goes and what they have for equipment to accomplish that, he thinks they do, but he could be mistaken

Selectman Coutu said if he has anything specific with regards to Eayers Pond or the Cable Committee, he'd contact Mr. Malizia to put it on the agenda, but he didn't think they'd have anything specific. He asked if there was a consensus to protect the \$25,000 from Stop & Shop for development. Selectman Jasper said that's the only thing they can do with it. Selectman Maddox said no, they could use it for recreation anywhere in town, not specifically the south end. (Talking over each other.)

Selectman Maddox said the debates were on this evening on the national level and the election is still racing towards them. He certainly hoped that at next week's meeting they see a plan that is going to deal with Hudson's participation in the national election, i.e., traffic routing, how that's going to happen, who's going to man it, directional signs, whatever it may be. He certainly hoped they have something by the next meeting so they can get this publicized, get it on to cable and get it out to the news media because they are going to be challenged to put 12,000 people through that building any other way. Selectman Jasper asked if they've tasked anyone to come up with that plan, because that's not the Moderator's job. Selectman Maddox said the Police Department came down and they were going to talk to the Fire Department and the Highway Department. Chairman Nadeau said they were working with Paul to come up with a plan. Selectman Massey said, as liaison, he'd take that as an action item. Selectman Maddox said both captains came down and said they were going to. The clock is ticking. He didn't want to be sitting there, saying they thought they had a plan. Selectman Jasper said did they tell anyone on the Board to develop it because the inside of the building was the Moderator's responsibility, but the outside, except for electioneering, is the Selectmen's responsibility. Selectman Maddox said and the crap catching was their job, so he'd like to see this resolved sooner rather than later so they can, hopefully, move people through in a expeditious manner. The Moderator is the man in charge inside the building, but the people stacked up on Central Street like they were at the primary is going to be the challenge.

►Selectman Maddox thanked Selectman Coutu for his list of questions for the candidates for the search panel saved all of them guessing, questions and he kept it consistent to all. He thanked him for his hard work.

►Selectman Maddox was going to be at the meeting for the Maddox-Madness-Parkway, the project between 111 and 3A, but the DOT deferred it until sometime next week, but they are still looking at that to continue that process through.

Selectman Jasper said relative to fines, they often hear about speed traps down south and other parts of the country, where they collect the fines directly and fund their municipalities in large part by doing that. That's precisely why, in New Hampshire, the fines go to the courts so there isn't a motive for the communities to be out there, ticketing people. The only reason to ticket people is because they are breaking the law, not because they have a quota and have to have so much money coming into the town coffers. While they are footing the bill 100% to enforce the laws, they don't get any of those fines. It's probably, on balance, a better way to do it for being sure they have a more pure enforcement of motor vehicle laws. As an interesting tidbit, there's one law that's still on the books, and he's asked people why and nobody can tell him, it's call coasting. It's illegal to put your car in neutral and go down a hill. Nobody can tell him how that can be enforced. How can you tell if a car is in neutral going down a hill? But it's on the books, and that fine was increased, even though nobody knows the last time someone was ticketed for that, or how they could even tell. It's one of those things, it's there, so they'll keep it and increase the fees.

Selectman Nadeau said for those people who didn't hear from the Road Agent by e-mail, there was a water main break on Butternut and it took out a pretty good chunk of the roadway up behind T-Bones. He has to do some serious repaving up there, judging from the pictures he's seen.

►For everyone who likes to go to Comedy Nights that the Recreation Department puts on, they're having one on November 1 at the Hudson Community Center.

➤For those who want to meet the Governor, the Hudson Senior Council on Aging is having a fundraiser. Selectman Massey said the proceeds of this event will go to the building fund. The fundraiser will be held at Kings Court on Monday, October 20 from 7:00 – 11:00 p.m.. There is a \$30 donation and they will be able to meet the Governor and Selectman Coutu said they may have some possibly good news on that night. It'll happen when it happens and not before. Tickets can be purchased by calling Lucille at 889-1803 or they are available at Roger's Variety. There's an interesting date that occurs two weeks after that, that just might have some incentive to accelerate that eight weeks.

8. NONPUBLIC SESSION

Motion by Selectman Maddox, seconded by Selectman Jasper, to enter Nonpublic Session under 91-A:3 II (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., thus ending the televised portion of the meeting. Any votes taken upon entering open session will be listed on the next agenda. Open session was entered at 11:10 p.m.

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

9. ADJOURNMENT

Motion to adjourn by Selectman Massey, seconded by Selectman Jasper, at 11:12 p.m., carried 5-0.

Recorded by HGTV and transcribed by Priscilla Boisvert, Executive Assistant

HUDSON BOARD OF SELECTMEN

Benjamin J. Nadeau, Chairman

Richard J. Maddox, Vice-Chairman

Kenneth J. Massey, Selectman

Shawn N. Jasper, Selectman

Roger E. Coutu, Selectman