

HUDSON, NH BOARD OF SELECTMEN
Minutes of the October 9, 2007 Meeting

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

2. **PLEDGE OF ALLEGIANCE**, led by Senator Bob Clegg.

3. **ATTENDANCE**

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

Staff/Others: Steve Malizia, Town Administrator; Priscilla Boisvert, Executive Assistant; State Senator Bob Clegg; Kathy Carpentier, Finance Director; Richard Gendron, Chief of Police; Police Capt. Jason Lavoie; Dorothy Carey, Police Executive Secretary; about 15 Police Department personnel; Gordon Osgood; Howard Dilworth, Jr; Leo Bernard; Tom Tollefson, HLN; Ryan Halliday, TEL

4. **PUBLIC INPUT**

A. **Award of Certificates of Appreciation for 20-year employees, Dorothy Carey of the Police Department and John Cesana and Duane Morin of the Highway Department.**

Dorothy Carey was recognized and presented with her Certificate of Appreciation and check for \$50. Chairman Jasper read the following into the record:

Dorothy Carey was hired on December 01, 1986 as a Part Time secretary, working closely with the Detectives in assisting in the preparation of felony and misdemeanor cases for Court. Many times, Dorothy was called to work in early mornings to assist with search warrants and typing interview statements. Long before the Police Department hired a Victim Witness Advocate, Dorothy could always be counted on to provide comfort to a child victim or victim of a serious crime. In 1987, Dorothy was promoted to Executive Secretary, better known as the Police Chief's Secretary, and is responsible for payroll, human resources, accounts payable, grant reports, budget preparations and, most importantly, she is Chief Gendron's safety net. At every swearing-in ceremony, Dorothy ensures the families of the officers are notified and that the ceremony goes off like clockwork. Dorothy is one of the most frugal employees, collecting pieces of scrap paper which she cuts into useable "Post-it" notes. She is considered the "go to" person within the Police Department whenever anyone has an inquiry and she has received over 65 letters from people and businesses complimenting her small acts of kindness and her assistance to them. She also donates her time for heart walks, blood drives and various Police events. Dorothy is a real pleasure to know and an asset to the Hudson Police Department. On behalf of the Board of Selectmen, the Hudson Police Department and the town, congratulations and best wishes to Dorothy as she begins her 21st year with the Hudson Police Department.

Ms. Carey was also wished a happy birthday by Chairman Jasper, and was presented with flowers and balloons by the Chief of Police.

John Cesana and Duane Morin were unable to be present, but the following was read into the record:

John Cesana started for the Highway Dept. in 1987 as a truck driver laborer, assigned to the street division. He has never missed a snow storm and once, while plowing in the Old Derry Road/Robinson Road area, knocked down Shawn Jasper's mailbox! Before joining the Highway Dept, John served 14 years in the US Army and continued in the Reserves for an additional 13 years before retiring as a Master Sergeant. John is active in the VFW, serving as the Hudson Post Commander and District 6 Commander. He is also active in the community, volunteers at the VA Hospital and coaches softball. He and his wife, Alice, have two daughters.

Duane Morin started in the Highway Department in 1987, assigned to the sewer/drain division where he maintains the town's pump stations. He has also plowed snow for 20 years in the Derry Rd/Webster St area and has never missed a storm. Duane is a life long Hudson resident and is active in the community, volunteering his time with Cub Scouts and Boy Scouts. He also served a volunteer and regular member of the Hudson Fire Dept. for 18 years. Duane has two children.

B. **Discussion with State Senator Bob Clegg**

Chairman Jasper said Senator Clegg was unable to meet with the Board when the Legislative Delegation came in some time ago because he has an extremely busy schedule. He was finally able to work things out so he can be here. Chairman Jasper joked with him a couple of years ago, saying he finally got to Concord one morning earlier than the Senator did—and he is almost always there long after Chairman Jasper leaves. He opened the floor to the Senator.

Senator Clegg thanked the Board for inviting him, noting that he did miss the meeting with the Legislative Delegation, saying the schedule in Concord is sometimes pretty tough and he's not home at 7:00. He offered to answer any questions the Board member had, whether it was the circumferential, bridge tolls, etc.

Selectman Maddox said, being on the Planning Board, his concern was the eventual need for an east-west road between Lowell Road/3A and 111. The 10 year plan has now been out 36 years, and with the financial dollars, they need to find a remedy to deal with the lack of the circumferential being built between the environmental issues and whatever. One of the things the town has looked into is possibly building a town road within that right of way. Their concern is that the state, in an effort to fund another piece of a project, or whatever, losing that land in Hudson. Since that is what the town has based its zoning around, a needed east-west road, because probably the Senator knows better than most, living off of Wason Road, the traffic that is going through there. Something is going to get built along Green Meadow, and the need for some sort of method of getting that traffic from the highway east and west is imperative. He hoped to garner the Senator's support in moving the town's ability to get that land to use as a town road.

Senator Clegg said there is a new law; they can no longer take it. The state can't even give it to the town of Hudson. It was purchased with highway funds, so rather than all the sweetheart deals that were going out, they passed legislation that said you had to pay market value. The biggest problem with buying that property and putting in a road is most of the environmental permits have expired, so the town would have to go through the environmental process and his understanding is they would not achieve the same results that were achieved by the state, under more lenient circumstances. Today, most of that road can't be built. There will be no wetland filling. They've found more butterflies, more turtles and today someone informed him about water moccasins, so all of those things becomes a problem. There are ospreys nesting in that area, too, now. The state putting a price on the land for Hudson is only part of the problem. He didn't think a road will go there.

Selectman Maddox said his biggest concern is that Hudson has the first option to be able, if they do need to be able to buy it, and the circumferential is still on the 10-year plan. It's finding some method—they all know it needs to be built. Senator Clegg said the circumferential highway is still on the plan only because of politics. It should have been taken off 15 years ago, and it wasn't. Some of them have kept it on, mostly by the delegation from Hudson, who has gone around to their friends, telling them to keep it there. The last time they put it there, they were told it was the last time they were going to leave it there. There is no plan any more to build a circumferential highway by the state. It would take them 20 years to get all the environmental permits. What they have now is a bunch of land and if the town of Hudson wants to purchase that land, then they should tell the DOT that they are interested in purchasing the land and let them come up with a number. But there is no plan to build that circumferential highway any more. Chairman Jasper said the Board understood that, and they've had discussions with the former Commissioner about the town's desire to make sure nothing happens to that land without the town having the opportunity. There are parts the town road would have to loop around and other things might have to happen, but it's a town road versus a four-lane road, so there are probably more options available to them. The Board just would like Senator Clegg to keep his eyes and ears open and, if anybody has a desire to do anything, the town has the opportunity to work with the state. Senator Clegg said he certainly would do that. If anyone comes in that looks like they want to buy a big piece, he'll stick his nose in and say the town of Hudson should be a competitive bidder, at a minimum. Chairman Jasper said the Board wants to make sure something doesn't happen without them having an opportunity because once that land is gone, they will be out of options.

Senator Clegg said the only sale they were talking about was the one he brought to a former Board of Selectmen and to the Board in Litchfield and, at the time, everybody was ready. When both Boards had changes in membership, both towns changed their minds, so they've sat on it and not pushed for the sales. Chairman Jasper said that was good to know, particularly the piece right at Lowell Road, which is the most valuable, but also the most necessary to make a connection wherever it ultimately goes. Without that key piece, they have no options.

Selectman Robinson said on the table before the Board is some property behind Stop & Shop, which is on the proposed circumferential highway. There has been some discussion that, with the possibility of the highway coming, it would be fruitless for the Board to pursue Stop & Shop to get that property to put a ball field in there. It sounds like Senator Clegg was saying the changes of that becoming a highway are slim and none, so the Board should continue to pursue Stop & Shop full gear. Senator Clegg said for some reason, Stop & Shop thought they could use the land, but that no longer is the policy of the State of NH. Stop & Shop would have to make an attempt to purchase the land. Chairman Jasper said that was a different issue. The Board has an understanding with the state that the town would use it, with the understanding that if it was sold, they would have first option, but then it would go away, so it's a conditional use. Whether it makes sense to put anything there or not is a whole different discussion. Senator Clegg didn't think the state was going to put a road there. Chairman Jasper said he thinks they all believe the state is not going to put a road there. They know it is supposed to be sold at market value, but legislation can always be changed and there needs to be a recognition there was a promise made to the town back about the time he was born, and if that means the town gets a little better deal on that land to be able to fill a need, hopefully, that's something the Senator would support, as well. Senator Clegg said the way they typically value the land for sale is based on the zoning in the communities. Right now, he didn't think there was anything allowed to be built there, so it would lower the price, anyway. Selectman Maddox thought it was only designated for a roadway.

Selectman Maddox said the other end of the circumferential is the third bridge. They got a number of Hudson citizens to sign a petition that they understood it was going to be a toll road. Hopefully, if it ever gets to the Senate, to be able to do something with getting a bridge over from Litchfield to Merrimack to alleviate all of the traffic that is just backing up to Alvirne, at this point, on 102. Hopefully, the Board can look for the Senator's support in that area. Senator Clegg said he won't support a toll bridge. When the Board did that petition, they opened a can of worms about the toll that was supposed to be at the other bridge. So now they are saying, if the town of Hudson really wants that bridge, and they really want the tolls, then they will put the tolls back up there. That means, the only way to get in and out of Hudson without paying money would be to go through Nashua, and he didn't think anybody wants to do that. His position has always been to fight a toll on the bridge, no matter where it goes. Even if they said they'd put a toll on that bridge, there is no money to build it. Even though the toll is supposed to pay the bond, it's so far down the line, it's not going to get built for the next 15 years. The only way to build it is if the land was sold and they had the actual cash, because the deal was if they sold the land and came up with the money, the money had to stay with the circumferential highway and they would use it to construct the bridge. That being said, there is a plan by a private developer to open up some land in Nashua that would put across, and it would be a private bridge and it would be a toll bridge. He won't fight that one because it doesn't mean if he agrees to put in one toll, he's supposed to agree to put in both tolls. The people of Hudson need to understand that if they put in a toll, the new toll rate is a buck. That being said, the town would also have to fight Merrimack. To go even further, if the city of Manchester can steal \$15 million out of the federal highway allotment and do the Granite Street bridge at no cost to the city of Manchester, without a toll, he thinks the state of NH owes the citizens of Hudson the same kind of service. All of the people who go down

Granite Street are going to the Verizon center. Put a toll up. You want to talk about doing out of staters and out of towners, then put a toll up there. It will generate a lot more money. To make Hudson pay to come in and out of its own community is wrong, so he can't support that.

Chairman Jasper said he couldn't disagree with the Senator, but the reality is that they have to have a bridge, and this is why, 40 years afterwards, they still don't have a bridge. Every time there has been a plan, those in Hudson have either been in disagreement internally, or with Merrimack or Nashua, and the state has taken their money elsewhere. Senator Clegg said this time, there is no money, and there won't be any money for 15 years. Chairman Jasper said that's why they have to think outside the box for a plan that might be viable that might not end up going into Merrimack. Senator Clegg said that was correct; in fact it may follow pretty much the original circumferential highway, which was one of the reasons why, when he lived in Nashua when he was 12, they had to move—the circumferential highway was coming. Chairman Jasper said they desperately need to get a bridge. Senator Clegg agreed, saying what they ought to do is, after the next elections, they need to hit their federal delegation and ask for the same courtesy they granted Manchester. Hudson needs a bridge more than Manchester needed another Granite Street exit, and they needed Granite Street exit solely for the Verizon Center and the venues because it made big money. Chairman Jasper said even if they gave the town \$20 million, even without a toll, that leaves them \$50 million or \$60 million short. Without a toll, was a \$78 million project and 90-something with a toll. Senator Clegg said they were told a bridge could be constructed for approximately \$36 million; just the bridge, no roads.

Selectman Massey asked if the entire cost of the Granite Street upgrade was from a federal grant, with no state monies. Senator Clegg said it was not a federal grant; the state gets a highway allocation every year, so when you hear them talk about earmarks—elected officials take that money, such as \$45 million, and earmark \$15 million to a special project, so there is only \$30 million left. It shortchanges the 10-year highway plan by the amount they earmark. Selectman Massey said he drives that quite often and it totally is beyond his thoughts the money they spent to get the northbound exit off of the Granite Street bridge on to that interchange, and then they did the second addition to the Bedford exits off of 3 and 3A, which is very hard to understand. If you want to go on to 3A, you have to go all the way up north and come back by C. R. Sparks. It looks to him like there was a lot of people who have more clout than Hudson has. Senator Clegg said Bedford did the project with their own money, and when their turn came up on the 10-year highway plan, they would be reimbursed. Risky business. Chairman Jasper said, as Hudson found out, it could be a long time before your turn comes up.

Selectman Maddox said the Senator was invited a long time ago, back when he was Chairman, to introduce the people to those that represent them in Concord, although the Senator is probably more recognizable. One of the things the Board asked the Representatives was what they saw coming up that the town should be aware of, and if there was any particular bill that they wanted to make the Board aware of. It's not just a question of what the Senator can do for them, but what can the town do for him on local access television to make the citizens aware of what goes on in Concord.

Senator Clegg said there are a number of issues, but the biggest one is the retirement system. They made a deal with the statewide property tax that went in in 1999, saying it would only be used for education. This is the first time, under the new leadership, that they decided the statewide property tax money could be folded over into the general fund. They are looking at that as a new method, or a new tax, to be able to fill some of the holes. There was \$40 million to \$60 million that they transferred from the statewide property tax education trust fund into the general fund. For a town like Hudson that got shortchanged, that hurts. It really wasn't surplus, it was money that, under the formula, they should have gotten, and they didn't. You have to look at that, and then look at the new cost of an adequate education, as they've defined it, and you need to look at it very closely because they mandate a whole lot of things. They want to pass a constitutional amendment, which a lot of people thinks is mainly targeting. Article 28-a says that any mandate that the legislature makes has to come with money. If you read what they actually tried to pass last year, it would have exempted education mandates from Article 28-a. because in it was a new constitutional mandate that said the legislature shall decide, and the legislature shall tell the local communities what they can do. That was a sneaky way of getting out of telling you what to do and, oh, by the way, now you have to pay for it. He said to watch the constitutional amendment that comes up this year and make sure it has a provision that says under no circumstances does this change 28-a and all the mandates have to come with money. Once they do that, the adequacy figures don't work because what they want for an adequate education is what they'd all like to see and have, but it's just not within anybody's reach. Even Mt. Washington Valley, with their \$10,000 per child, doesn't have the education system that this bill would require. And watch the statewide property tax. When that came through, a lot of them were shocked. It come through on House Bill 2, which is a trailer bill to the budget, too late to do anything, but it's a broken promise, in his opinion, because they said they'd never take that money and use it for anything other than education. Chairman Jasper said they saw it as surplus and didn't need it there. Senator Clegg said the three communities he represents didn't see it as surplus; they all saw it as being shortchanged. Chairman Jasper said he agreed with the Senator on that issue. They are going to have to watch their statewide property tax because when they finally cost this out, they are going to figure out the only way to pay for this is to bump up that statewide property tax right through the roof, and they'll be back to donor towns. It may work out well for Hudson, but there will be a lot of communities that it won't.

Selectman Robinson said the widening of I-93 has been on-again, off- again and wondered where that was in the process. Senator said the Conservation Law Foundation continually brings them into court until the state buys them a train. If you do the numbers on the train, there would have to be a monthly subsidy by the state for every rider on that train. You're not going to pay for what it actually costs to ride that train into Boston. One estimate was \$2,000 a month, per rider. He'd rather drive his car and sit in traffic for an hour and a half before he pays \$2,000 to take the train. It's a great, romantic idea and everybody wants to get back to the trains, but it's just not fiscally feasible. They just can't afford to do it. What tax will pay for that? Selectman Massey said the states of Virginia and California have declared moratoriums on any new highways, and

they are subsidizing the Virginia Express and the light rail system in Los Angeles is one of the fastest growing light rail systems in the country, and it's growing because of what they talked about. He took the bus into Boston three weeks ago, a 45-minute drive, and they left at 7:30. When they got to the intersection of 93 and 495, it took an hour and 15 minutes. He understands this issue. There is no mass transit system in the world that is not subsidized. They are not capable of operating on their own at a price that the average person can pay. He full expects it would have to be subsidized, but the issue is they can't continue to build highways. There's no more room, in many cases, and they're running into environmental issues. He asked what they needed to do to move forward, to get the state to take that same line of thinking that other states have now taken. Senator Clegg said they can't compare the city of Los Angeles to New Hampshire because in Los Angeles, there is a large number of people in a small pocket that will take mass transit because it is easier, so the subsidy is a lot less than it would be in the state of NH, which is spread out. If they want trains, come up with a tax that will pay to subsidize the train. Once they come up with that tax and get enough people to agree to it, you'll have your train. Until then, nobody wants to give up anything they have. The gas tax isn't enough. The tolls aren't enough to take care of the roads they now have. That was an attempt by the railroad system. It went to court and the court said absolutely not. So, if they want it, they're going to have to change the constitution, anyway. If they really want a train, figure out how to pay for it, and then there will be no problem.

Chairman Jasper thanked Senator Clegg for his time and gave him an open invitation to come back to the Board. Senator Clegg said there are some confidential bills coming up, some of which the town will need to get involved in. The Municipal Association has taken a hands-off position. As soon as they become un-confidential, he will bring them in.

5. **NOMINATIONS & APPOINTMENTS**

Energy Committee (two members, terms to expire 12/31/07)

Gordon Osgood, 92-B Greeley Street, said he's lived here about four years. He used to live in Westford and moved here after his divorce because he wanted to be as close as possible to his kids. He works in Manchester as an accountant/tax consultant/auditor. He's a CPA, CMA, CAA, etc. He has done some volunteer in Hudson. He was on the Board of Trustees of a church in town. He also was involved in the community in Westford in the Boy Scouts, a Sunday School teacher, helped put in the network in the town schools, etc. He tries to get involved when he has time. He wanted to get involved with the Energy Committee because he thinks the whole global warming issue is important. There are some nay-sayers, but there is a preponderance of evidence that suggests it is real and they ought not to hurt people in other parts of the world that have no control over this and he wanted to do his part.

Selectman Robinson said he's known Gordon for four years and highly recommended him. Mr. Osgood disclosed that he worked for a group of companies in Manchester that puts up energy-efficient, diffused architectural panels, called Kalwall Corporation. He didn't work for that corporation, but for one of the strategic partners and wanted to mention it because when you think of energy savings in a building, you think of windows. He drove around to look at town-owned buildings, and saw that Hudson Memorial has that system already in it, and he wanted to point out the potential conflict of interest. Selectman Maddox asked if Mr. Osgood has ever attended an Energy Committee meeting. Mr. Osgood replied that he has, adding that he even attended the CTAP meeting.

Motion to waive the Board's normal procedures and make the appointment this evening by Selectman Maddox, seconded by Selectman Nadeau, carried 5-0.

Motion by Selectman Robinson, seconded by Selectman Maddox, to appoint Gordon Osgood to a term on the Energy Committee to expire 12/31/07. Selectman Maddox asked if Mr. Osgood needed to come back again in two months. Chairman Jasper didn't think so; he just needed to reapply. *Vote: motion carried unanimously.*

6. **CONSENT ITEMS**

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

A. **Assessing Items**

- 1) 2007 Prorated Tax Abatement, 50 Musquash Road, w/recommendation to grant
- 2) Elderly Exemption, 20 Cottonwood Drive, w/recommendation to re-grant
- 3) Current Use Lien Release, 2 Kara's Crossing Drive, w/recommendation to approve

B. **Water/Sewer Items**

C. **Licenses & Permits**

Request to conduct fundraising activities at Sam's Club by the Nashua School of Gymnastics on November 17.

D. **Acceptance of Minutes**

Minutes of the Board of Selectmen's Meeting of September 25, 2007

E. **Calendar**

- 10/10 7:00 Planning Board in CD Mtg. Rm.
- 10/11 6:30 Recreation Dept @ Oakwood Facility
- 10/11 5:30 Sewer Utility in BOS Mtg. Rm.
- 10/11 7:30 ZBA in CD Mtg. Rm.
- 10/15 7:00 Board of Selectmen in BOS Mtg. Rm. (budget reviews)
- 10/15 7:00 Conservation Cmsn. in CD Mtg. Rm.
- 10/16 7:00 Cable Committee in BOS Mtg. Rm.

10/16 9:00 a.m. School Bd. in SAU Office Bldg.
10/17 9:00 a.m. Joint Loss Meeting in CD Mtg. Rm.
10/17 5:00 Water Utility Committee in CD Mtg. Rm.
10/17 7:00 Board of Selectmen in BOS Mtg. Rm. (budget reviews)
10/17 7:00 Hudson Senior Council on Aging in CD Mtg. Rm.
10/18 7:30 Budget Committee in BOS Mtg. Rm.
10/19 7:00 Board of Selectmen in BOS Mtg. Rm. (budget reviews)
10/20 9:00 a.m. Board of Selectmen in BOS Mtg. Rm. (budget reviews)
10/22 9:00 a.m. School Board in SAU Office Bldg.
10/22 7:00 DOT 10-Year Plan @ Community Center
10/23 7:00 Board of Selectmen in BOS Mtg. Rm.
10/23 5:00 School Bd. in CD Mtg. Rm.
10/25 1:00 Trustees of the Trust Funds in BOS Mtg. Rm.
10/25 7:00 Open Space in BOS Mtg. Rm.
10/25 7:30 ZBA in CD Mtg. Rm.
10/29 9:00 a.m. School Board in SAU Office Bldg.
10/31 6:00 – 8:00 Trick or Treat Hours in Hudson

7. OLD BUSINESS

A. Votes taken after Nonpublic Session on September 25, 2007

- 1) Motion by Selectman Maddox, seconded by Selectman Nadeau, to upgrade Donna Staffier-Sommers from Sewer Utility Clerk to Administrative Aide II—Sewer Utility, Step 4, \$17.79 per hour, effective 9/30/07, carried 4-0.
- 2) Motion to adjourn at 8:27p.m. by Selectman Robinson, seconded by Selectman Maddox, carried unanimously.

B. ZBA Liaison

Selectman Maddox referred to the memo from Community Development Director in the Board's packet and said, in order to facilitate the Board of Selectmen to be cognizant of what is going on as far as the needs of various boards, as they make the Zoning Administrator, Community Development Director, aware of issues, and to be able to make sure that things are happening in a timely manner, the Community Development Director came up with this memo which states, basically, that the liaison would get a copy of any correspondence. If X member of the Planning Board was to send to the Community Development Director/Zoning Administrator a particular issue, the Selectmen's rep to the Planning Board, which at this point is him, would get cc'd on it. When the reply went back, the Selectmen's rep would get cc'd on it. The intent is to make sure the Board is seeing that the flow makes sense, is timely and responsive, yet is not tying up staff time on things that may not need to be done. This was the recommendation of the Community Development Director. The only issue they have, besides adopting this, would be to appoint someone as liaison to the ZBA, because there, presently, is not a liaison to the ZBA.

Selectman Massey agreed that they need to do something because of the issues that are coming up, especially in the Planning Board, but if they are going to adopt this, it should be a little more encompassing than what the memo says. The memo just says any written communications that the Community Development Director receives, that those would be forwarded to the liaison. If they are to be on top of everything that's going on in those areas, that all such communications should be copied to the liaison because, in many cases, the issues relative to the Planning Board are not going to be sent to the Community Development Director, they are going to be sent to the Planning manager. Things that would be sent to the Town Engineer wouldn't be sent to the Community Development Director, but they all impact the whole issue of the planning and building process. That's what he recommended; all communications should be copied to the liaison, if they are going to do this.

Motion by Selectman Maddox, seconded by Selectman Massey, to adopt Community Development Director Sean Sullivan's memo of October 4, 2007 as it pertains to liaison interface between the Selectmen's Rep and the members of the particular board carried 5-0.

Chairman Jasper asked if anyone wanted to volunteer to be the liaison to the ZBA. There being no response, Chairman Jasper said he'd volunteer, but would not attend the meetings. Selectman Maddox didn't think the liaison needed to attend the meetings; it's just a matter of making sure things are done in a timely, sensible manner. Selectman Robinson said ZBA meets on a night that he works, and if he doesn't have to attend the meetings, and since the Chairman's plate is already full, he would volunteer to be the liaison.

Motion by Selectman Massey, seconded by Selectman Nadeau, to appoint Selectman Robinson as liaison to the ZBA, carried 5-0.

C. Requests for Proposals—Financial Audit

Town Administrator Steve Malizia said back in May, the Board directed him to put together a bid packet by mid-October for the purpose of soliciting bids to conduct the town's annual financial audit, which is before them. It's a bid package to go out to bid for the town's annual audit. He put it together for three years; they've got to get to know the town and go through all the files. As an aside, he also identified five CPA firms in NH that do municipal government, that he is aware of. He cribbed partially from the school package about a year ago. It has been out there before, in a different format, but similar. If the Board approves of this, he'll put out an advertisement, send this out and see what they get.

Motion by Selectman Robinson, seconded by Selectman Maddox, to approve the Request for Proposals for Financial Audit.

Selectman Maddox said one night, he bumped into the Town Treasurer in Town Hall, and she said that the School Board just did this and she thought it was an excellent idea. So, as much as there was some consternation about going out, he thinks it is just good, after 22 years, to see where they are.

Selectman Massey said he opposed the motion on the basis of the fact that they oftentimes criticize government for not trying to behave like a business. Members of the Board have pointed out things that they thought should be done better because the private sector is doing it differently. In this case, they appear to be doing the exact opposite because in private companies, rarely, if ever, do you change your auditor, and it's always an occasion of note to the investment community when an auditor is changed because the investment community wants to know why the company chose to change. The town has been very well served by Plodzick and Sanderson for many years and the price is not that far out of what the town should be paying. They run some risks if another auditor is unable to fit the time period of the first two weeks in August if Plodzick and Sanderson decides not to do it. They would be out on a limb, without the ability to create the financial reports for the state by September 1. It's too big of a risk for the town to take, so he will oppose the motion.

Chairman Jasper said at this point, they are not talking about changing and even if the current auditor were not the low bidder, he'd be inclined to stay with the current firm. It is reasonable to go out to bid and see what is available and what the prices are. They will probably have a more spirited discussion, once the bids come in, if they are not low bid. That's when Selectman Massey's points might be more valid. At this point, they are not changing; they are seeking information, and that can't be a bad thing, but they're under no obligation to go with the low bid. They will have the ability to reject any and all bids. Selectman Massey said that was true, but they currently only have a one-year contract with this auditor. They run the risk that if the firm chooses not to respond to this, where are they going to be? This is a risk the town shouldn't be taking.

Selectman Maddox said, in response to Selectman Massey's concern, asked if it says anywhere that the audit must be completed by a timeframe. Selectman Massey said yes; all the work must be done by August 17 of next year. It almost has to be because they have to provide the state with the MS-5 report by September 1. That's why the document says to those that respond, they must be finished by August 17; the work would be done between August 1st and the 17th. Chairman Jasper said he'd be very hesitant to do business with a company he was currently doing business with that refused to participate in a competitive bid. If they decide they don't want to bid on this, perhaps that is for the best. Selectman Robinson believed they were doing due diligence with their accounting, making sure their house was in order.

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

D. Discussion on Benson's

Selectman Maddox thanked the Town Administrator for the packet he put together, which included the breakdown of the money in the Benson's funds, which comes to \$479,147 and the Memorandum of Agreement. He noted that of the five Selectmen at the time, the only one that didn't sign it was Selectman Jasper, and was wondering why. Chairman Jasper said that was six years ago and couldn't recall. Selectman Maddox said he, the Town Administrator and Selectman Robinson took the Benson's tour. Selectman Robinson took some photos of the buildings and the property, including the flora and fauna, which he proceeded to show via PowerPoint presentation (about 10 minutes). Selectman Maddox said it was about time for Hudson to make a decision where they are going with this. After walking the property a number of times, it's a parcel of land that the community needs to get. The 165 acres, plus or minus, whatever the state is going to do for mitigation at some point, in the center of town, is a gorgeous piece of property, as they could see from the flora and fauna that Selectman Robinson photographed. The walking trails are in relatively good shape, except the one area that was washed out between the two ponds, but they could walk the parcel today. That's just some of the good work that the volunteers have done to clean the paths. The pavement is in good shape and they could open this tomorrow, fill in that one area, and at least, people can walk the property. It was fascinating to be out there, and they could not hear the traffic on 111, so it is a genuinely attractive parcel, in his opinion, for the town to own. But there is always a but, as they all know, and the but is the buildings. After viewing the buildings, he sees no use for them, even as he goes to the Benson's master plan that he dug out of his archives.

Chairman Jasper asked if they could narrow the scope of the discussion on the buildings because the Board has already taken action regarding the Haselton Barn. Unfortunately, communications were not what he thought they were, and what he thought had been sent by the Board to the attorney was not done until last week. The Board has already made a decision that if there were any restrictions on the Haselton Barn, it should be subdivided out and kept by the state. The elephant barn is not supposed to have any restrictions on it. If they want to tear it down, that's fine. That did come up in the last draft, but that shouldn't be there. For the purpose of this discussion, they should be talking about the train depot and the office building. Selectman Maddox said, to that end, the town should do something with the train depot, as there are funds available to do something with that. It is mobile, at this point. It could be used for something, but the rest of the structures, all inclusive, there's just no use for them. Even if they rehabilitated the office building, what would they use it for? It's not big enough to put any type of department in. Even if they spend thousands of dollars, he was looking at some of the projections that were in the CIP and master plan, it would be refurbished for no use. He thinks they should tell the state they definitely want to purchase the land, move forward with that, but other than carving off the Haselton Barn and taking the train station to another location or whatever they are going to do there, they would like to move this forward. He knows the Chairman has worked hard to try to wrangle all the people, but they have a staff of many people, many levels and different resources, he'd like to make a motion to have the Town Administrator be the keeper of the log. They need to do a better job of tracking who spoke to who about what, when, so if they need to move this up to Councilor Wieczorek or to the DOT Chairman, they have a litany of what was really done. He knows there have been phone calls.

Chairman Jasper said when there has been important communication via letters, that has been done, and they have copies of those letters. Steve believed he had sent an e-mail to the attorney regarding the Haselton Barn, but never heard what the resolution was of that. All of the important communication has been in writing, and that's really all they can document. The problem of the dirt pile remains, and the state didn't want to do anything until that was resolved. Well, they just got the check. There is still some survey work that they need to finalize and then they have the two landfills and then the buildings. He didn't disagree on the office building because he didn't know what era they'd rehabilitate it to. It has vinyl siding, it has tiles, etc. He didn't mind keeping the building, but let the town do what it wants with it. They are the point where they will take the train station, rehabilitate that, they'll get more grants, but the state has let things deteriorate. Five years ago, he felt differently about the office building. There may be some grants, there may be some craftsmen or some people that want to do something, fine. But for the state to put restrictions on that building, which isn't even a complete building any more because it had the whole pavilion torn off, which was a food court. He didn't disagree at all on that, but there is a new twist. When he talked to Nancy Mayville last week, she said the Assistant Commissioner took a look at the deed and said, "You people are way over the top. You've got to make this simpler and start over on it again." The good thing is the land isn't going any place, but the state has dragged their feet to the point where the buildings just aren't something... if they can use them, great. If not, tear them down. That's pretty much where he is on those buildings, with the exception of the train station.

Selectman Maddox said he thinks they are all heading in the same direction. Selectman Massey thought the Benson's master plan was done in late '02 or early '03 and, at that time, they estimated the cost of doing all of the projects. When you look at the properties, the only structure that appears to be in decent shape is the train station and they have a grant of \$388,000 to rehabilitate that to its original almost-historic look. The only thing they'd have to do on that building to make it what it was is the granite foundation, but all the other buildings, including Haselton Barn have had no maintenance on them for the last six years, since the Memorandum of Agreement was written in '01. Chairman Jasper said there hasn't been any maintenance done on them since Benson's closed 20 years ago. Selectman Massey said they are now faced with the unknown of what it would cost in today's money to rehab any of those buildings. The only two buildings he would even think about wanting to spend any money on are the train station, because they already have most of the money in-hand, and to figure out what it would cost to rehab the barn, not to historic preservation standards, but to a standard that would approximate. One barn in the state can be dated as far back as 1790, but today, it's got vinyl siding on it. They never have could have afforded to cover that barn like the original. If they are going to do anything, the best thing, right now, is a passive walking type recreation, and forget all the buildings, except for the train station and, perhaps, because until they know what it is really going to cost to do the Haselton Barn, and they have to have a plan of what they are going to do with it, and there has been a lot of talk about what's going to happen, so that's about where he's at, to summarize it.

Selectman Maddox said, as a point of reference, to renovate the kitchen and office building in the CIP program was \$245,000 to renovate that building. They could probably build a replica for less money. Chairman Jasper didn't know where that outrageous number came from, but he didn't disagree. If they have a consensus, they can ask Steve to call the attorney tomorrow and amend the letter. Mr. Malizia said it has already gone out. Chairman Jasper said they can wait and see what the response is on the Haselton Barn and deal with it as it comes along. He didn't think it would be prudent to send out a letter a day after one went out. He told Nancy Mayville they were at the point where they were ready to say forget all the buildings, except for the train station. He let her know that and he let her know this thing was unraveling fairly rapidly because the state has just been so unreasonable to bringing this to conclusion. The town has given them options on the landfill, same on that pile of dirt, just assume the liability, but they are not moving. Unfortunately, that department continues to be in transition and, as they all know, they've had much bigger fish to fry lately than a piece of land sitting in Hudson, with the tolls, the road, the bridges, etc. There has been a lot going on there.

Selectman Robinson said the Highway Department has some pretty sophisticated equipment that can go down those trails and make the swaths and cuts and turn that into an even more beautiful walking parkway than it is now. When he drives to Salem, he often uses those roads and often sees cars parked and is sure its folks walking those trails, who know the beauty of that whole area down there. Whatever they can do to expedite it, it would behoove them to do. Chairman Jasper said in terms of sending in equipment to open up the trails, the town has the ability to do that. When Kevin has the time, he can send that marvelous new machine in there and open some up now, before it gets out of control. That might be prudent. Ultimately, he thinks the town will own it because it's something the state wants to get off its back. They are also going to realize all of the buildings are going to fall apart if they own them. There won't be anything left in five years, if they don't give it to the town. Selectman Robinson asked if that was a consensus, or should they direct Kevin to go do it? Chairman Jasper said if there was a consensus, and if Kevin has the time, that was sufficient. Mr. Malizia suggested Selectman Robinson, as the liaison, could meet with him. Chairman Jasper said he spoke with the operator of that machine, who said he was looking forward to the day he could get in there and start opening up things. So, without objection, that will happen.

Motion by Selectman Maddox, seconded by Selectman Robinson, that the Town Administrator be the keeper of the log of all things Bensons, to track letters, e-mails and phone calls.

Mr. Malizia said they already do that. Selectman Maddox asked if he could get a log tomorrow. Mr. Malizia said it could be put together. Selectman Maddox said what he was trying to do was, when someone asks when a call was made, and to whom, a definitive answer can be given. Chairman Jasper said if they were going to do that, take him out of the loop because he's not likely to do that, and he forget to do that at times because he will pick up the phone and try to get a hold of somebody, or if he runs into somebody in Concord. The substantive issues are put into writing. Selectman Maddox guessed they needed to do more writing because they're not seeing any follow-up and now they're hearing the lawyer didn't get it six weeks ago. Chairman Jasper said, in the long run, that hasn't delayed anything because the state has not been willing to move. The state

has not been willing to move on the asbestos pile, they have not been willing to commit to anything on the landfills. He keeps hearing they are developing a plan to deal with that. What about the survey they agreed to a year and a half ago? Well, they are still finishing that up. The town can call on a daily basis, but the answer is going to be the same. The reason they're not seeing a lot of correspondence is because they are pretty much waiting for them. Selectman Maddox said they've got to stop waiting. Chairman Jasper said it's their property. What can the town do? He can call, yes, but when the answer is yeah, we got to do this before we do that... Selectman Maddox said that's what he wants tracked. He wants the ability to say, a year and a half ago, you told us that survey would be done in three months, they'd have something to hang their hat on. All they've had now are anecdotal phone calls, going back and forth. There's nothing that says when they've talked to them. They had a meeting out at the Haselton Barn that wouldn't be logged in any other way than the log he was talking about. Mr. Malizia believed that Jay Hodes did. He has a copy of a letter on file with all of the documents that were sent to Ray Wieczorek. There's letters to Commissioner Murray.

Selectman Massey said for some of the critical stuff, he and a former Selectman sat down with Nancy Mayville, the Chairman of the state Historic Preservation Society and several other people from the DOT in April of '04, at which time they conveyed the issues they've been talking about and told them the town's position. The state promised to get back to the town with a response, but it took a year. During that time, there was a set of correspondence, so this issue isn't because the town hasn't been trying. The state, for whatever reason, does not feel this is a priority item. They have so many other things on their plate today, this is probably something they will get to when they get to it.

Selectman Robinson said on October 30, there will be a presentation by the state on Intermodal Transportation and he thinks Councilor Wieczorek will be at that meeting. Mr. Malizia said the date was the 22nd. He asked if it would be prudent for the town to copy the packet again and present it to him at that meeting. Chairman Jasper said he already has the packet and they're not at a point where they can ask him to do anything because the state keeps promising they are going to do this and that and, as he just found out last week, the last thing that he was waiting for turned out to be a mistake on this end because of lack of communication. That was the one thing he felt they could probably be moving along. With the others, there wasn't much they could do, but they could get this one issue out of the way, but it hadn't been conveyed to the state. He didn't think giving them the same package again would help. Selectman Maddox said the squeaky wheel gets the grease. The town has sat back and waited for the state. He disagreed with the Chairman inasmuch as if they keep waiting, somebody will be having this discussion on this Board in five years. Chairman Jasper said he'd be glad to pass this on to Selectman Maddox, so he can start making the phone calls. Selectman Maddox said that's not what he was saying. He just wanted to log where they are and who they spoke to so there is a history. He heard it said they talked to the state a year and a half ago, but time flies, and it could have been two and a half years ago. Chairman Jasper said it doesn't hurt to do that, but he's not sure where that gets them, expect more frustrated. He didn't think saying he made a phone call is worth anything. The only thing that is worth anything is a paper trail that they can follow up with. Tracking phone calls doesn't amount to a hill of beans at the end of the day. It's the correspondence that matters, and they have that.

Motion by Selectman Maddox, seconded by Selectman Robinson, that the Town Administrator be tasked with keeping a log of all correspondence to and from the State DOT, or any documents relative to Benson's.

Selectman Maddox said all he was looking to do was have some historical background because now, five years later, as Selectman Massey pointed out, they had a meeting. When was that? What was said? How do they track that? Even if they just sent a copy of this document that says we've made 27 various attempts over the last six months, it's something they could hand somebody, as opposed to we called, we did send you this letter. They'd have something to put in front of someone to say these are the attempts made by Hudson. That's all he was trying to do to make this move forward. Selectman Robinson asked if the Town Administrator had that already. Mr. Malizia said not on one separate document. There are documents—letters, documents, correspondence, meeting minutes, etc. He keeps a book with everything in it; Linda and Priscilla keep files. If something is put in writing, that is on file. He didn't write down every time somebody calls somebody, but he does save most of his e-mails, particularly the ones from the attorneys. He didn't get any e-mails from the state. They basically ignore you. If he gets them, he keeps them. He doesn't delete that sort of thing. He could print them out, but as far as keeping a written log of calls, he's been too busy doing other things. Many of them have had different meetings with various people, including Councilor Wieczorek. If something is substantive, there is a letter communicated to them. They don't throw any of that stuff away; it's on file. He can keep a log if the Board so directs, but he's not sure what that is going to do, other than frustrate them, because the state doesn't appear to care. They've sat in meetings where the state has said certain things and the town's attorney has sent follow-up letters, but the state doesn't respond. Other than putting them in a headlock, he didn't know what to do. And from a food chain perspective, he wasn't very high up. Chairman Jasper is a state Rep. much higher up. He's not optimistic that it will accomplish what they want to accomplish, other than keeping a record the town can wave at the state. Selectman Maddox said to produce the document that says we have said, we have called, we have written, in one concise document, rather than handing them a stack of stuff. One piece of paper would track all of the things they've done from this point to try to gain the land known as Benson's. That's all he's looking to do. Chairman Jasper didn't think that was going to get them anything. Would he like to talk to the Commissioner? Yes. They've got an interim Commissioner who is totally tied up with the road tolls, and he is gone at the end of this month. And, frankly, because there have been all these issues, the state has a position that they can't do anything until this is taken care of. Now that that one thing is taken care of, they're waiting for the new Commissioner's response to the letter, which now just went out that he thought he was waiting for. He needs some more definitive things to happen to be able to go to the right people to be able to push the buttons because, right now, they told him they were waiting for this court case to resolve. Now, they are going to say that's fine, now we are going to get the material out of there. They are picking away at the issues, narrowing them down from what they were, but it's frustrating. Who are they going to impress with the fact they made 55 calls October through

December? That's not going to impress anybody. Selectman Maddox said it might embarrass somebody that they've not been responsive. Chairman Jasper said with what has been going on in the Department of Transportation over the last year, this is not going to be embarrassing them at all. Heard about their financial audits?

Selectman Robinson moved the question. Chairman Jasper said he didn't require a second. A vote was taken and Chairman Jasper declared that it passed.

Vote: Motion failed, 2-3. Selectmen Maddox and Robinson voted in the affirmative.

Selectman Massey said he wanted the record to reflect why he voted in opposition. If it ain't written, it never happened. They would be tasking the Town Administrator to do things that probably would not happen because the first time any one of them missed communicating something that they did, the chain of events is broken. Remembering to tell the Town Administrator that they did something becomes problematic and you wind up with less than a complete record, and without a complete record of what Selectman Maddox was requesting they need to do, you don't have a leg to stand on. Equally important, this has never been about the town. This has been about the state and, for whatever reason, has consistently missed deadline after deadline after deadline. They've even asked the Councilor twice to intervene, and that hasn't helped. They've asked their state Senator to intervene. That hasn't helped. The bottom line is, for whatever reason, the state has not considered this to be a project that is worthy of putting an assigned person on it with their merit increase due to getting it completed. He thought it was an unfair burden to place on the Town Administrator, given what the real issues are with Benson's.

Selectman Maddox asked if they were going to take a vote to say they do not want any of the buildings, other than the train station. Chairman Jasper said he'd communicate that. The first thing is to see what the response is on the Haselton Barn. Obviously, if they say no, then they are all done with this project. If they say the town has to take the Haselton Barn and they have to endeavor to follow the National Historic Preservation guidelines, they've agreed, at that point, that that barn is such a white elephant that it isn't worth it. If that's the position, the town walks away from Benson's. Selectman Maddox disagreed, saying he didn't think they want to give up the land. Chairman Jasper said he was hearing Selectman Maddox say, which is contrary to the vote he thought they took earlier, that if the state says no, you have to preserve that barn and you have to do it in accordance with the Secretary of the Interior, he's willing to take that risk. Selectman Maddox said no, he was saying they needed to push harder to seek legal action, whatever they need to do. Chairman Jasper said they can't take legal action because they have no legal right to the property. Selectman Maddox said if they are saying the town has to take the barn, maybe the Chairman was right, but somewhere in between, maintain it like they do any other town building. He didn't want to cut off their nose to spite their face. Chairman Jasper said that is the town's position. If they come back and say no, then they have a position they can take to the Governor. Unfortunately, the letter just went out and, as they decided, to now follow that up immediately with a letter saying they didn't want the office building, either, he'd rather get one response before they move into the next phase. Selectman Maddox asked if that letter has been sent. Mr. Malizia said he saw an e-mail copy of it.

Selectman Massey's understanding was that Selectman Maddox was offering an in between option that the town will take the land, but tell the state to keep the buildings. Selectman Maddox said yes. Chairman Jasper said it's pretty hard to separate the buildings from the land. Selectman Massey said not if you tear them down. Chairman Jasper said he's not prepared to say tear them down. Some of them have some value. Selectman Maddox said then the state can relocate them. Chairman Jasper said the state is not going to do that. Selectman Maddox said again, he didn't want to give up the parcel in the center of town, great park, whatever you want to call it, but neither did he want to take three buildings that could cost a quarter of a million dollars a year to maintain, staff and whatever. Chairman Jasper said the only one that's going to cost anything to maintain; they're all in agreement on the railroad station. They have a grant. Selectman Maddox said, according to the CIP, \$60,000. Selectman Massey said it's over \$200,000. Chairman Jasper said whatever it is, at this point, they are all in agreement that the railroad station will be renovated. Selectman Nadeau said \$239,047. Chairman Jasper said they are also all in agreement that the Haselton Barn, they'd like to keep, if it's financially feasible, but not according to Department of Interior standards, so it comes down to simply the office building, which is a very small building, and if they dig in their heels on that one, he's not sure that's worth saying they'll give up the whole thing over, because it is such small square footage. That's the one not worth digging in their heels over. The Haselton Barn is a white elephant. Selectman Maddox said somebody can worry about this in three years when they finally get an answer. Chairman Jasper said that could well be.

Selectman Massey said it is his understanding that when the alarm goes off in the barn, and the police respond, they are calling individuals. Chairman Jasper said that's been taken care of. Selectman Massey said so they are no longer going to require the police to require somebody. Mr. Malizia said the police don't call anyone; ADT makes the calls. They are not calling Mrs. McGraw any more, if that is the concern. Selectman Massey asked if they are calling anybody. Mr. Malizia said yes, they are leaving a message at Town Hall. Chairman Jasper said they are calling the police and the police are handling it, and there is a message on the machine. Selectman Massey said just to let the town know what happened, but no one is expected to follow up on it. At least he hoped. Chairman Jasper said that's what they have the police for. Selectman Massey said his concern is calling someone out in the middle of the night. Mr. Malizia said that's why they have an alarm. Selectman Massey said he understood that, but the police should respond, nobody else. There is no need for somebody, other than the police, to be notified in the middle of the night. Chairman Jasper said exactly. Mr. Malizia said they are not calling Mrs. McGraw; they are leaving messages at Town Hall at all kinds of hours.

Selectman Maddox said what he got from the thing, there is \$110,000 for the train station—grant match of \$50,000 on one and \$60,000 on another. Chairman Jasper thinks they will find there is more money out there to do the train station, ultimately, but this is going to be the seed money to start it. They'll worry about, if they ever get to that point.

Chairman Jasper declared a recess at 8:37 p.m. The meeting was called back to order at 8:47 p.m.

8. **NEW BUSINESS**

A. **Liaison Reports**

Selectman Nadeau said the Rec Department has a comedy night on the 27th and Friday was their first movie night.

Selectman Massey said his first item was an unfinished item from September 25—an explanation for the tree clearing at the water tank. That activity was not in the bid spec because the town was going to do it on its own dime for \$7,200. Preload came to the town and said they could do it with their private contractor for \$3,300 so it was paid through Preload. As a result, the town saved \$2,900 of what was originally budgeted.

Motion by Selectman Massey, seconded by Selectman Maddox, to approve Change Order #1, in the amount of \$3,300 to the contract with Preload, Inc., for the south Hudson concrete water storage tank, with the total contract with Preload for the water tank will continue to be \$1,290,502, carried 5-0.

The Library/Central Street intersection project has gone out to bid. So far, five companies have picked up the bid specs, which are available in Engineering. It has been advertised in two separate publications and the bids are due on October 29 and it's intended that the bid be brought to the Board of Selectmen for its review and approval on November 13.

With the 102 project between Highland Street and McDonald's, they've completed all of the drainage projects, which is the reason why it's been dug up so much. Either this week or next, they are going to be doing a complete rebuild of the road surface from Highland Street to McDonald's, and they will do it by blocking off half of the road and allow two-way traffic on the other half. They will excavate down to three feet, and put a foot of sand, a foot of gravel and a foot of crushed rock. It's a complete rebuild of the road for that section. They will put a first pavement on it and probably come back next year to do the final coat. When they finish doing one side, they will then shift the traffic to that side and do the other half. It will be like they did between Rena Drive and Dracut Road on Lowell Road, the way they constructed that piece.

The Senior Building Committee has the final meeting with the architect tomorrow morning at 10:00, at which time the floor plans will be firmed up. They will be looking at three options, and will have the services on an interior designer tomorrow, who will help spec out the fit and finish—the type of tiles, siding, etc., that the buildings would have. They are still on target to come to the Board on the first meeting of November, the 13th and are on target for the package to be completed in October.

Selectman Maddox said the Nadeau Farm project came before the Planning Board recently by the new developer, who bought the property after the demise of the original owner from QROE Farms, and there was some concern, which he wanted to bring to the Selectmen's attention because this is a project that is the first of its kind in the town of Hudson. The QROE Farm proposal, unfortunately, was not as firmed up as it should have been, but no one foresaw the principal dying in a plane crash. There is some concern as to the vision of what this is going to be. The Planning Board was of the vision that this was going to be a working farm when this was done, operated by a single farmer, or maybe two, but not every person was going to farm their own five-acre parcel. He was looking for some input from the Selectmen for the Planning Board, to make sure they get all of the details right because the Selectmen are the ones who will get the fallout, if a third of the houses are built and they are going a different way. People will be complaining that they didn't know manure was going to be spread on their front lawn, or they didn't know there would be tractors rumbling through, etc., so there needs to be some clear definition before this project starts building house one. He asked for input from the Board on their recollection of what the plan was and how they should go about informing the Planning Board of those needs.

Chairman Jasper said he shares those concerns. He was an advocate for the type of plan that was being developed and, as it were, both principals died—one had cancer and one died in a plane crash, and none of them could have anticipated that. He thinks the plans have been blurred, to say the least. One of the things, when they talked about allowing the open swales, was that those would be maintained by the developer, and the vision was that the farm land would, literally, go up to the edge of the road. Now they've created some horrendous slopes, the way they've cut the road in there, which they couldn't possible put a tractor on. He didn't know how they could be moved with anything, so that's a concern the Planning Board ought to address. Whenever they do cuts in there, they need to be graded and sloped for something that can be farmed, and putting a tremendous amount of loam on it. A lot of it was hauled out of there when they cut the roadways in there. You can't farm with 2" of loam. There needs to be sufficient loam on the ground in order to plow it and not be turning over gravel. He supported the idea of the Board sending a letter to the Planning Board, saying that there are issues of slopes, loaming, etc.

Selectman Maddox said documentation—he had some issues with Mr. Baldwin, but he didn't doubt his passion for saving the open space. With him gone, the vision isn't quite there to understand that a single farm would be left, keeping that space what it looked like five years ago, with active hay fields. Now he can see house lots being sold off and no one having that clear vision, and coming back to the Board of Selectmen to be the arbiters, and they don't want to get into that.

Chairman Jasper said they are actively talking with the school farm about haying and, possibly, corn on there. Alvirne has done some haying in there, but the fields have, quite literally, gone to seed, so he didn't know where that was going, ultimately, but there have been conversations occurring. In order to have that pastoral setting, you can't drive in and have slopes going this way and that, unable to get on them. That's something they've got to take responsibility for; move the cut

over, take care of it and get the documents, which have to be in place before building permit one is issued. They are paving the main road tomorrow, weather permitting. Beyond that, it is appropriate for the Selectmen to put in their two cents.

Selectman Massey said, having sat on the Planning Board for some number of the discussions relative to QROE Farms, it was his clear understanding when they were going forward, the reason why the Planning Board was willing to go with the cul de sacs the length they were was precisely because it was going to be common farm land; it was not going to be five acre lots with gentleman farmer operations. It would be a true farming operation. There was never any discussion that it would be a single farmer, but it would be a farmer separate from the home owners. The other piece was all the homes were going to be built to the developer's set of standards. If they parcel out the lots to different builders, then they are not going to get what the Planning Board had originally been given the vision of. That whole development was sold and approved by the Planning Board on the basis that it would be these large tracts of homeowner lots, but a professional farmer would do the farming on the entire property. Anything less than that would not have been approved by the Planning Board. One of those cul de sacs has five homes on it that run back 1,000' on the cul de sac alone. It's important to hold the current developer to the same set of standards they had approved at the time of the original site plan.

Selectman Maddox asked if the Board felt they should make sure all of that is done, prior to building permit one. The rest of the Board members replied in the affirmative. Selectman Maddox said he would convey to staff and to the Planning Board to make sure they get those documents in-house and have them reviewed by town counsel so they do not end up with problems downstream. Chairman Jasper asked if Selectman Maddox wanted to work with Steve or Priscilla in developing the draft letter. Selectman Maddox replied in the affirmative. Chairman Jasper preferred that this direction be put into a motion.

Motion by Selectman Nadeau, seconded by Selectman Robinson, to send a letter to the Planning Board, bringing to their attention the Selectmen's concerns relative to the Nadeau project, asking that no building permits be issued until such time as all of the details of the plan have been reduced to writing, carried 5-0.

Selectman Maddox said Thursday was the first night that the Town Clerk/Tax Collector's Office was open until 6:00. A number of citizens took advantage of it. As word gets out that on the first and last Thursdays of the month, the Town Clerk's Office will be open until 6:00 p.m., more people will avail themselves of those extended hours. For those who forgot to register, or for those who waited until the last minute, they will have a chance until 6:00 p.m. Selectman Robinson said the office is also open now at 8:00 a.m., so people are coming in earlier for that.

Selectman Robinson said the IT Department has demo'd two separate companies for the purpose of providing the residents with on-line payments of town fees and registrations. Unfortunately, neither company provided the value they are looking for for the residents. They are currently looking at a third company that will also give value, provide security, as well as the integrity of the numbers for the residents.

The Highway Department has begun to replace the 13-year old brick catch basins on Library Street with the new pre-cast concrete ones, as the first step to grinding and paving Library Street next summer.

Paving work was done at the High School and Hills Garrison by the Highway Department to save the School District and taxpayers' money.

The Highway Department will begin a cardboard recycling program at the old landfill on cleanup days, starting October 27. Everyone is encouraged to recycle their paper and cardboard, either curbside or at the cleanup days. The first quarter results for recycling are in. The town, contrary to the Nashua Telegraph today, recycled at a percent number of 28.17 for the first three months of operation. Nice job! The Recycling Committee participated in Harvest Fest with a booth. Selectman Robinson said Selectman Maddox suggested he bring in a recycling item of the week, to talk about it. This week was a fast food take-out Styrofoam container, and a Styrofoam meat tray, which are not recyclable. The on-line instructions and definitions of what are recyclable have been updated, and plastics one-seven are acceptable.

Selectman Jasper said there is a special meeting of the Library Board of Trustees in this room tomorrow night at 7:00. It will be televised and he encouraged everyone to tune in, as there is going to be some exciting news.

Chairman Jasper said he received a letter from Fire Capt. Dave Morin, saying, "On behalf of the members of the Hudson Fire Department, I'd like to invite the members of the Board of Selectmen to the annual Firefighters Memorial service to be held October 13, 2007 at 4:30 p.m. at the Firefighters Memorial, located at Hammond Park. I'd like to request a member of the Board of Selectmen to say a few words to those attending the ceremony." Chairman Jasper said he was going to be at the UNH homecoming, his 31st consecutive, so he asked if any Board member would be able to attend and say a few words. Selectman Massey said he already told the Fire Department he had a previously scheduled commitment. Selectman Robinson said he, also, called Dave and expressed that same thing. Selectman Nadeau said he was going to be out of town until 5:30. Selectman Maddox said he'd be more than happy to represent the Board, although it sounded like a setup.

B. 2007 Tax Rate

Finance Director Kathy Carpentier said her recommendation was based on budgeted numbers to set the 2007 tax rate. They budgeted to use \$1,450,000 of the surplus. At the end of 2007, they had \$6,650,906 in surplus. If they use the 1.45, it would represent a 12.8% decrease over last year's rate of \$17.22, giving a tax rate of \$15.01. By using this amount of surplus, they would still be within the recommended five to 10 percent of gross appropriations that should be kept in surplus. This would

leave a little more than 5.1 million in surplus. They just went through property revaluation. The values went up 355 million, which is why the tax rate is decreasing \$2.22. Residential sales analysis pointed to an average increase for the average single family home of 11%, leaving a single family home of about \$303,000. She asked if the Board supported her recommendation for the 2007 tax rate.

Motion by Selectman Robinson, seconded by Selectman Nadeau, to authorize the use of \$1,450,000 of the town's \$6,650,906 surplus in support of a tax rate of approximately \$15.01 per thousand, as recommended by the Finance Director.

Selectman Massey asked for clarification on some things. They have to be careful not to oversell what they are looking at. If anybody, over the next week, would like to call him, he'd be glad to explain the details, but it is far too complicated, as he found out this morning. Even though they are showing a 12.8% reduction in the tax rate, that does not translate to a 12.8% reduction if anybody's tax bill because the \$15.01 is derived from the property valuation of \$2,856,000,000. The 17.22 is on the \$2,501,000 so it's not an apples to apples comparison to get to what the true delta is between those two. Be cautious about using that number to tell people what their taxes are doing. Secondly, last year, they used \$1.175 million from surplus and they are proposing \$1.45 million this year. If they were to use the same as last year, \$1.175 million, that would be a decrease of \$275,000 which would be about nine and a half cents increase, so it would effectively change that rate from \$15.01 to \$15.10. Last year, they used less surplus because they had more revenues from the state, so the direction last year was if they got more revenues from the state, they would reduce the surplus. Chairman Jasper said they'd have a consensus on that after they vote on the motion on the floor. Selectman Massey said he knew that, but he was just trying to get to where they are comparing apples to apples. They did last year, when they set the tax rate before Ms. Carpentier went up to the state, using 1.45. The only reason he brought it up was, in order to maintain a level tax next year, would have to be the same number because every time you dip into the surplus, you're increasing, at some point in the future if you don't use that surplus, the tax rate.

Selectman Maddox said it was the surplus percent retained, they're going to be at 7.9 percent, and that is the lowest it has been in three or four years. He's just concerned, again, going into very unknown times, how low do they want to drop that? That's his only concern. Chairman Jasper agreed, saying that was his concern. If you look back at 2003 and 2004, 2.8 million was used, and 1.8 million was used. That brought the number down. 7.9 is still fairly comfortable, but when you look at the dollar value, the budget is going up and the actual dollars in the bank are going down. That's not a good situation. They budgeted that way. There's certainly a lot of people out there this year that are facing the unknown in terms of taxes, so they need to bite the bullet when they do the budget this year. They need to leave it at the 1.45. That's what they budgeted. If they get more revenue, then they use less of it than they do, but they maintain the target tax rate instead, but they will have that discussion after the motion. That was a concern he has had. What he's always liked about surplus is that's how they built the highway garage; they didn't have to borrow money, and you can do a lot of things when you have surplus, when you allow it to build. They've been taking it in the wrong direction, and then they don't have the luxury of taking a million or million and a half out to build this or buy that. This will be the lowest percentage they've had in surplus retained since 2000. It's more than just a few years, but they sort of locked themselves into this position, without creating some problems.

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

The consensus of the Board, if the town gets more revenue than estimated, was to use less surplus.

- C. **Request by CHIPS to hold Fright Night on Friday, October 26, 6:00 p.m. at the Community Center**
Motion by Selectman Nadeau, seconded by Selectman Maddox, to approve the request by CHIPS to hold Fright Night on Friday, October 26 at the Community Center, carried 5-0.
- D. **Receipt of contributions to the Recreation Department--\$300 from the Merrimack Valley Bee Keepers and \$105 from Elite UK Soccer Training**
Motion by Selectman Nadeau, seconded by Selectman Robinson, to accept the two donations, on behalf of the Recreation Department, with the Board's thanks and appreciation, carried 5-0.
- E. **NH 911 Automatic Location Identification Database Liaison Appointment**
Motion by Selectman Maddox, seconded by Selectman Nadeau, to appoint Fire Prevention Office Steve Dube as Primary NH 911 ALI Database Liaison and Deputy Fire chief Rob Buxton as Secondary NH 911 ALI Database Liaison, carried 5-0.

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

Selectman Nadeau did not have anything.

Selectman Massey did not have anything.

Selectman Maddox said there was an issue at Constitution Drive. The Planning Board has wrangled back and forth, trying to get this thing resolved so it can get on a Board of Selectmen's agenda so that street can be accepted and plowed. It's a case of no good deed goes unpunished, but the communications within town, being able to do what needs to be done, has been frightful, at best. He spent a good deal of his vacation talking to various parties within town. Town staff needs to be made aware, and he's asked the Town Administrator to do this. The Planning Board has authority over certain jurisdictions. Town staff cannot waive that. They need to reiterate that to people, whose going to be on the checklist to make sure, before a road acceptance, all the various boards and whatever need to sign off on it, and they can't just have staff saying they will take care of that. They are still ongoing with that. He was trying to

put forward that, although everybody was trying to be helpful, it has been a great amount of phone calls and trying to persuade people and do all kinds of things to get this completed, when it really should have been the responsibility of the developer to do everything he needed to do, so that the Fire Department and all the other agencies that have to sign off for road acceptance did their part and it is what it is. In trying to help, they've made more confusion and made it more difficult, and they are still shoveling through this, at this point. Again, they need to make people aware that there are procedures to follow. Selectman Massey said this is another reason why he continues to say that Community Development and Engineering need to have a document management system, that when a project gets created, every one of the tasks that each member is required to perform, they and they alone can sign that document, attesting that the task has been completed, so you don't wind up seeing a bunch of initials on a piece of paper, you see in a data base who and when a particular task was signed off on.

Selectman Robinson did not have anything.

Selectman Jasper did not have anything.

10. NONPUBLIC SESSION

Motion by Selectman Maddox, seconded by Selectman Robinson, to enter Nonpublic Session, pursuant to RSA 91-A:3 II (a) The dismissal, promotion or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him, unless the employee affected has a right to a meeting and requests that the meeting be open, in which case the request shall be granted; (b) The hiring of any person as a public employee; and (e) Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed against the body or agency or any subdivision thereof, or against any member thereof because of his membership in such body or agency, until the claim or litigation has been fully adjudicated or otherwise settled, carried 5-0 by roll call vote.

Nonpublic Session was entered into at 9:25 p.m., thus ending the televised portion of the meeting. Any votes taken upon exiting nonpublic session will be listed on the Board's next meeting agenda. Open session was entered into at 10:44 p.m.

Motion by Selectman Nadeau, seconded by Selectman Massey, to change the job title for Kathy Wilson from Administrative Aide II to Human Services Specialist and approve the updated job summary for this position, as recommended by the Finance Director, carried 4-1. Selectman Maddox voted in opposition.

Motion by Selectman Maddox, seconded by Selectman Nadeau, to place the position of Human Services Specialist on the range with a starting step (1) of \$18.72 and an ending step (5) of \$20.42, as indicated in the Admin & Support contract, as of July 1, 2007 and the place Kathy Wilson at Step 2 at \$19.12 of this range, effective 10/14/07, as recommended by the Finance Director, carried 5-1.

Motion by Selectman Massey, seconded by Selectman Robinson, to hire Daniel Conley as a full-time police officer, effective October 28, 2007, with a starting salary of \$19.78 per hour, in accordance with Police Union Local 3657, as recommended by the Chief of Police, carried 5-0.

11. ADJOURNMENT

Motion to adjourn at 10:47 p.m., by Selectman Maddox, seconded by Selectman Nadeau, 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