

HUDSON, NH BOARD OF SELECTMEN
Workshop Meeting Minutes of November 6, 2007

1. **CALL TO ORDER** by Chairman Shawn Jasper at 7:00 p.m. in the Selectmen's Meeting Room at Town Hall.

2. **PLEDGE OF ALLEGIANCE** led by State Representative/Library Trustee Chairman John Knowles.

3. **ATTENDANCE**

Selectmen: Shawn Jasper, Ben Nadeau, Ken Massey, Rick Maddox and Doug Robinson

Staff/Others: Steve Malizia, Town Administrator; Priscilla Boisvert, Executive Assistant; Shawn Murray, Fire Chief; Deputy Chief, Rob Buxton; Kevin Burns, Road Agent, Toni Weller, Library Director; John Knowles, Library Trustees Chairman; Jane Bowles; Arlene Creeden; Linda Kipnes; David Jelly; Elaine Brody; Bernie Manor; Howard Dilworth, Jr.; and Tom Tollefson, HLN

4. **DISCUSSION ITEMS**

A. **Budget to Actuals**

Steve Malizia, Town Administrator, said they were 1/3 of the way through the year, so there wasn't a lot to report. They haven't hit the heavy winter months, but they've done a lot of the summer activities. There was nothing substantial to report. They've done some purchase orders that may bump up the numbers, such as for the entire trash contract, so it looks like they've spent all the money but, in reality, they haven't. They've just committed the funds. In looking at the backup, they do paving work in the summertime, so that skews the streets a little bit. Summer program in Rec skews that program, but it doesn't appear that anyone, at this point, is experiencing any difficulties in the budget. The full detail is upstairs. What they were given is just a snapshot window of October.

Selectman Maddox asked to have, for the next round, copies of the three major departments and their overtime budget because that's the only one that is really going to have some fluctuation. They might want to see that on a quarterly basis, so at the next workshop. Mr. Malizia said he could bring that detail. Selectman Maddox said or break it out separately, however he wanted to do it. Mr. Malizia said there is a detailed report that gets printed so, instead of trying to reinvent the wheel, he'll copy those pages.

Selectman Robinson said he wanted to see how the other Selectmen feel about this. Going through the budgets, overtime is very near and dear to his heart and he thought if one of the department heads does need to exceed their overtime budget, that they would have to come before the Board of Selectmen to explain why before they make that expenditure. Chairman Jasper said what they've done over the years, and he's led the charge on this, that one of the major functions of overtime, the driving factors in overtime, is people who are out on vacations and whatnot, so there is a certain amount that is under-funded in both Police and Fire, taking into recognition that they are not going to expend all the wages, so there will be some monies that would normally be transferred by the department heads into salaries and overtime. When it gets to that point, they can come in and explain what's going on, but that is part of what they've done. Otherwise, they'd end up double budgeting. Selectman Robinson said he wasn't saying that. He was saying if a department finds the need that they will be exceeding their overtime budget, then they would be coming to the Board for permission to transfer funds within their department to cover those overtime fees. Chairman Jasper said that's what he was saying. Going back a number of years ago, they recognized that both Police and Fire, and not so much Highway because, to a large degree Kevin doesn't have someone else to bring in when someone is on vacation, with their shifts, a lot of overtime is driven by people who are out, so if they fully funded the overtime based on that, at the end of the year, there would always be a good amount left in the salaries, so they purposely did not fully fund the overtime, knowing there would be a certain amount. The plan is to spend more in overtime than what is actually budgeted, generally speaking, and that money comes out of the salary account. But just be aware that is one of the things they have built into the budget, over the years. Otherwise, they were taking more money from the taxpayers than they realistically needed to.

Selectman Robinson wanted to make sure he understood this; they are purposely under-funding overtime so that if there are places in other areas of the budget... Chairman Jasper said not other places, and it's primarily when there are vacancies in the department, particularly Police and Fire, either through retirement or people going someplace else. There is always money left in the salary line item and, if there isn't, then overtime is not hit as hard, anyhow. Over the years, they've seen the history that when you really hit the overtime hard, there is money left in the salary accounts. Going back a few years ago, he was the primary leader of the charge in this and it took him awhile as he continually fought the battle, but in Police and Fire, they would under-fund about \$20,000 to \$30,000 based on what they thought likely would be expended and they'd find that money out of the salary account. They can do that, but thinks they would need a motion and a more formal discussion about getting them to get the Board's authorization to take money out of there because, right now, the way things are set up, department heads don't need the Board's approval to transfer money within lines within their budgets. They can come in and talk to the Board about it, but they Board would certainly have a discussion about it before that happens.

Selectman Massey said that was news to him. For the five years he's been working with the budgets, he looks at the number of personnel in the department, take their salaries and extrapolate, add on the anticipated cost of living adjustments and any step increases, and that becomes a salary line. Yes, it's true that during the year, if a vacancy occurs, there is going to be some money in the salary account that's not expended, and yes, it may wind up that that money gets spent in the overtime area, but he agreed with Selectman Robinson that he would want to know they are going to transfer money out of the salary account into the overtime account and the rationale for it. Chairman Jasper said that would require a change in town policy and he wasn't even sure if there was anything in the statutes on this. Mr. Malizia said they have a police purpose or a fire

purpose, but no state law that requires them anything beyond those purposes. He is very cognizant of not overspending those purposes. For example, if they needed to take money from Police and put it in Fire, that would be something the Board would have to sign off on. Traditionally, the Board has allowed departments to expend their dollars, as appropriate, for those purposes. That doesn't mean they have carte blanche to do what they want, but within certain parameters. The Police Department is a 24-hour a day department, as is the Fire Department. If they have to come in every time they are going to overspend, they might as well do it for every line. Overtime is but one component of people's budget. For example, if they were to over-expend gas, hose, or something else. He didn't want to use the word micro-managing, but they'd end up looking at every single over-expenditure. They haven't done that in the past. They can, but it will be time consuming and the reality is what are they going to do? Not fund the Police Department or the Fire Department?

Selectman Massey didn't think they were going to see any transfers until the April-May timeframe because if they are exceeding their overtime budgets before then, they've got some other problems they need to deal with. He didn't think they were talking about micro-managing in that respect. He thought they were talking about the point in time when it becomes apparent that the overtime budget is going to be over-run, they need to understand why because it may be but one item in the entire budget, but it is a significant item. In the case of the Fire Department, it's approximately 10% of their budget. He hasn't looked at the Police Department lately, but that's a large number, so he would support Selectman Robinson. He didn't see this as looking at a request every month from a department head to overspend overtime. It's going to be sometime in the April timeframe that it first becomes a potential problem.

Chairman Jasper said there is a huge difference between understanding and approving. He totally agrees that the Board need to understand, but that doesn't necessarily lead to approving. It means the department heads would come in and talk about what happened and explain it, but it's a slippery slope if they say they've got to approve the over-expenditure of overtime because they are dealing with emergency operations. He still wants to have a discussion with the Fire Chief on how they can get better control over that, but he's not ready to go down the road of what's being suggested.

Selectman Maddox said he asked earlier to get a copy of the overtime. Maybe that's the halfway point, at this point, to see where they are tracking, at this point. He agreed with Selectman Massey that it's really later in the month, but if they can already see they should be at 48% and they're at 62% already, then there is a concern. They need to flesh this out a little bit more, as to how exactly that would be worded, so between now and next month when they look at those overtime budget to actuals, maybe something can be drawn up.

There was no response when Chairman Jasper asked if there was anything further on this.

B. Fire Alarm Truck Warrant Article

Chairman Jasper said he asked that the Fire Chief and the Road Agent be present tonight because where they were going with this truck became clear to him that if they went to the Budget committee and requested the Fire Alarm Truck, but were not sure how they were going to deal with the other, older truck, they were going to have some problems. He felt it was important to have the discussion. He has talked with the Chief and the Road Agent and he thinks there is a meeting of the minds, at this point, that the plan would be to dispose of the second, older truck and that the Highway Department would have full access to the new truck, if they get one. If there was any disagreement about that, the Chief and the Road Agent could speak to that. If there is any damage to the truck, they have insurance, although there is deductible. He didn't think they'd have a lot of success in ending up with two trucks and, in the long run, doesn't make economic sense. The other issue he is concerned about is there has been a lot of discussion about this, and he'd like them to have a backup plan. It's a good idea to replace the truck, since the chassis is 30 years old. He and the Budget Committee asked for a replacement schedule for vehicles. This fire alarm truck comes at a good time because there are no other capital items in the Fire Department. They push it out a few years and end up with another major piece of equipment. The Board has made the right decision there, but that is not to say it's going to get approved or will be successful in arguing for that. If they don't, the only other alternative that makes sense, if this article is not successful, if it's not recommended by the Budget Committee, withdrawing it, but if they work hard to increase the capital reserve account by \$25,000 or \$30,000 so when that truck does die, the money is available.

Selectman Massey said he had an epiphany. While he was driving down the road the other day, he saw an 18-wheeler, and sitting on it was a self-propelled mobile boom. Why do they need a truck? They have trucks in town that can tow. These devices are self-propelled and they can be towed and they are significantly less expensive than buying a truck that is very limited in its use. He would not, at this point, be favorably disposed to continue looking at a \$110,000 expenditure without a lot more detail from Fire and Highway. Chairman Jasper said the Board has sent that article to the warrant. Selectman Massey said they can always pull it back.

Selectman Robinson said since a couple of weeks ago, he's been thinking a lot about the truck and he pulled all of the logs for the truck, dating back to whenever they date back to. In checking the logs, he went back a couple of years, went back to 7/5/05 and through 8/20/07, a little over two years, just to see how much the truck was being used, when it was being used, who was using the truck and did some math. He appreciated the information the Chief gave him that supported the numbers he came up with, but it seems to be a 50-50 split between Highway and Fire—59 times for the Fire Department and 55 for the Highway Department. The total usage in the two year's time is 117, or a little over 4-1/2 times a month. The truck was used one time for emergency needs at night time, between 8:15 p.m. and 12:15 a.m. and it burns approximately 1.8 gallons of gas an hour, when it's in use. He took a ride to Comcast and talked to the person in charge of the bucket trucks up there. They also have a 350 cargo van that cost him \$65,000 and they put over 100,000 miles on them and then they sell them to a bone yard to be auctioned off. He got thinking that four and a half times they're using this vehicle, is it really what they need for

this town at this point in time? The Highway garage, in another two years, will be recycling out the sewer sucker, and they have the ability to convert that truck, which is an automatic, into a bucket truck, just like they did with one of the other trucks they had down there, and that would leave the town with the expense of buying the bucket arm by itself. The truck has very low miles on it, about 40,000 and it is a '94. It gets him thinking that they need to do a lot more work on what they really need to do. In his research with the Fire Department, he's learned that they need a new truck, and that's all that was looked at. There wasn't any alternative vehicles or apparatus that were considered for the replacement of that bucket truck they have now. He really thinks they need to do more homework on this and have more alternatives come to the Board, noting that Selectman Massey has found a web site with a reputable firm. The Q truck manufacturer has an outstanding reputation and the specs on the truck are wonderful, but is this what they need to do with four cents on every dollar of their tax bill coming up? He, like Selectman Massey, cannot support this in its present form, or at all, at this point in time.

Selectman Nadeau asked if it would be feasible to get just the section from McQ's in Amherst and put it on the street like they did with the other truck. Chairman Jasper said it was the truck before that because the truck they had before that was a 1946 Federal, and he didn't know when they got the original bucket truck, it was long before his time, it was put on the 1946 Federal fire truck that went out of service and that was in service until the 1980's, when this truck, the new bucket was purchased and that was put on the 1970 Ford, which at that time, had the old Arrens Fox ladder bed on it, and that truck was from the 20's or 30's. It was very old. That is what has been done, traditionally—move things around so, yes, it is feasible. They have sent this article to the warrant, and that's where they are. He thought it was important to have a plan, but if the Board wanted a different plan, that was in its prerogative.

Selectman Robinson asked the Road Agent if he felt they could get another two years out of this truck. Mr. Burns said his people say yes. Selectman Robinson asked if it was adaptable to the Vac Com and what the cost would be. Mr. Burns said a cab and chassis is just that, in most cases. Some vehicles are specialty built. Recently, they took the sweeping components off the sweeper because it had low miles on it, and put a flat bed on it, and it's now a flat bed. The Vactor is a six wheel cab and chassis and has low miles because of its function and is scheduled to be replaced in two years. After this year, there will be \$100,000 in the Capital Reserve. As far as he knows, it could be modified. They'd just have to buy a body and a boom system to mount on the truck, and then they would have a much newer truck, a lot heavier duty truck, for significantly less money. The last time he priced it out was in the last cycle when they got the four 10-wheelers. They priced out putting a unit on one of the six wheelers they were getting rid of, and it was around \$40,000 to buy the body, boom, the hydraulics and have it installed. His guys could strip the old truck to save money, but he didn't think they could do the installation the boom. It's holding a person up in the air, so they want to make sure it's done right, and certified. But is it adaptable? He believes so. It would take his guys a couple of days to strip things off; that's the easy part.

Chief Murray said he couldn't support that concept. He didn't know why they've come back down this road. It is an old truck with previous equipment on it. It really is time to change out that utility truck. They don't serve themselves well when they start piecing and parsing equipment together to try and save money, especially when there is a history in the town of the Fire Department building their own equipment, which resulted in a fatality of a firefighter with a home built tanker. Backup information was provided to the Board during the budget process. The quote was from Q's over in Amherst, but that was just representative of a utility truck that they would be looking to duplicate. They would have to go through the bid process, and the \$110,000 figure was just for budgetary purposes. In the past, he's demonstrated his due diligence when they go out for these projects. With the support the Board have given to the vehicle replacement program, they've made significant strides over the past few years. That came from the urging of this Board and the Budget Committee. He asked the Board to consider letting this go through and, through the bid process, the Board will have input on what the final produce will be. He had not problem looking at alternatives, also, from different vendors. They did think about looking to utility companies for some of their used vehicles, but a utility company or cable company that's using that equipment every day to go up and down, it's bound to have more wear and tear on it. They came to a consensus that it wouldn't be a good idea to keep the old bucket truck; that was a concern of the Board. They've since agreed that both departments would share the vehicle, and they'll have a vehicle that is built for its purpose and within the safety requirements that are needed, especially when that fire alarm truck is working up around power lines, phone lines and all the other overhead wires and transformers they deal with on a daily basis. They are servicing over eight circuits, 37 miles of municipal fire alarm and the Board has supported the concept of running fiber optic cable and they really feel that this new piece of equipment will also allow them to help with that, and there will be a cost savings from that by them doing it internally, rather than contracting out.

Selectman Massey didn't doubt that the Chief looked at all of the alternatives, but sometimes you are so into the moment that you don't think outside the box. That's why he said he had an epiphany when he saw that vehicle coming towards him last week because it suddenly dawned on him that the vehicle, as it's constructed, has a very limited use, whereas if it's feasible to use one of the self-propelled booms, the Fire Department has two forestry trucks and the Highway Department has enough trucks that they could haul anything and this device, if it's appropriate, is significantly less. He had no idea what a brand new one costs, but one that can go up 60' in the air and out, below surface, 10' out 50', a 1999 model was \$27,000. He's thinking that a 60' boom is overkill, however, he didn't know because he's not the one that uses it, but it strikes him that there is enough time between now and when the Budget Committee would make a final decision if they wanted to go down that road to look at whether or not something like this is an alternative because, having winded up looking outside the box, he's saying, "why not?" He really didn't think the \$110,000 right now is necessarily the number to go with.

Chief Murray said the device Selectman Massey was talking about was not feasible for fire alarm work because they tow a trailer behind the fire alarm truck, which carries cable, so you just couldn't use it. Those types of lifts are used for construction sites and places where they don't have to wrap fire alarm cable and move down the road and pull cable and stuff,

so while it seems like a good idea and it is innovative, and the same would go for trimming trees, fixing traffic signals, pole work and even getting it in to Library Park to hang Christmas lights, it's not designed for the type of work they need the vehicle for.

Motion by Selectman Robinson to reconsider the action the Board took, whereby they sent the request for a new fire alarm truck to the warrant, seconded by Selectman Massey carried 4-1. Selectman Jasper voted in opposition.

Chairman Jasper said the motion is now back on the floor to recommend sending this article to the warrant.

Selectman Massey said in light of what they were hearing from Road Agent Burns, that they can get two more years out of this device, that the cost of reconfiguring it is significantly less and, equally important, he'd still like to understand why a self-propelled mobile boom isn't an equally viable option, so he was going to vote no on forwarding this to the warrant.

Selectman Maddox said he voted no for this the first time, so he was consistent. He agreed with the Fire Chief relative to the self-propelled boom, inasmuch as it's really meant to be on a construction site, to do a specific job. Moving it down a roadway, he's not sure if it would work for registrations and lighting and all those things that need to be done, but he liked the idea of taking a vehicle that the town has and reusing it. It's pre-scratched and there won't be any problems if the tree limbs hit it and they have a truck for half of the price. That is good all the way around. The Fire Department gets a truck that's a lot newer; they will make sure it's installed to all the safety requirements, but the cab is really the expense they already have that they can reutilize makes more sense.

Selectman Nadeau said after hearing what he has tonight, they have some options, so he was going to vote against this. If they can do what they talked about doing, that might be the way to go. Selectman Massey asked if there wasn't any reason why the sweeper conversion couldn't be converted to put a boom on it. Mr. Malizia said money; they don't have \$40 grand lying around. Mr. Burns said the vehicle they converted could be converted again, but then he'd be asking for a flat bed.

Chairman Jasper said he'd join the majority in this vote, although he has reservations. He heard the Board say they would support buying a new bucket in the future, he didn't have a problem putting it on an older chassis. That has worked well for them. He wishes the Chief hadn't gone down the road he did on the tanker because the problem with that was a whole different thing. That was milk tanker which had no baffles inside and never should have been turned into an emergency piece of apparatus. They were comparing apples to oranges. They were talking about putting a new bucket on a good chassis, so there's no problem. It might be a higher vehicle weight than they would have bought, but it's not something you wouldn't say was suitable for this. That tragic accident was because that should never have been converted into a tanker, but hind sight is always 20-20 and, hopefully, they won't make a mistake like that again. He's glad to hear the Board isn't looking to go out and buy a bucket truck that's used up and spent by a cable company or utility company. He could see where this is going; he'd like to see them do this sooner rather than later, but they might have to wait. He didn't want to leave the Road Agent without a flat bed, so if they need to replace hydraulic hoses on the existing unit, that's what they'll have to do. He knows where this is going, so he's going to follow the parade this time.

Vote: Motion failed 0-5.

Selectman Robinson said he wanted to request that these gentlemen work in tandem on this project, put together a time table for the Board and some bids or specs on what it will cost and come back to the Board within six months to a year, or whatever, to discuss this. Chairman Jasper believed what was driving this was when the sewer Vactor needed to be replaced, so there's no sense in doing anything in six months because everything is going to change in the interim. The only time to do this is when Kevin comes forward to replace the sewer Vactor. Otherwise, he'll have to redo it.

Selectman Massey asked if the Chief took any maintenance monies out of his proposed budget in anticipation of getting this truck. Chief Murray said no, he didn't. Chairman Jasper said if they are talking in the neighborhood of \$50,000 they probably don't want to try to put money into the capital reserve account and then pull it out later for this warrant. This isn't where he expected things to go this evening, but so be it.

C. Sale of Town-owned Property

Steve Malizia, Town Administrator, said the Library Trustees have requested the Board forward to the warrant an article to sell the two town-owned pieces of property, adjacent to the current library, 47 & 49 Ferry Street. These properties were bought with town authorized warrant articles on two separate occasions, so they are town-owned properties and in order to properly sell them, they have to go back to the voters by the warrant. The Library Trustees are asking the Board to forward an article to dedicate up to \$450,000 worth of the proceeds to the design, construction and furnishing of a new library. He pulled the tax cards and the two properties added together are approximately worth \$447,000 so \$450,000 was rounded off by the Trustees. As another note, they paid \$198,000 for 47 Ferry Street, and \$158,000 for 49 Ferry Street, for a total of \$313,000 and they were purchased on two separate warrants.

Selectman Maddox said he was under the impression that the gift from the Rogers Brothers would build a new library, so he was surprised to see that the Trustees needed money to design and construct, as part of the motion. Mr. Knowles said they don't expect to need it, but what if they get to a point where all of a sudden the expenses increase and they need an extra \$10,000 and it turns out that furnishing the thing is only costing \$430,000. They'd like to be able to use the \$10,000 to finish off the construction. The intent is to use this money for the innards of the library, for the furnishing of it, and to use the

donation to build the building and do all of that. This is in there so they don't get themselves tied into too many hoops, should something go wrong a year from now. They don't know what's going to happen.

Selectman Robinson asked what the projected cost per sq. ft. of the building was. Mr. Knowles said it was \$200-something. Selectman Robinson said the number he heard was \$270 or \$280 and wanted to know if it was right or wrong. Mr. Knowles said whatever it was last winter when they proposed it. Selectman Robinson asked if the houses belong to the town, at this point in time. Mr. Malizia said that was correct. Selectman Robinson said, for clarification, if they sold the houses for \$450,000 and gave that money to the library, that would mean they would have \$4,450,000 to build a library. Mr. Knowles said to build and furnish it. Chairman Jasper said there is also \$98,000 in a capital reserve account, which the Trustees have the authorization to expend without further action.

Selectman Massey said the \$4 million from last year, as he understood it, that included the furnishing of the library, that when it was finished, they'd be up and running with everything they needed inside the facility. Mr. Knowles said that is a correct recollection; that was the intent. Selectman Massey asked if the Trustees have been given any information to date that would tell them the cost of construction has gone beyond that such that they won't be able to do the entire fit up with the \$4 million. Mr. Knowles said yes, the architects are saying, based on what they know about construction costs, it will have gone up about 10%. Selectman Massey said when the town-owned property is sold, in order for the Trustees to have access to this money, they would have to submit an invoice to the town for the expenditure. The money wouldn't automatically be put into a Trustees' line item account. Mr. Malizia said this is a warrant article, so it is a separate, distinct fund. Any expenditures would get charged against this article. Traditionally, the town would expend the money. Do a purchase order, validate it and expend the money. They don't traditionally transfer this type of warrant article to anybody, for accounting purposes. Selectman Massey said on that basis, any monies that weren't accounted for by an invoice would revert to the general fund. Mr. Malizia said if, at the end of the project, there is money left, it cannot be spent for any other purpose than this. Therefore, after the project is complete and done, any money left would go to the general fund. Selectman Massey said it would be his expectation to the Library Trustees that the first monies that would be spent would be the library capital reserve fund, and only after that fund has been expended would the monies from this fund get used. Mr. Knowles said he didn't see any problem with that at all. They are planning on using some of the capital reserve fund now because they have expenditures they will have to make to get people on board before they even receive the gift. Selectman Massey said that brings up the question, back to the issue of what can be spent with town monies when a warrant article was voted down. Can the Trustees, even though they are the agents to expend the library capital reserve fund, spend money without another warrant article?

Chairman Jasper said this question did come up, in terms of the gift, and DRA had an opinion that the town should wait and put in another warrant article in place. He spoke with the Commissioner, who spoke with the person who issued the decision and said that was just their opinion. If the town has a legal opinion from its attorney that differs, the town won't have a problem with DRA. If there was someone in the community that decided this was a battle they wanted to fight, there would be competing opinions and that's all it's worth. There would be no problems from DRA. The same probably applies to this. If the Town Attorney said there's no problem, they're not actually constructing a library, they're doing pre work, and he didn't think they were going to spend the whole \$100,000. If there were somebody who wanted to take it to court—and God bless Mr. Bednar, who is not with us any more—and he didn't know who else would do that. He loved to run into court.

Selectman Massey said it wasn't his intention not to have this happen. He just wanted to make sure that if this does happen, they don't wind up in a hole later. From his perspective, if this goes to warrant, before any monies are spent from this warrant article, it would require an invoice from the Library Trustees and only after they have exhausted the capital reserve fund.

Mr. Knowles said, in dealing with the question on whether or not another warrant article was needed, he spoke with the AG's Office and they said very definitively that they did not, and they weren't wishy-washy about it. Selectman Massey asked if he got it in writing because, if it ain't in writing, it didn't happen. Mr. Knowles said no, but he was given legal references as to what they were talking about and why they thought that was true. Chairman Jasper said he never got a written opinion from the Attorney General's Office. Mr. Knowles said a lot of what he heard from the AG's Office was also in the Town Attorney's letter.

Selectman Maddox said, again, as clarification, they have the \$4 million; they are going to start the construction whenever they start construction; that won't be hampered by anything else. The vote in March will only allow them to pay for construction or furnishings, so it will not be able to be funded for design. Again, if he was running this, he'd say they are going to design it, but that's already been done because by the time this gets approved, they'll probably have a full design-building, so he thinks it should be changed to say \$450,000 to construct and furnish a new library, there's not going to be any design work that would be funded by this \$450,000. Mr. Knowles said that was fine. Chairman Jasper agreed with that, but would go a little bit further because they're going to have some other expenses, as well, when all is said and done—moving expenses, removal of the trailers and landscaping, etc. Kevin's crew can help with that, but there's going to be some expense. He thought it would be better to take out the design and to put in some language like relocation expenses. Mr. Malizia suggested moving and fit-up costs—all that stuff. Mr. Knowles asked for the recommended language. Chairman Jasper said there is a contingency in there; they've got 10% more, anyhow. There are cynical minds out there, and he was wondering if this will just muddy the water if they say construction. Some people will say, wait a minute. I thought this was being paid for, and now we're being told... Selectman Maddox said that's where he was with the design. Chairman Jasper said they'd be so much better off if they went with this language, which is to apply the proceeds of up to \$450,000 to the fit-up and moving costs. Mr. Malizia said they could say fit-up, furnishing and moving costs.

Mr. Knowles didn't think there was a major problem with doing that, but there is another issue that people have raised. It seems what they are doing is actually restricting the gift. These properties were purchased for the purpose of the library. The voters voted to expand or place or do something for the library. That money was there. If they try to balance this off against the gift, which is sort of the implication, what they are doing is saying the donation should be only \$3,600,000 to make it add up to the \$4 million. Chairman Jasper said it was quite the opposite. Before, they had \$4 million, including the houses; now they are going to have, potentially, \$4.4 million for the same thing. What they are doing is trying to ensure that this passes and doesn't get tied up with people getting confused. That's the concern and the rumor that's floating out there. This puts them in good shape. This puts them in good shape because they've got the fit-up, the demolition, the extra \$100,000—this is the safe way to go, and it keeps everybody informed. He didn't want to see any more stumbling blocks; it has been a long 30 years and they don't need anything to cause any controversy.

Selectman Robinson said he was the black eye of the group because he couldn't support the motion for a couple of reasons. Number one, the houses are an asset to the town. Number two, if they sell those houses, those assets really belong to the town, not to the library. Number three, the voters voted down the building of the library. He is happy they got the \$4million; that's wonderful, and if they want to come back to the Board and say hey, now we got to fit up and move, and request something from them, that's a different story. What they were doing was asking the town to take \$450,000 of their assets and give it to the library, versus taking it and putting it in surplus, or wherever it's supposed to go. For all those reasons, and for the perception, also, that now it's a \$4.4 building, he'll have to vote no on the motion.

Selectman Massey said when the voters authorized the town to buy the properties, it was clearly understood they were being bought in support of a new library, so the intention of those assets was always to support a library. But now he was going to put the elephant in the house. If, for whatever reason, this warrant article goes to the warrant and is not passed, and they've already started construction, what are they going to do if they need more money? His assumption is they shouldn't put a shovel to the ground until this warrant article passes, if they think they need more than \$4 million. If the warrant article is defeated, they won't be able to use any additional monies from the town for the library. They could thank the high school football program for that. Mr. Knowles said that was right, it would put them off for at least another year, in terms of public funds. Selectman Massey said they'd have construction underway that they... Chairman Jasper said they'd have an empty building. Mr. Knowles said it may be partially fitted up, but that is a contingency that is reasonable to think about. Selectman Massey said the second aspect of it is they currently have an operating budget, and this building opens, he assumes they've already factored in they will be able to cover the operating costs of a new library out of the budget that is being submitted. Mr. Knowles said that was correct.

Chairman Jasper said there was enough time, and he wasn't really comfortable with the language of the warrant article because it should say moving expense of moving into a new library, and it needs some more parsing before they are ready to go to warrant. He asked the Board if they could commit to a concept that it would be to apply the proceeds of up to \$450,000 for moving expenses, fit-up and furnishing of a new library, and send that to warrant. Perhaps they should add the demolition of the trailers. He asked what they did with the mobile homes they've had to take over. Mr. Malizia said they paid to knock down one, which was around \$5,000, coordinated by the Road Agent. Chairman Jasper said metal has gone up, so they might get enough out of it to haul it away, but maybe they should have the language in there, just to make it clear so they don't run into a problem. Mr. Knowles said they'd like to have something that would, at least, cover it. If there is separate language, that's fine. Mr. Malizia said put it in next year's budget.

Selectman Maddox said that's why he was going to say that he does not want to take away from the gift that these people have stepped forward and given to the town. There's some dialogue between the Library Trustees and Board of Selectmen what furnishing means, not \$450,000 miraculously, but he thinks they can work that out. He thinks it's important that the citizens get a library from a couple of gentlemen that stepped forward and took care of a problem they've been dealing with forever, so there are some issues he might have, but he's trying to go with the fact that he wants nothing to stop this generous offer from hitting anything, so he thinks the Library Trustees need to sit down one more time and work out how, exactly, what is going to become of that building?, is part of that money going to, at least, bring it to weather proof, or whatever they need to do, so that is all done? He hopes they won't expend all \$450,000 and some of it will return to the general fund.

Chairman Jasper said he's encouraged the Library Trustees to have a plan. It continues to be their building, but he is hoping it will become a historical-genealogical library. They've look at what Nashua does with the Hunt Building and what it costs them to maintain that building. It's a very modest cost and there are some good uses for that building because that was an important gift at the time, and they should continue to respect that. It has served them well for going on 100 years. He was disappointed with Selectman Robinson for feeling the way he does. The Rogers Brothers have given \$4 million for the construction of a library. The very least the town can do is to furnish that building and to fit it up and take care of that. For them to give the town a building that is, essentially, ready to move into, that's the least the town can do. Yes, the town knew that the purpose of buying those assets, and it appears a handsome profit will be made on having invested that money, that it go towards that purpose. He hoped Selectman Robinson was in the vast, vast minority of citizens of the town of Hudson, which they will find out when this goes to the warrant. They do have to work on the language. What becomes of the old library is not as important now as it was last year and that was one of the problems. There was a lack of a plan. Certainly, for the next budget cycle, they will have a plan and the townspeople will have their say on that, through the budget process.

Selectman Robinson addressed Chairman Jasper, saying with all due respect, he was offended by the previous remarks because while he can understand the Chairman's feelings to say he was disappointed in him, he thinks that's a little further than the Chairman should be going, as far as his duties on the Board go. He never once stated that he was less than thrilled

with the Rogers Brothers. He was thrilled with the Rogers Brothers, so he asked the Chairman not to insinuate that. He was saying that the sale of the building could be perceived, if the money goes to the library, that they are increasing their funds. They also need to consider what they are going to do with the current library, once they've vacated the building. He'd be more than happy to split the baby, as Selectman Maddox would say. He'd be more than happy to sit down with the Trustees to see exactly what it would cost to fit-up the building, but to arbitrarily blanket transfer all funds from the sale of these houses to the library, he's not sure that's wise, at this point in time. He is sure Selectman Massey is correct where, if the buildings were originally turned over to the library with the understanding that the assets from the sale of those buildings would go to the library, then he would certainly join the four other Selectmen. He asked if that was what Selectman Massey was saying.

Selectman Massey said when the warrant articles were put on the warrant for the two years that those two properties were made available, the voters were clearly being told that the monies would be used for a new library. Selectman Robinson said that being the case, he fully supported the \$450,000. Mr. Knowles said the warrant articles explicitly stated that that's what the money was for, in both cases. As far as the present library, they are working very hard to come up with a proposal. They were hoping to have it tonight, but they are not there yet, but they will be soon. They won't be waiting until next year; it will be in the near future, to come and present something and then the Board can react to it. As far as the voters saying no to the new library last spring, they did not say no to a new library—they said yes to the new library. There was a majority in favor of that article. Unfortunately, there wasn't enough to get the super majority to pass the bond, but as far as the project itself, even with all of the issues that came up, there was still a majority in favor of doing that project at that location. Selectman Robinson said he voted in favor of it.

Selectman Maddox said just to throw mud or a wrinkle into the fabric, asked who the agents to expend were. Mr. Malizia said it's the Board of Selectmen's budget, so it's the Board of Selectmen who, ultimately, has the say. Selectman Massey said that's why he indicated the invoices would have to be submitted to the Board of Selectmen for reimbursement.

Chairman Jasper addressed Selectman Robinson, saying he was not using any authority as Chairman when he made his remarks. Using authority in his position as Chair would be to trying to rule him out of order or make some parliamentary maneuver. He has not given up any rights to his opinion as a Selectman when he assumed the Chair, nor should or does any member of the Board. Anyone who sits in this chair has the right and obligation to voice their opinion. He was sorry Selectman Robinson feels as he does, but he was surprised and disappointed in his comments. It sounds that he has moved from that position and was glad to hear that. His personal feeling is if they can find a good way to spend the whole \$450,000 to fit up that library and have the best equipped, state of the art library that they can, that is a terrific thing, having had the generous donation to build the building. Why not? That's what the town said they wanted to do with this money, buy the houses, now let's use it to the fullest extent, not to be foolish with it, but if in putting those extra things that they would normally not have done, that just compliments the gift of the Rogers Brothers and gives them a really fantastic facility. He hoped that was the approach they take as they move forward on this.

Chairman Jasper asked if there was a consensus to have the language drafted to refer to moving, fit-up and furnishing. Selectman Massey said he had it from him, but wondered what happened to the demolition. Chairman Jasper said, as was pointed out by the Town Administrator, it would be best to deal with that in next year's budget and not confuse the issue. Selectman Maddox said they could still use this money for that. Chairman Jasper said perhaps, but they don't know. The bottom line is not to confuse the issue because it will be short money, \$5,000 - \$10,000 and by the time they get out of there, it will be a whole other fiscal year. Selectman Robinson said he supported the motion. Selectmen Maddox and Nadeau said they were in agreement.

Selectman Massey said he didn't want something lost in the shuffle and asked if the Trustees were going to revisit Ms. McGrath's donation in memory of Ann Seabury, as part of this. Mr. Knowles said the Trustees never visited it in the first place because Ms. McGrath has never contacted them, in spite of them calling her several times, offering it. Selectman Massey said he'd be seeing Ms. McGrath tomorrow night and will whisper in her ear. Mr. Knowles said it's not their plan at the moment to do it.

Chairman Jasper announced that the warrant article will come back at the Board's second regular meeting in November.

Selectman Massey asked why it wouldn't be ready for next week. Mr. Malizia said because he was going to write it and would be out of the office on Wednesday and Thursday and he wants the lawyers to look at it to make sure it's OK. Selectman Massey wants the Budget committee to understand it's a language issue, but they will be seeing a warrant article. Chairman Jasper said the Chairman understands that, and certainly the Selectmen's representative understands that. Mr. Malizia said Arlene Creeden was in the audience, and she was on the Budget Committee.

Mr. Knowles asked if there were any other issues the Board members might have, or something they might have thought of that the Library Trustees should be addressing. Was there anything the Trustees hadn't already covered? Selectman Maddox said they are looking to raise other monies for the library and asked if the library that was proposed last year the library that's going to be built. Mr. Knowles said yes, but the plan they did last year was incomplete. There was an approximation as to what was inside. The structure of the building, general layout, size—that's not going to change. In proposing that last year, they made a lot of compromises because they were trying to reach a particular dollar amount. They left out a lot of things in that library that they felt should be there. Not only do they feel the town would benefit from having those things, but in just recognizing this gift, they ought to make this library as good as they can and if that means making some slight modifications

to the plan from last year, they would probably do that, assuming they have the money to do it. Basically, yes, it is the same thing they proposed last year. They spent a lot of time and a lot of money coming up with that plan and it's not their intent to go back and start over. Chairman Jasper said they probably recognize, too, in terms of changing the footprint, they had a site plan and they would have to revisit the Planning Board. Selectman Maddox said they just had a conceptual, not a site plan. Mr. Knowles said no, they did. Chairman Jasper said the only thing was it wasn't recorded. Mr. Knowles said that's one of the things they are in the process of doing now. They are also going back to the Planning Board because of the timing. They have to get the Planning Board to extend the approval, since they haven't actually started construction within that period. There are all sorts of little legal things they need to do, so they are working on a number of fronts right now to make sure everything is in place.

Selectman Maddox said they are using one of the houses regularly for meetings and whatever. If the warrant article is approved, could they sell one of these next spring? He hoped they weren't going to wait until the library is built and they move to sell the houses. Mr. Malizia said they can't use the proceeds until July. (Talking over each other.) Selectman Maddox said right, but they could start the process. Mr. Malizia expects they would try to capture the spring market. Selectman Maddox asked if they were using only one house right now. Mr. Knowles said yes, pretty much. He wasn't sure of all of the details, but knows they are storing some stuff in the other house. These are things that they can work out. Selectman Maddox said he was just trying to think ahead. They need to have the money to be able to give it to the Trustees, so they need to be thinking about not keeping both houses for storage or whatever, and then sell them after they move, so he was just trying to start that process. Mr. Knowles said because of the restrictions on the language in the article, these are all end of the process expenses that are being justified here, and that's not going to be happening in July. They are looking, maybe, at next March. Chairman Jasper said the language they put in probably does take care of the problem, which they had some discussions about—what is done with the stuff in the houses once they are sold. The money would allow them to rent storage space to give them the ability to store those things. Mr. Knowles agreed, saying they could deal with the meeting space. Chairman Jasper said there are a number of things this language will allow them to do. Selectman Maddox said in one of the many meetings he has been to, someone said they needed to keep those houses until they moved, and all he was trying to think of was they won't have that money. That was all he was trying to get to. Chairman Jasper said the reality is they are going to have to be sold long before they move, in order to be ready to move.

Elaine Brody was recognized, saying she was the former co-Chairman of the Library Building Committee, with Jane Bowles. She is now the Administrative Coordinator for this project and she was trying to help everybody be on the same page and make sure they are all going in the same direction at the same time. She is the lady who Phil Rogers called and after she started breathing again, she got busy. She had a long conversation with the Town Attorney's office today and was hoping the Board might have some information. Mr. Malizia said he put it in the Selectmen's boxes upstairs. Ms. Brody said she sent a copy of a request for qualifications for construction management firms and a RFP's. The plan is to send out the request for qualifications and once they get them, review them and make a short list of construction management firms to send an RFP. In the meantime, she spoke with John Cashell, who said that they could get started with the clearing of the land, once the perimeter of the building has been marked. They will band the trees that they want taken down. The High School Forestry Department kids are going to work on felling the trees and taking that lumber for the sawmill. Bernie Manor is working with Rick Martineau of the Forestry Department on that. They are going to be doing additional fundraising, vigorously, which Selectman Maddox referred to earlier. There will be opportunities for everybody in town to participate in, from the Buy a Brick for \$50 for three lines, to what they hope will be significant dollars from other people who will come forward. She thinks they have everything in line, but it's important that this doesn't ever become a "you and us." This is all "us." It's all the same pocket. They are one town, one library, and they have an opportunity to really do something great, so they should make sure everyone has voiced every concern they have so they can address them all. If they need more information, she'd be happy to find it and get it to the Board as expeditiously as possible.

Chairman Jasper declared a recess at 8:23. The meeting resumed at 8:38 p.m.

D. Budget for Minute-taking Services

(Recording was not started immediately upon the meeting reconvening; minutes reflect where recording began.)

Mr. Malizia said it was not necessary for the Recorder to be at workshop meetings when the agenda was light. Chairman Jasper said if there is a workshop that looks like it is going to be particularly heavy, the Town Administrator can make the decision whether or not the Recorder is needed.

Selectman Massey said he was going to ask the Conservation Commission if they would consider cutting back. Chairman Jasper asked if they left the full \$4,500 in there. Mr. Malizia said they asked for a certain slug of money in Professional Services, and they added \$2,000, so it looks like the Board gave them the \$4,500. Selectman Massey said he'd talk to the committee about it this week.

5. OTHER BUSINESS/REMARKS BY THE SELECTMEN

Selectman Nadeau said he didn't have anything.

Selectman Massey said the VFW was having their annual Memorial Service on Friday at 7:00 and all are welcome to attend. It's a good way to honor both past and present Veterans. It maintains one's connection with the past and keeps them connected to those who are in harm's way today.

Selectman Maddox said at a recent meeting, the other Board members were not available, so he was lucky enough to get the assignment to speak at the firefighters' ceremony at Hammond Park, and the other Selectmen gave him the story line. They all have other lives, so at that event, he thanked not only the firefighters who serve the town of Hudson, but also their families, who give up so much of their holidays, their vacations and all the things that go on when the tones go off, so he wanted to let the Board know that they were missed and the firefighters appreciated the fact that the Board understood that not only the firefighters, but their families also give up a lot to be in the profession.

Selectman Robinson didn't have anything.

Selectman Jasper congratulated the Chairman of the Budget Committee, Howard Dilworth, who was present, on his new role as the Administrative Assistant to the Litchfield Board of Selectmen. He couldn't be happier for Howard and, frankly, couldn't be happier for the town of Litchfield. They have made a great choice. Howard has a wealth of knowledge of the RSA's and the inner workings of the government, having served on the Board of Selectmen for many years and on the Budget Committee as Chairman. He and Howard go a long way back. He first met Howard in High School; he even remembers where he was standing when Howard introduced himself in 1976. They worked together almost 20 years on the Fire Department and had interesting experiences and situations. He'll never forget the night, taking the fire truck down a hill sideways in front of Jean Serino's house in the '97 ice storm. Howard was the best passenger imaginable; he never said a word, going down the hill sideways. He can tell the Litchfield Board of Selectmen that Howard certainly knows when not to say anything! Congratulations to Howard and best of luck. If there is anything the Selectmen can do, they will be ready to help. He looks forward to Hudson continuing the relationship it has with its neighboring town, Litchfield, and Howard's being there will only make those ties stronger.

6. **NONPUBLIC SESSION**

RSA 91-A:3 II (None was scheduled)

7. **ADJOURNMENT**

Motion to adjourn by Selectman Maddox, seconded by Selectman Robinson, at 8:57 p.m., carried 5-0.

Recorded by HGTV and transcribed by Priscilla Boisvert Executive Assistant

HUDSON BOARD OF SELECTMEN

Shawn N. Jasper, Chairman

Benjamin J. Nadeau, Vice-Chairman

Kenneth J. Massey, Selectman

Richard J. Maddox, Selectman

Douglas K. Robinson, Selectman