

HUDSON, NH BOARD OF SELECTMEN
Minutes of the June 6, 2006 Workshop

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

2. **PLEDGE OF ALLEGIANCE** led by Assistant Assessor Jim Michaud.

3. **ATTENDANCE**

Selectmen: Rick Maddox, Shawn Jasper (arrived 7:45 p.m.), Ken Massey, Kathleen MacLean and Ben Nadeau.

Staff/Others: Steve Malizia, Town Administrator; Priscilla Boisvert, Executive Assistant; Sean Sullivan, Director of Community Development; Jim Michaud, Assistant Assessor; Tom Sommers, Town Engineer; Bill Oleksak, Health Officer/Building Inspector; Gary Webster, Civil Engineer; Doug Robinson, HLN; Ashley Smith, TEL

4. **DISCUSSION ITEMS**

A. **Assessing Department**

Jim Michaud, Assistant Assessor, said the tax bills have gone out for the first half of 2006, generated by the new Munismart software. The people from Munismart said that the June bill should be using half of last year's tax rate, so they took half of last year's rate, which was \$16.50, so the rate for this bill is \$8.25. This method is also in conformance with the State RSA's. The way it was done in the past was not incorrect because the end result is still the same. If anyone has any questions, they can call his office at 886-6009.

Chairman Maddox asked Mr. Michaud for a quick overview of what the Assessing Department does, as a whole, for the Town. Mr. Michaud said the Assessing Department is in charge of producing values for all of the taxable property in Town, as well as the exempt property. The Assessing Office does this for the Board of Selectmen, who statutorily, is the Board of Assessors. The Board signs the abatements, the warrants, the credits and the exemptions, upon his recommendation. April 1st is the assessment date each year. They go out around that time to pick up new construction—building permits that came out for new houses, decks, porches, etc. They are also in charge of administering the elderly exemption program, the disabled exemption program, the blind exemption program, veterans' credits, disabled veterans' credits, etc. They are also in charge of administering the current use, or open space, program—a way of keeping vacant land vacant, giving a tax break to those who keep their land vacant. They are also in charge of administering the excavation tax program, the timber tax program, the various institutional exemptions, such as private schools, charitable organizations, and religious organizations. They establish the warrant for the first bill and then the second bill. These valuations are used to set up the tax rate for the year, in addition to the appropriations that the voters voted on. In NH, there has been a lot of assessing reform over the last few years. The State is now enforcing what has been in the constitution a great many years and that is to value property new, at a minimum, once every five years. The State statute is now also in conformance with the constitutional law. In 1991, the Town went through a revaluation. The next one was in 2002. They did a property update in 2004 and slated to go through another one in 2007. Property values change every day, but the only time they can change values en masse for the whole Town is once a year. Any activity undertaken in that respect is vetted through the Board and done with its approval. The Assessing Department is in charge of making sure the real estate values are accurately and fairly reflected.

Continuing, Mr. Michaud outlined the planned projects for the coming fiscal year, July 1, 2006 – July 1, 2007. Hudson has 266 combined elderly and disabled exemptions in the community of 24,000 people. Re-qualification means that the exemptions have both an income requirement and an asset requirement. Even though they can re-qualify every year—they can ask the recipients how much money they had in a calendar year, and their assets, excluding their home—they have never done it every year. Doing it ever few years seems to be a more measured approach. It is also quite a bit of work for the recipients to gather all of that information, and somewhat of a burden on them, as well as for the Assessing Department. By re-qualifying people, they tend to find some that may not qualify any more and what that tells them is that maybe they should be raising the income or assets limitations. They try to dovetail it with changes in value, as well. As long as they are going to be doing a property value update for next year, he thought it was worthwhile to go through the re-qualification process. This fall, the Board can entertain the possibility of making changes in the amount of income, assets, or the amount of the exemption. Going through all of this isn't a pleasant process, but necessary for the fairness and equity of the program. Those that qualify get the exemption; those that don't, don't get it.

The Assessing Department is continuing with their cyclical data collection project. This is a three year project, using an outside contractor to re-verify, re-measure and re-list properties in Town. This has focused on residential property. In the coming year, they will be doing data inspection of commercial and industrial property. The goal is to have all the property in Town re-data collected for the 2007 tax year. That will probably take them through the summer of next year, but will have the net effect of being effective, as of April 1, 2007. The outside contractor is doing 2,000 parcels a year. Chairman Maddox said with 9,600 parcels, he asked if the Assessor was assuming that 20% were done per year. Mr. Michaud said not all of the 9,600 parcels were improved, nor were they all taxable. There are a few exempt properties. He didn't work it out as a percentage. He backed into it by looking at what an acceptable amount of money to budget each year was, and what they was going to get them at the end of three years. It will get them 6,000 parcels, which is approximately how many single family properties they actually have, not counting mobile homes or the garden condo complex. They will get there through internal staff and by using the contractor in fully measuring the property. Chairman Maddox said if there are 6,000 and 2,000 a year is being done, yet every week in the paper they see 10 properties; ergo, 500 properties a year are changing hands. He asked if those were being looked at by the Assessing

staff. Mr. Michaud said they have not engaged in a sales inspection program. They will be inspecting the sales for the 2007 property value update, but there isn't available staff to go out and do those 500 sales that occur each year.

Continuing, he said another planned project is the property value update for the 2007 property tax year, to bring values between 90% and 110% of value. In NH, that is the definition of meeting fair market value. The department's goal is between 90% and 99%. They don't ever want to be over 100%. The market may do that to them, if they didn't update property values, if the market is declining. Last year, the ratio was 85%. On average, properties were assessed 15% below the market. Right now, they are looking at 81-82 at this point in the ratio year. It remains to be seen how much of a spring-bounce they are going to get. Maybe it will hold steady. When they do the property value update, on average, they might see changes of 10% - 15% to get them between 90% - 100%. It's too early to tell what's going to happen between now and April 1, 2007. He plans to come before the Board with an RFP to hire a contractor, someone who is going to focus exclusively on commercial and industrial property. They will do the residential end, with a little per diem assistance from the prior contractor that did the '04 update. The reason for that is both related to Green Meadow and River Place. They've had a fair amount of abatement activity on those commercial-industrial properties, whereas the commercial or retail sector and apartment sector is relatively healthy. It would be worthwhile to bring in someone who is more focused on the commercial/industrial market. This will come before the Board in the future.

Selectman Massey asked about the 2,000 parcels, if Mr. Michaud would extrapolate to the other parcels, based on those 2,000. "If you do 2,000 parcels, will the change in valuation be reflected on all parcels?" Mr. Michaud said they are going out, collecting data on those 2,000. They are not revaluing the property, they are not resetting the land value, nor resetting the building value, unless the pool has been filled in, the deck has been enlarged, etc. The data is being collected and corrected, but they are not revaluing the property to full market value. It's not that those 2,000 properties, outside of the other properties, are being revalued to market value. That is what they are going to do in 2007—bring properties to market value. In the meantime, they will re-collect data to make sure they have an accurate basis upon which to make a determination of market value. Selectman Massey asked why, then, would they have to do those properties in the full Town-wide reval. Mr. Michaud said because they are not resetting any of the land tables, the building tables or the values on any of those 2,000 properties, except for items that have changed that would affect value. Selectman Massey said, "If you're not going to change any valuations as a result of collecting the data, why do it at all? Why not do it at the same time you do the Town-wide revaluation projects?" Mr. Michaud said because the property value update, except for data collecting of sales, is a much more statistically-oriented process of analyzing the sales and the market trends and the cyclical data collection program is an on field/on-site, going to your house, walking around your house, measuring and attempting to do an interior inspection. They are at least two distinct functions in any revaluation. One is collecting the data in the field and the other one is doing the analysis. What they have done is spread the data collection process out over multiple budget years, and they saved the analysis process for the coming fiscal year. They are not revaluing those 2,000 properties until they revalue all of the property in Town. Selectman Massey said, "So, if I'm understanding correctly, the properties—you do the on-site inspection, both interior and exterior—you update the cards, as to what's in there—when it comes time to do a full Town-wide evaluation, you only do those properties for the interior and exterior that you haven't already done in the previous data collection cycles?" Mr. Michaud said no. Before they reset property values for all of the property in Town, they will have attempted to measure and list to make sure the data is correct. Selectman Massey asked what value they got by doing it on a cyclical basis. Mr. Michaud said, from a budget standpoint, they spread out the cost over a couple of years. Selectman Massey started to say, if they are going to go into the full-scale, look at every property, both interior and exterior, for the Town-wide property valuation, at which point Mr. Michaud interrupted to say that's not what they were doing. The property value update that is in the budget for the upcoming year is an analysis project—analyzing the market to get properties to fair market value between 90%-100%. That's distinct from making sure they have the data correct, the phase they are in right now.

Mr. Michaud said, relative to projects being considered for FY2008 (7/1/07 through 6/30/08), the department is still attempting to convert part-time personnel to full-time personnel—a secretary and appraisal technician. His rationale has been the same for the last eight years. It doesn't change. They are trying to catch up to the growth that has already occurred in Town, without even talking about River Place. Before they can move forward, he is trying to ensure he has enough staff to be able to continually update property values, using internal staff. Contractors will be used occasionally to assist them. Every Board of Selectmen has supported converting the part-time positions to full-time and/or adding full-time positions, but has never been successful at the ballot. No town wants to add staff to the Assessing Department, and there is nothing they can do to change that. Voters don't feel it's in their own best interest to vote in favor of adding people to the Assessing Department because they send out nice, high property tax bills. He hoped to find a creative way to possibly convert one or both of those positions to full time. Chairman Maddox asked if the Board wanted to continue with that, or if they should "give it a rest" for this year. That's one of the reasons for these workshops, to decide what the Board wants to support or send forward.

Mr. Michaud addressed the issue of replacing the Assessing vehicle, a 1996 Ford Escort, as part of the vehicle replacement plan. If it is replaced, he'd prefer a multi-functional vehicle, which can also be used by the custodian. They can't drive the Escort onto a construction site because they don't want to rip out the muffler on some of the roads. However, the Escort is fully functional and has low mileage. Selectman Nadeau didn't think they should replace the current vehicle. Selectman MacLean asked if someone else in Town would be able to use it, if it's a perfectly good car. Mr. Malizia said the two Engineering interns were using it this summer. At some point, it would be better to have a fleet that is multi-purposed, because the folks using these vehicles are out in the field, as opposed to someone who

might drive to Concord. It could be deferred a year, but at some point it's probably going to dry rot. It still works, but at some point it's going to be an old car with no residual value. Selectman MacLean asked how often the vehicle has actually hindered (Assessing) work because it wasn't a truck. Mr. Michaud said he has never calculated the level of hindrance. It is a hindrance, especially in the spring when they go out to construction sites, but he can't quote a percentage; frequently on construction sites, but infrequently on existing homes.

Last fall, department heads were asked to provide their thoughts on Green Meadow/River Place, and the impact that would have to their departments. When he considered the question of a life-style center, with square footage that could be three to five times the square footage of Pheasant Lane Mall, constructed over 400 acres, he concluded that they should attempt to allocate money to hire a master appraiser to appraise the property, once it has some approvals on it. Residential appraisals are \$300-\$350, but this won't be a \$300 appraisal. This would be a document a couple of inches thick, done by an MAI, somebody that has professional designation, and someone skilled in valuing mall-type property, or life-style centers, someone with a regional or national focus. It would probably be a firm, as this isn't a one-person type appraisal. They are sometimes counting all of the revenue that is going to come in for it, but they want to make sure it is being raised via a well-supported value. He doesn't have the expertise to do that. The master appraisal would be updated each year, because this is envisioned to be a 10-20 year project. This would have to be an on-going line item. Over the 20 years, the market will fluctuate. The master appraiser could assist the Town in making sure they have a defensible value. Sometimes commercial owners will look at who is setting the value. If they someone is inexperienced, they can be brought into court and attack his or her credibility because they've never done it before. He didn't think they would want to take that risk. The money could be put into either his budget, or the Selectmen's.

Selectman Massey asked, if they were to allocate that funding, if the assessments would change, based on the information. Mr. Michaud said absolutely. The value could go down in any given year. They would want to maintain a similar percentage relationship of the assessed value to market value, such that if the Town, as a whole, was at 85%, they are not revaluing every property in Town each year, but they'd be looking at Green Meadow each year, as they do with any property that's under construction, and they want to maintain the same semblance of percentage of assessed value to market value. They could be construction property that has a value of \$10 million, but if the Town is at 50% of value, for some reason, then they would want to be somewhere around \$5 million. But first, they have to establish the market value, and then back it down to the common level of ratio is.

Selectman MacLean asked if there was an impact fee that covered this. Chairman Maddox thought this was a fee that the developer should be paying. They have to have a rock-solid baseline for any development of that site. He would think that, as it's being developed, there has to be some sort of base that the developer would pay for that economic tie-in. Selectman Massey is looking at that whole economic impact; they need to be tying that in so the developer would pay for setting that firm base that, then, would change year to year and then they would hire a professional consultant to come in, but since this is going to be such a weird animal for the State of New Hampshire, he thinks it is important to get a top-quality person who is able to do this right from the beginning. That is the key, so whether it is done through the Assessing budget or the Planning Board phase of impact fees and/or requiring them to do a certain part of this, it is critical that the foundation is set firmly. Mr. Michaud said they need to make sure that it's not the developer that is signing the check over to Joe Appraiser because Joe Appraiser might get confused as to whom he is working for. Chairman Maddox said that's the way the Planning Board works. "We hire our people, and they get to pay for it."

Mr. Michaud said they've had introduction to GIS (Geographic Information System) over the last few years, and it became operational, staff-wise, in the last year or so. There is a tremendous amount of data—layers upon layers—sewer data, water data, assessing data, land data, topology data, etc. Many communities have put this data on the internet. They have probably peeled some layers off that they didn't want out there for public viewing, such as critical facilities. It would be a service to residents and businesses to have this data available on the internet.

(Start Tape 1-B)

It's becoming more and more common to provide the public with data on the internet. This would dovetail with bringing the web site in-house and designing something. He's talked to other assessors and other staff and it's an idea he'd like to broach—whether in Finance or Assessing, or wherever—he just wants to bring the idea out there because this will provide a service, and it's public data.

The Assessing Department has been scanning documents into attachments for their property record cards and, on their side of the counter, they view the attachments. They've been trying to move away from paper and towards a digital format, but he has a feeling they are doing this in a microcosm. The whole Town probably needs to look at network scanning ability. He hasn't thought this out fully, but it's useful for them. For example, when they bring up a property record card, they will see a scan of a veteran document and know that person is a veteran. That information isn't open to the public, but it helps staff in that they don't have to go grab the paper file to find out the information. Other examples would be old assessing records, used to research, for example, variance issues or special exception issues. This would provide a means for other departments to look at the data to be able to make decisions a little quicker. He's not sure how this would dovetail with other plans, but he wanted to bring it up to see if he's on the same wavelength.

Selectman MacLean said as long as they are working on IT, this aspect should be considered, as part of the big picture. Selectman Massey said she read his mind; document management is a critical technology and not something you embark on with a hope and a prayer. It takes a lot of planning and thought of who and how is going to be involved in it. Given the projects they have underway with IT, he didn't think they wanted to entertain this short-term. This could be a

fiscal 09 budget item and, in the meantime, put together a comprehensive plan, once they get the other IT stuff underway and smoothly running, they'd be in a much better position to sell it to the Town, if it makes sense.

Chairman Maddox said this was one of those items that the Town Administrator should put on the magic calendar in May 2008, to start looking at a data-management program for all of the departments to pull this together, or at least put a place holder in there for it. The Board will need to be reminded they want to take a look at this. It's an excellent idea in that the more stuff they can put on the web and make readily available to the citizens is a much better way to go. He understands the Town is now putting photos on the web of residential units. Mr. Michaud didn't realize that Patriot Properties had posted the photos. Chairman Maddox said Merrimack had some heartburn with that a couple of years ago. He asked if this Board ever decided what they were going to do. Selectmen Massey didn't think that was ever an issue, but any number of software products will give you that information. This type of information isn't unique. With Microsoft's new software, you can actually do a 3-D fly-over of your property. They talked about this last spring. The amount of information available for the public today is staggering, so this would be a useful project to, at least, understand what it would take to implement it.

Mr. Michaud said when the department first proposed putting assessing data, property record card data, on the web to the Selectmen, he stipulated that building sketches would be up there, but they wouldn't post photos. He thinks the photos probably got attached, along with the sketches. They both sit outside the hard data in a JPEG file. His initial response is to take the photos off, but if the Board is OK with it, he'll leave them on there. They started taking photos in 2000 and in many cases, the siding or other features have changed. A project for the future is to update the photos. Chairman Maddox asked Mr. Michaud to follow up on this with a memo, saying that Patriot Properties put this information on. He didn't see it as a bad thing. Mr. Michaud said Patriot Properties put on what was given to them. The data base that was transferred obviously included the photos. He might not have been clear that the Town's practice was not to have the photos posted. Chairman Maddox said someone e-mailed him, asking when that happened—and he said he didn't know. He asked if the Board had any objections to the photos staying on the web. Selectman MacLean didn't have an objection, unless there was a valid reason for them not to be there. Mr. Michaud said he was OK with it, too, unless he starts getting phone calls from residents, saying they didn't want their photos up there. He wanted to know if the Board had a problem with him just removing them, as opposed to it becoming a big issue because they don't value a home by its photo, but by its data. Chairman Maddox agreed with Selectman Massey, that there is so much information out there, they can just Google an address for an aerial photo. Until it becomes a problem, leave it. He'd just like to know when and why the photos were put there. Mr. Michaud said they refresh the data twice a year, so it just happened on the refresh of the June assessment data that the file with the photos got transferred to them.

Relative to converting part-time employees to full-time, Chairman Maddox asked if the Board wanted to continue with this pursuit, or if they wanted to let it rest. Selectman MacLean asked what the Town Meeting vote was. Mr. Michaud said it was 554 in favor, 1,583 opposed. Chairman Maddox said that solidified his answer. Selectman MacLean said she was talking with some residents who asked her why, when the voters say no, do they keep asking for the same thing. Maybe they should let this rest for a year, although she hates to do it. Selectman Massey said while his instincts say to let it rest, he doesn't like to fall back on that. If there is a need, you must keep asking for it. But there are some other issues in this department, so he'd like to see the overall budget impact before he'd be prepared to say definitively not to put it on the warrant. Right now, his instincts are to say don't do it. Selectman Nadeau said his, too, are to say don't do it, but you have to look at what is coming with Green Meadow. They might not need a full-time secretary, but they might need a full-time Assessor, so they need to look at where they need to go. Maybe go forward with one full-time. Chairman Maddox said the voters have said no on seven or eight occasions, so they should let it rest for a year. At this point, he would say no. The direction, more or less, is to let it rest, but Mr. Michaud could provide some follow-up update for the budget cycle. However, he shouldn't spend a lot of time preparing the paperwork, but maybe just change the date on the stuff he provided last year. Mr. Michaud said his liaison was not present, so he asked if the Board could hold off on any final resolution. They had it on the ballot in 99, 00, 01, 02 and 03. They took it off on 04 and 05 and put it on again in 06, so it has not been successive years. In 06 was the first time they asked for full-time from part-time. Chairman Maddox said there was no clear direction from the Board on that, but they would revisit it at budget time.

Mr. Michaud asked about the vehicle. Chairman Maddox thought it was old enough to cause them to look at the vehicle schedule and do what needs to be done. Selectman Massey said the Board now has a 20-year vehicle replacement plan, and a plan for whether it would be an outright purchase, or lease-purchase. The cost of those vehicles will go anywhere from \$10,000 to \$700,000 depending on the department and the vehicle. They don't know what a vehicle is going to cost five years from now, but they can use some reasonable estimates. He'd like to see them price out, over 20 years, what each year's estimated cost are for vehicle replacements and, from that, put together a plan to have a capital reserve fund that would put the average of the 20 years, per year, into that fund so that in no given year are they faced with a \$500,000 increase in the taxes needed to pay for it. Chairman Maddox asked if Selectman Massey meant, rather than doing it by department, to have one fund for all Town vehicles. Selectman Massey said that was correct. Selectman MacLean asked if the Assessing vehicle was on the vehicle replacement list for 08. Selectman Massey said correct. Selectman Nadeau didn't think this car needed to be replaced in 08. It has low mileage and a ton of money isn't being spent in repairs. It would be great to have a truck, but they already have a car that works fine. Chairman Maddox said Mr. Michaud should put that into his budget request.

Selectman Massey asked if the Board was in favor of his suggestion. Chairman Maddox said that would be an agenda for a future meeting, after the new members have a chance to look at the vehicle replacement plan. He wasn't opposed

to the basic premise, but he'd prefer to keep it by department, but that was something that they could discuss. Selectman MacLean asked if the Escort would be traded in, or if someone else could use it, since it is a perfectly good vehicle. Chairman Maddox said it could be the first Town vehicle they actually got a trade-in with. Selectman Nadeau said they wouldn't get anything for that car. Mr. Malizia said they would be adding a vehicle to the fleet. If it isn't traded in, it will just be sitting in the parking lot. Selectman MacLean said oftentimes, in the budget cycle, someone comes in who says they really need a vehicle. She asked if that could replace something else that's even worse off. Chairman Maddox didn't think that vehicle would fit anyone's criteria. He didn't think the Police would be using a 96 Escort in their fleet, whereas if the Town bought a 4-wheel drive pickup truck, that could be used in an emergency.

Concerning the Green Meadow assessment, Chairman Maddox said he'd hold off till 09. Selectman Massey agreed. Chairman Maddox said Mr. Michaud should get some background information as to who they (the Town) would want to use and some sort of budgetary number so it is available when the Budget Committee needs it. Selectman MacLean said when they discuss the VHB contract later, they will have a better idea down the road what the developer will put into that, as well, in anything.

Chairman Maddox said Mr. Michaud's D & E are things that need to be tied into IT, which comes later in the year when those issues are finally resolved, where they are going to go with this. He's gone on to the Nashua site and it's great that you can look up their GIS information by lot, so that's the direction they should be heading.

B. Engineering Department

Town Engineer Tom Sommers was asked to give a brief overview of what his department does. Mr. Sommers recognized Civil Engineer Gary Webster, who works with him on a daily basis. Mr. Sommers said they inspect a number of construction projects in Town, some of which are public, and many of which are private which is under extreme development pressure. A lot of those duties falls on Gary, who is out inspecting every day on a number of projects that are in various stages of completion. In addition to that, they have a number of public projects, some of which they are involved in more than others. They have several water utility projects, sidewalk projects, a road reconstruction project that they are working with the Highway Department on and an intersection project—Library & Central Street—that will be discussed at the Board's meeting next week in more detail. They also have been charged with running the Town's storm water management program, which is mandated by the US EPA. They have a mandate to be at a certain level of work effort, done by year after next. The current interns are doing a great job this summer, working towards that. He is the liaison to the Water Utility Committee. They are redrafting the regulations, which are about 90% done and almost ready to go to legal counsel for review. He is also drafting their policies and procedures. The Engineering Department also administers the sewer and industrial discharge permit programs, the water permit program and the driveway permit program, which includes paperwork, inspections, and collection of fees for each of those. The Town has two landfills that are closed, but they still have to be monitored. They work with a geotechnical consultant to make sure the work is done. The Burns Hill Road landfill is a unique situation and still in the process of being closed. They are working with NH DES and the geotechnical consultant on that. They have worked on the GIS effort, in terms on bringing it into the intranet. He uses GIS every day for something, which has been a dramatic help to him in dealing with all kinds of projects, including many questions that come in from residents. They can get right into the system, see where their house is and what's going on, and in many cases, answer the question which they never could before without driving out to their location. From time to time, they have to go out to the site, but not without checking the GIS first. They are also involved with billing permits, as part of the sign-off procedures and for certificates of occupancy. He acts as liaison to the Sewer Utility Committee, the Water Utility Committee, the Conservation Commission, the Planning Department from time to time, and he works with the Library Trustees, in terms of their new building. As part of the construction-inspection program, they administer the surety program. Surety is collected for any project that is being down in Town by the development and it's his job to make sure that work has been done and, therefore, they also administer that program. The other person in his department, who was not present tonight, is Betty Holt, who does a lot and she has a lot to do with why the Engineering Department runs really well. They aren't out front in terms of publicity, but there are a lot of things that are done through this department. He is pleased at the way they work together and how well they operate.

Mr. Sommers gave a brief synopsis of the following:

River Road water main loop—Mr. Sommers said this started today, hopefully, digging tomorrow. They were slowed down by the rain.

Wason Road Booster Station—They received six bids today. As expected, prices are up. They will evaluate those bids and come back to the Board with a recommendation, probably around June 27.

South Hudson Water Tank—The design is on-going. They are looking at the alternative in the modeling they were requested to do as part of the agreement with W/S Development, but they have moved ahead with their own project. There is an eminent domain process in progress, so they are waiting for that in order to get on site to do some boring work. Mr. Malizia said there was a PO upstairs for signatures for the check to be cut to Hillsborough Superior Court so they can file the paperwork.

Lowell Road Sidewalk Project—They are in the process of securing a couple more easements. They also have another issue by Lowell Road and Birch Street, which happened during the flooding. Right where they were going to put in the

crosswalk landing, there was a sink hole in T-Bones parking lot. That affects the scheduling and timing. They'd like to have the project out to bid within the next month, but he's skeptical. Mid-July is more realistic.

Derry Road Reconstruction is being coordinated with NH DOT and is ongoing. The utilities will be going in all this year. Gas lines are going in now and should be finished in a couple of weeks. Verizon is a big time schedule. There will be detours and some backup. Overall, this is being coordinated very well and this project is on schedule.

Library Street/Central Street Intersection—This will be discussed with the Board on June 13.

Route 102/Derry Road/Robinson Road is a State project and about 75% done. They finished the east side of 102 and in the process of putting in the breakdown lane on the west side.

(Start Tape 2-A)

Bush Hill Road/Flying Rock Road—Engineering designed this project and the Highway Department is doing the work. They are all waiting for a utility line to be moved from one pole to another. Holly Lane is almost done, in terms of the water line that the Highway Department has been doing. They want to mobilize as soon as possible, but they can't until the last part of this project is done. Gary said the new lines are up; the Town is just waiting for them to take the old lines down. That area is getting bad out there now. Thanks to Steve (the Town Administrator), who gave them a name of someone in Concord, things are working very well now.

Jette Field #2—This is a Town project, being done by a private contractor. The Town did the notice of intent for it and the storm water management plan. Gary said the trees have been cut. Selectman Jasper said he had called Steve about someone who had concerns. Mr. Malizia said the Rec Director, Sean Sullivan and the contractor met with that gentleman to take care of his concerns. Selectman Jasper said his concern was that, as the field was constructed, they would be filling in an area that was a retention area. Gary said no; there is just very small fill in the outfield and they have to have a 50' buffer. It's far enough away from any wetlands, so there is no impact. That area is still going to be untouched. They don't want to get close to that at all. They are not doing anything in that low spot. Chairman Maddox said the Planning Board required them to map and mark the wetlands, so that's not an issue. Selectman Jasper said his concern was that with these unusual storms that the water was flowing up into that area and if it met some sort of barrier, it was going to be in his back yard. He wanted to make sure that didn't happen. Mr. Sommers said he didn't see anything in the plan that would take away storm water storage. Selectman Jasper said yes, that was his concern, and asked if engineering staff was satisfied that there wouldn't be a problem. Gary and Tom said they'd check it again, but they didn't see anything on the plan that showed they were taking away storage. Selectman Jasper said he never heard back from him, so assumed he was satisfied.

James Way—Mr. Sommers said the James Way Bridge was on hold because their dredge and fill permit had expired. They have reapplied and once they get that, they can move forward. His concern is going to be weather. The abutments are in and ready to go, but they won't be able to grout if the conditions aren't there--40° and rising. That's the key. After that, it's not a big issue. They will still be able to drive over the deck, even if it doesn't have the final surface on it. He isn't happy with this project, but they have to keep moving forward with it to get it done. Selectman Jasper said there was some discussion about them putting in a second crossing, so they wouldn't have to move. Mr. Sommers said no. What they have discussed in detail with them is that there will be a short time period, up to five days, where the bridge will be shut down. They've had discussions with the Fire Department about this. After the dredge and fill permit is reinstated, this will come back up again. Chairman Maddox asked for a written report on the status of this, their permitting, any issues that are out there, rather than tying up the workshop. Does the developer have a time frame he is looking at? Mr. Sommers said he'd write something up, but couldn't guarantee the developer would. Chairman Maddox said it would be fall again before this is done, at the rate they are going. He'd like to see this on their next agenda. Mr. Sommers said he wouldn't have time to get something in. Chairman Maddox said then to a subsequent meeting. Mr. Sommers didn't think it would be before July.

Storm Water Management Program MS-4—There are six different major best management practices to undertake. They are in the fourth year of a five-year process. By the fifth year, they have to meet certain goals, and they are well on their way there. One of the goals is to locate all of their out falls, which they started doing, thanks to the two interns. They are way ahead of schedule. There is plenty of work for them to do with the GPS unit. They are also doing as-built work for Gary on the water system. They are doing the meter reading for the summer in Litchfield and the water levels that have to be monitored. The boys are enthusiastic, have a good attitude, are super with the computer system and they like their bright lime and orange shirts. The data is coming together on a daily basis. There are about 800-900 to do, and they've probably done about 150.

Storm water regulations have been drafted for awhile. He's been going back and forth with the consultant to tweak them. A lot has to do with what they are seeing with other towns, and what is going on legally. They have to know where they get inserted. They will be coming to him later this week, and he will transmit them to legal counsel, via the Town Administrator, and move them forward with a hearing, under Planning and Zoning. These regulations will give them teeth, with respect to enforcing storm water issues, storm water management issues and erosion control issues, right down to the single family lot. The current regulations don't have teeth, right now. That is a very big item that needs to be met, with respect to the first five year permit.

For educational items, they have videos from time to time on the Town's channel. They have a section on the web page, although it isn't very dramatic. They are now documenting street sweeping and catch basin cleaning, which are things they get credit for in this program. They are going to be putting in a tri-fold in either the sewer or water bills in the coming months, as part of the educational program. These are things that are going to be ongoing. They are looking at a program of stenciling catch basins, saying only storm water or only clean water. A lot of towns are doing that, and they are taking ideas from other towns. They go to regional meetings. Like recycling, people have learned it's probably not a bad thing to do. Litter isn't as bad as it used to be because people realize that it's not a good thing. A lot of this is an education process. The Engineering Department has taken on the lion's share of documenting and administering these best management practices (BMP's). The Board Chairman has to sign the letter he drafts and sends in every year, showing the Town is going that. He was originally concerned about the out fall locations, but not now, with the interns he has working for him.

Selectman MacLean said she recalled seeing a brochure in the Community Development Department and asked if she was correct in believing that cigarette butts are not good and should not be going down the drains. Mr. Sommers said that was absolutely correct. Selectman MacLean said if people smoke while driving, they should put their cigarettes out in their own car. As she walks around Town, she sees cigarette butts everywhere, especially at intersections, and it is so terrible and disgusting. When she is driving and sees someone flick a cigarette butt out, she beeps her horn at them, and scowls at them. Mr. Sommers cautioned against doing that because of road rage, but it absolutely is littering and it affects the quality of the water. Selectman MacLean said you don't see banana peels, apple cores and dog poop all over the side of the road. She implored the smoking public to keep their cigarette butts in their own cars.

Chairman Maddox wondered if there was a way to rotate in more interns and make the storm water management program an intern program, so they can go to the schools to do presentations. If they could get an engineering student from a college to continually rotate through, now that the benefit of the interns is seen. Mr. Sommers didn't think they need three versus two, at this point. After this year, they are going to be done with one element of this. There are other aspects, such as sewer, water, hydrants and a ton of GPS work that can be done. The interns told him there is an Arc View course on line, and they are going to look into that. There may be ways to train them to help the Town improve on some of the things they are doing to help the Engineering Department, as well as other departments. He is comfortable with two right now because he can control it and manage it. He's concerned how he would manage the third one, at this point. Chairman Maddox said he was talking about an intern rotating throughout the year. Gary said Londonderry has hired a college student, so maybe it's something Hudson could look into. Mr. Sommers with the potential development in the south end, and with everything they've got going on, and what he's seen from the current interns, as well as the ones he didn't hire, he was positive about a program like this to keep things going. He didn't think it would be a major financial commitment to the Town, either. Gary said these interns, who are very good, will also be used on River Road and Holly Lane. Chairman Maddox said this was something for Engineering to think about for the next budget cycle.

Bridge and major Culvert Inspection Program—Mr. Sommers said he and Gary went to a seminar on this. By State law, the Town is required to have an inspection file of bridges anything over 10' in width. The State does inspections of bridges every two or three years. They strongly recommend that the Town has their own program every year. He has been working toward using the interns to do the bridge and culvert (over 42" or 48") inspections, with an initial training program by a structural engineer. There is a contract coming before the Board at their next meeting, with respect to that. This also came about in view of all of the recent flooding. The Town fared pretty well, but he was concerned about some of the latent issues with respect to erosion that isn't seen without a trained eye. If it's done every year, it would be picked up, so this is something he'd like to work towards. It will also help with respect to CIP and budgeting down the road, with improvements and repairs on those items. Flooding tends to raise havoc, even when you don't know it's happening, because it's underneath. Chairman Maddox said before the federal government cuts off any type of mitigation aid, the Town should certainly look at those issues. Mr. Sommers said they'd like to start this program, in conjunction with the storm water program. The students are out looking at many of the same locations, so it would dovetail nicely.

Water Utility Efforts—Mr. Sommers said the regulations are 90% drafted and reviewed by the Water Utility Committee, and they are almost ready to go to legal counsel on that, prior to bringing it to the Board, i.e., the Water Utility Commissioners, for approval. That then leads to policies and procedures, which he has started drafting. The first one is acceptance of new water mains procedure. There are a lot of condominium type developments that are going in where the Town needs to own the water lines, and there isn't a procedure for when the Town owns them. He's begun that process and will be one of the major things they talk about at the Water Utility Committee meeting on the 21st. The intention is to have a manual like the Sewer Utility Committee, which works very well because it allows them to deal with things procedurally. Chairman Maddox asked if the basic meat will be the same between the Sewer and Water utilities. Mr. Sommers said yes, the layout will be very similar. There are some things, of course, that can't be the same.

Gordon Street Tank—They have a consultant on board, looking at what it will take to paint that, and whether it should be done. There is some chance that tank will be taken off line, given what is happening in the south end. Painting a steel tank is expensive—a six-figure item—as much as \$400,000. If that is done every 10-15 years, that is a major commitment, which isn't the case with a concrete tank. The question they will be looking at is if they need this tank down the road, if the south end tank and Barretts Hill tank are in, and if there will be enough capacity without the Gordon Street tank. The Barretts Hill Road water tank is still out there. They probably won't come forward next year

with it, but they will the following year. With that, comes the upgrade to the Windham Road booster station and then a water line connection between the two high pressure systems—Windham Road and Marsh Road. Those are fairly expensive items that are still on the agenda because of the high cost of construction—probably in the 08-09 range. Chairman Maddox asked if the engineering studies would be done in 08. Mr. Sommers said most of the studies are done. They will be bringing them forward, probably in 09, for warrant articles. They'd like to get the south tank in and operating, and then come forward with the other projects. They have a whole CIP list for the future of the water system that will be coming to the Board. It is 99% done and he will be giving to Steve for the Board to review. Some of it they already know and have seen. They've taken everything but the kitchen sink and put it in there that they feel is needed at some point in time for the water system. This is all from the master plan they had done from the vulnerability assessment that they had to do as part of the requirements. All of those pieces are in there. It has some time line on it, but it can be moved around. This just lets them know what is in front of them with respect for the water utility.

Mr. Sommers said the permits they administer because that's pretty self-explanatory.

Landfills—With West Road, all they are doing is monitoring it. The water quality is starting to improve a little bit in the area, but until they reach certain standards, they will have to continue with the monitoring process. At the Burns Hill Road, they are in the process of doing a seeding program. He is looking at 2008 as having a major commitment to this. They also have to do some finish grading on top. This is far less extensive than what they could have been required to do. Because they were willing to work with DES, they have allowed the Town to use a unique process of planting plants that uptake the leachate materials. It keeps people out because a lot of the plants are low-growing plants that nobody wants to walk through or get caught in. This program has to be monitored, as well. In 2008, he anticipates a major expenditure, but he didn't want to state exactly what the consultants think it is yet because he is still questioning them on what it is. He asked them to give him a number, broken down, and he doesn't have that yet.

Committee Coordination—Mr. Sommers is the liaison to a lot of committees, so he attends a lot of night meetings—Sewer, Water, Conservation, Library and Planning. He convinced some of the committees to start at 5:00 to make it easier for him. He has been able to help the Library Building Committee work out what they want to do, which has been interesting. He sat in on the interviews and learned a lot. He provided them with some information that he hoped was helpful. He will work with them on the process of moving that forward.

GIS—Mr. Sommers heartily endorsed Jim Michaud's suggestion. It would help a lot of people. There are several layers they would want to strip off, but the basic information that most people want to know could be out there and it would be great for the citizens of Hudson to pull that information up.

Chairman Maddox was glad to see that Mr. Sommers was a convert to the intern program and, hopefully, they'd get Mr. Sullivan on the same bus. They would be discussing some of that during budget season. He is concerned that Tom and Gary are getting stretched so thin, they are not getting a lot of things done that should get done. Using interns is a great idea, and the two they have are working out fine. It should be a continual program.

(Start Tape 2-B)

Mr. Sommers said the interns are using the Assessing vehicle, and interns typically don't complain about the vehicle they have to use. The would be an excellent use for that car—keeping it for the interns' use.

Selectman Jasper asked if all of the culverts were being documented. He said it has been a long time since he has walked down Putnam Road and he looked down over on the southern side from Kingston Way. Way down, it looks like a very, very old stone culvert. He had never noticed it before and bet there wasn't a whole lot of those left. He didn't climb down to look at it, but if it is a relatively ancient culvert, it would be nice to have it documented. Maybe it was just a headwall on either side. Mr. Sommers said it would be looked at; special notice will be taken of it.

C. Pennichuck Operations & Maintenance Meter Interface Units

Chairman Maddox said this item would be taken up on June 13, 2006, without objection. (There wasn't any.)

A recess was declared at 8:33 p.m. The meeting reconvened at 8:40 p.m.

D. Community Development Department

Community Development Director Sean Sullivan recognized two staff members who were with him, Bill Oleksak, the Building Inspector/Health Officer and the Code Enforcement Officer, Rob Sousa. Chairman Maddox asked for a brief overview of what the Community Development Department does. Mr. Sullivan said the CDD is the first line of defense on land use matters. If someone is proposing to build a home, to locate or relocate a business, to install a swimming pool, etc., they come to this department. They also interpret the Zoning Ordinance and zoning map. Bill will handle questions related to construction. If it's a 2 x 4 question, that's Bill's forte because he is experienced and trained in construction. The other day, someone wanted to build a handicapped ramp for a relative. Bill was to one to answer questions like the type of wood needed and the pitch of the slope. Bill won't design the project for someone, but he will guide them and help them understand the building code. This warmer weather tends to bring people outside and tend to have more code enforcement related issues. This week, there were about 15 issues in two days between the counter and phone calls, and that doesn't include the routine follow-up activity. They also interface with the Conservation Commission. If someone proposes to do something on their lot, and there is a wetland on the lot, CDD explains what the regulations are. They explain what the 50' wetlands conservation district means and if their intention is the work

within that district, how to go about applying for a permit and what boards are required as an element of the permitting process for someone to apply to in order to get that approval. Administrative decisions that they issue include zoning and building, particularly, and code enforcement. If people don't agree with those decisions, they have the right to appeal them. People will be told, sometimes in writing, what they are doing wrong, or what they can or cannot do. If they disagree, there is a local appeal mechanism to go through. Those avenues are explained to the applicants. Once the applicable board makes their determination, then staff will enforce that decision. He frequently tells staff, during their staff meetings, that when people leave their office, he'd like them to be better informed than when they arrived. Sometimes it is challenging when the question is difficult, but they do the best they can to interpret what is being asked in order to interpret the local code or ordinance that applies to that particular situation. Sometimes people don't like the answer they receive, but the answer has been given courteously and professionally, so they have a clear understanding of what the answer is when they leave. If they don't like the answer, the appellate process is explained to them.

During an average month, they process between 50 and 100 building permits, which requires the work of about 11 people, starting with the ladies at the counter who accept the application for completeness. About five years ago, he came to the Board, suggesting the implementation of a plot plan policy. The Board, at that time, did the right thing in accepting his recommendation because adoption of that policy benefited not only the Town, but the residents, who now know where they can put an addition so that the Town, or their mortgage company, doesn't determine that a foundation is too close to a lot line and they have to relocate the foundation. Those problems don't happen now, thanks to the plot plan policy, which has been a huge benefit to the CDD, to the Town and to the residents. Most people understand the policy after the benefits have been explained.

A building permit is required to install a swimming pool, whether it's an above-ground pool, or an in-ground pool. An electrical permit is also required for the safety of the people who install the pools and for those who use them. Electricity and water are a dangerous mix and the Town of Hudson is fortunate to have an experienced, licensed electrician on staff, who works two days a week. He is a retired State of NH electrical inspector and a crackerjack when it comes to electrical inspections. In one day, he's capable of inspecting an industry of megawatt circuits to a swimming pool, which may be a fraction of the actual electricity. Upstairs, staff is told that the goal is customer service. People are asked to call within 24 hours for an inspection, and 100 are usually scheduled in a week. People are asked if they'd like the inspection in the morning or the afternoon, and it is scheduled accordingly. Bill, Rob and Joe are out five days a week, attempting to accommodate the public. Nothing frustrates people more than to take time off from work, with an anticipated inspection happening, and not having the inspection show. That is a very infrequent occurrence in Hudson. Short of an emergency occurring, they are going to be there. They also follow up with people. If someone has filed a complaint, or have not received a permit in a timely manner, they do their best to track down the reason why. The statutes allows towns and cities 30 days to review and make a determination on a building permit application. At this time of the year, people are eager. If it's 90° out, you want your pool up and don't want to wait a month for the permit. Staff strives to comply, with the average wait time in Hudson of two weeks. Sometimes, there is a complex problem, or they are waiting for additional information to supplement the application that may necessitate waiting until the 30th day. One of the women upstairs has a home-grown software program that will advise her if no action has been taken by the 30th day. She will then let Mr. Sullivan know and he and Bill will track that down. If they haven't gotten the requested material by the 30th day, they deny the permit. The people then have the right to appeal, or provide the information. The vast majority of permits are issued well within two weeks. They also make a point to call people to tell them their permit is ready. The clerical staff schedules the inspections and process the building permits. They work with the Planning Board and the Town Planner, John Cashell, works diligently for the Town. He does a detailed staff report for the application pending before the Planning Board. The business of the Planning Board is very important to the function of government and to the growth of Hudson. With John Cashell at the helm of the Planning Board process, the Town is in good hands. He and the Planning Board work very well together. Lots of things the Planning Board does are regulated by statute, and there are time frames—zoning change, a decision, recording of the minutes, etc.—that they need to comply with, and they do. Decisions that the Board makes are among the most important things and are done timely and made available to the applicant. At the Planning Board level, more often than not, they are dealing with a professional engineer or an attorney. The Zoning Board is different. They may be dealing with a land surveyor or an average homeowner, who doesn't need a lawyer or an engineer. Staff meets with every Planning Board applicant, prior to their scheduled hearing. They also meet with the Fire Department, Engineering, Zoning, Building. They sit down with the applicant and tell them what the Town's rules and regulations are; things the Board tend to like and dislike; and whether they conform with zoning and, if they don't, what they need to think about, such as an existing sewer or water issue they may need to think about contributing to, or an intersection improvement. They prep people, as best they can, prior to them getting to a formal hearing before the Planning Board. Generally, he or Bill will do the same thing with the Zoning Board of Adjustment. They tend to have issues that are not multi-subdivision issues, or a huge commercial/industrial building, but geared towards a homeowner. Maybe they have an ill parent and they want to build an accessory building unit on to their house, and they wonder how they go about that. Staff will explain the process to them, what some of the requirements are from a construction standpoint, so the people have an understanding, by the time they get to the Board meeting, they are well prepared. They explain the rules and regulations and work with people to prepare them as best they can, prior to a decision being made by the board.

Chairman Maddox added, for the record, engineering falls under the purview of the Community Development Department. He then referred to Mr. Sullivan's memo dated June 1, 2006 for further explanation.

House Bill 1320—Mr. Sullivan said he classifies passage of this bill as a success, which will enhance code enforcement efforts. The Board had in their packets a letter from Gov. Lynch, advising that he did sign this bill on May 9. Rep. Buhlman was instrumental in helping to move this legislation through the House and Senate. Mr. Sullivan testified before both of those bodies, speaking in favor of the bill. If a fine means a fine, it means just that. It's a deterrent to someone who violates zoning. Hopefully, this will help the Town when they prosecute cases in court for folks who don't comply with zoning.

Award of \$120,000 CMAQ Grant—The Town applied for this, with the assistance of NRPC. This was the #1 ranked project in the region, the traffic signal coordination between Library Park and the new signals being proposed at Library and Central Street and maybe at some point in the future, Chase and Central Street. There is a \$30,000 local match, budgeted in the corridor account, that with the \$120,000 federal grant, makes a total of \$150,000.

2007 Projects

Laserfiche of Property Files—2007 projects begin next month. \$25,000 has been appropriated to begin laserfiche of property files. With the Town growing like it is, they are running out of file space. Every property in Town has a file with a varying degree of thickness. With computers, they can take a lot of that data and compress it on to CD's and make it user friendly, so instead of typing up staff for 20 minutes at the counter, they have the ability to access a computer and pull up their property file. They are beginning the first year of a five-year process in July. He has been working with General Code to begin to plan for that. Chairman Maddox asked for an explanation of laserfiche, Mr. Sullivan said it is taking the paper files and making them into an electronic format; a modern-day microfiche. Chairman Maddox didn't want to be buying a program where you have to use their software to get it out. Mr. Sullivan didn't think that was the case with this company. That may have been the case with another company they had looked at a couple of years ago. He thinks they will be in good hands, and will make sure of that to make sure they aren't stuck with one company's software. In the long run, that won't benefit the Town. He'll make sure that doesn't happen.

Library & Central and Chase & Central Streets—They will be coming to the Board on June 13 with the consultant to make a recommendation to the Board. The design for intersection improvements is about 95% complete. Selectman Massey has been instrumental in working with CDD to further this project. The actual implementation and design have been funded, exclusive of the CMAQ grant, entirely through corridor account money. This is a direct result of the Town's ability to collect those funds.

Route 102 sidewalk from Meghan Drive to Evergreen Drive—A TE grant in the amount of \$90,000 was received for this project. That grant, coupled with corridor account monies, will pay for both the design, which is nearly complete, and implementation of this project, which they hope to have done during this construction season.

Lowell Road Sidewalk from Birch Street to Central Street—The Town Engineer has already spoken about this project. Mr. Sullivan said he and Chairman Maddox have a meeting tomorrow morning with the property owner to talk about the potential of the sidewalk being located across the frontage of his property. That project, ideally, will be built this year. He is optimistic, but realistic; depending on how quickly they can wrap up the necessary easements will determine the actual construction time.

Building Inspector/Code Enforcement Officer—On this Saturday, both Bill and Rob are taking an examination to further their certifications for Building Inspector and Code Enforcement Officer, an important goal for CDD.

Management of the Green Meadow Project—As the Board talked about earlier with the Assessor and Town Engineer, while there is no plan, there is a lot of planning, particularly from the developer's standpoint. He deals with the developer's representative almost every day. There was a meeting on the 25th with DOT, NRPC, the Town and the developer, all of whom have consultants working for them, solely in terms of traffic improvements. The latest update is they are still working on an understanding of the traffic engineers of what methodology is to be used to design traffic improvements for this project. That has not been done yet, but they are inching closer. The applicant has submitted some detail to those three entities, with the applicant being the fourth. No meeting has been scheduled, but it's eminent, probably within the next week or two, a follow-up meeting with that group, or a sub-set of the group that met a couple of weeks ago to attempt to come to an agreement with traffic methodology. Once they've done that, it's his goal to reconvene the group in its entirety—everyone who signed the sign-in sheet at that meeting—and present that data so that everyone that was at the meeting a couple of weeks ago, and any member of the public and/or Town official that has any question, can be well aware and well informed of what the experts from a traffic perspective would recommend and agree to, as a baseline, to begin to design traffic improvements.

2008 Projects

Computerized Tracking Software for building, inspections and code enforcement which would include installation, tracking and maintenance and support. A proposal has been received from Munismart by the Finance Director. A quote has been received to purchase this product, have it installed and get it up and running. Mr. Sullivan said that may happen sooner rather than later; maybe even after July 1 of this year. It's not in his budget, so he can't give a figure, but he knows it is a discounted price—and he has the personnel to be able to utilize the software. They currently use a home-grown software program that works, but it can be better. Chairman Maddox was glad to get another program off

of the VAX. He asked if Mr. Sullivan has looked at what Munismart was offering. Mr. Sullivan said no, the Finance Director has been dealing with Munismart directly. He attempted to contact them at one point, but was unable to. He'd like a demo before they commit to buying the program. Chairman Maddox agreed. Before it is purchased, they should check to see if that will meet their needs. He asked if there was a way to get a demo of this product. Selectman Massey, the liaison, said yes, that he has talked to both Sean and Kathy about whether or not the application was appropriate. The only way they'd know that was to know what the product offers and what the Town's needs are. Chairman Maddox said they should "test drive" it, because it was around \$25,000. Selectman Massey didn't think it was that much, but he'd follow up and get the right answers.

Vehicle Replacement of the 1996 Ford Bronco, which after hearing from the Assessor tonight, he'd like to offer dedicating the Bronco to the Assessing Office, should they need it, which was donated to CDD by the Fire Department. It has been put to good use, but have also had significant repairs and body work done recently. It is a vehicle that rides high to the ground, which is better than trying to drive an Escort on to a construction site, which may end up losing a muffler or some other part of the wheel base. The 1996 Ford Bronco is part of the vehicle replacement plan and in compliance with the policy—and it does run. Gas mileage is weak and you need to click the steering wheel a couple of times before you turn the key to get it running, but once you get there, it runs pretty well.

Increase in Work Hours for the Electrical Inspector—Joe works two days a week, 16 hours. With the pending project, Mr. Sullivan foresees there will be significant time needed at Green Meadow. Joe is paid as a vendor and it is recommended his hours be increased to 24 hours—three days a week. He couldn't see five days a week, a full-time position, for electrical.

Additional Staff—Mr. Sullivan said he has spoken with the Chairman about this. The recommendation was to hire an Assistant Town Planner to assist with planning applications and with processing and follow-up of the Green Meadow project, which will hit the CDD before it hits other departments. They are prepared, but it will be a whole lot of work for the 11 people they have on staff that are already quite busy with the current daily workload. An Assistant Town Planner could take some of the workload off John's shoulders. He hasn't discussed this in depth with John, so he can't define it specifically, but either pick up the existing projects and follow through with them, and/or specifically assign this person to Green Meadow and have them follow and track every single element of that project, from a planning perspective, from the date the plan gets filed to the date the Planning Board either signs the plan or goes to court. The goal is to have an Assistant Town Planner, with Green Meadow being the impetus for this position.

(Start Tape 3-A)

A couple of years ago, they made a similar request, but the Budget Committee and the Towns people didn't agree. However, today, they are all well aware of the development of 3 million sq. ft. in Hudson, 1.3 million of retail, which is six times the size of the Pheasant Lane Mall. That's a whole lot of development that's going to require coordination and a lot of follow-up. The CDD is ready for the responsibility, but they will need at least one additional person to do the best job they can.

Relative to the software issue, Chairman Maddox said they have to do something. Selectman Massey agreed because the stuff is on the VAX, which is scheduled to be gone as of January 1, 2007. Chairman Maddox said whether it's Munismart or the look at other options, something needs to be done. The consensus of the Board was in support of this

Relative to vehicles, Chairman Maddox said they spoke about looking at the Assessing vehicle as part of the whole plan, and bring that back up because there were a couple of new members, and see how they wanted to approach this, but to continue with the replacement program that's in place. He noted there were no objections to this suggestion.

Concerning additional hours for the electrical inspector, Chairman Maddox said he was going to diverge from the CDD Director. He thinks they need a plan that will address the inspectional group. Mr. Sullivan needs to do something with how they are going to do it. The number of hours the electrical inspector is out now as opposed to either Bill or Rob filling in for him. Are they doing 30 hours a week of electrical inspections? Bill said it wasn't a question of now; it's a question of when this project comes on line. That's when they will need 24 hours of inspection. Chairman Maddox asked what the need now is. When he rode along with Bill on day, Bill did about four electrical inspections, so he was just trying to get a feel for what is really being done for electrical inspections by all three—Joe, Rob & Bill. Is there a need to have a full-time electrical inspector, looking at FY08. The mall alone is going to take someone a significant amount of time, with the large amount of construction. Bill said three inspectors could go down there on a full-time basis for that amount of work.

Selectman Jasper said when this gets off the ground—if it gets off the ground—it would seem that their costs are going to be covered by the fees that are generated from the permitting. When they get to that point of the budget, rather than hiring full-time staff, which becomes permanent, they should be looking at other ways of doing this, maybe through contract employees, and they can budget that money, but they can also budget the extra income. They can begin that at any time and it has no impact on the tax rate because they will hire the people until they come on board, but they won't get the income until they start doing it. He thinks that is probably a more sensible way of doing that. Whether this is 10 or 15 years building time, whatever it is, if they cover it that way, they don't end up in the unfortunate situation of suddenly all the work stops, and they've got employees, which puts them into a whole different situation, in terms of layoffs. There are a couple different ways they ought to look at it.

Chairman Maddox said the Community Development Director needs to be handed a certain amount of marching orders, in order to look at the options at what it would take to bring on a full-time electrical inspector, as opposed to what they are doing now. The current inspector is excellent, but he is also getting up in age, and if he will still want to be with the Town in five or 10 years. They need to look beyond this year at what they are going to be putting into the budget. If the Board's feeling is the workshop is to say what is the plan, how many more inspections are they going to be able to get out of the two people they have now, and if there is a better usage of that. Those kinds of questions. He and the Director have discussed about doing the south end of Town on Tuesday mornings so Bill isn't driving all over Town, that it was more geographically set up because it's getting harder and harder to get across Town, from one end to the other, in a timely manner. It may make more sense to come up with those kinds of plans, and what the staffing need is going to be, if Green Meadow comes about, and even with all the present construction, how that workload is handled.

Selectman Jasper said that was very important to do, but in terms of Green Meadow, if they budget for the maximum and do it with consultants and, as Bill said, it will take three people, and put that amount of money in the consulting line, and things will ebb and flow, depending on what they are building, they will have the income coming in to meet that. If they do it with employees, they are going to hire X number and have them there at particular times, they may not have the work for them or the income to support them. They have to look at this as a self-supporting type of thing because, certainly, they've heard they want an Assistant Planner again, but that needs to be an independent discussion, as whether that is supported by what they are seeing for fees and for work right now. As a Budget Committee member, he stated that unless they can show there is additional income, the average taxpayer shouldn't have to support that position, if the only benefit is to the developer and making his process go more smoothly. Chairman Maddox said he wasn't disagreeing with Selectman Jasper. He just asked if they needed to have a full-time electrical inspector, he didn't say as a Town employee. Those are the kinds of questions the Community Development Director needs to look at, what he assumes his staffing needs will be in the next three years, with and without Green Meadow. Selectman Jasper said his suggestion was simply when they are looking at full-time Town staff, take Green Meadows out of the equation, and assume they will do Green Meadows separately, with an income-supported stream to hire contract people to do that. Chairman Maddox said the Director still needs to get the Board those numbers. Selectman Jasper said he does, but it's going to be a different equation than if they just put on people and not look at the income. They talk about Town employees for a particular department. He didn't recall the Town ever sitting down and asking how it played out in terms on income. When you put on a full-time employee, at the end of the day, it really doesn't matter because you got that employee regardless of what the income stream is. Chairman Maddox said they will have to ask the question, "What income are you presently taking into your department for electrical inspections?" Those are the kinds of answers they need to have in order to make decisions. He is looking to find out, for the next budget cycle, what Mr. Sullivan's feeling is for what he is going to need for his department. Mr. Sullivan said he could do that, and they list the fees every year, so he can break those right down.

Selectman Massey said he'd like to understand whether the permit fees cover the cost of the individual. His thinking right now is that it doesn't, that it's considered a service and the fee is just a way of controlling you know something is happening. Unless there is a mechanism he isn't aware of, if Green Meadow or any other development of that size were to materialize, they would come and they would take out their electrical permits and unless that electrical permit was based on the work to be done, as opposed to a flat permit fee, it's not going to cover the cost of that electrical inspector. Where would the revenues come from, if the permit doesn't cover the cost of the inspections? Selectman Jasper said that's something they should probably look at. He believed that was something Mr. Sullivan had come in with in the not too distant past. Obviously, you've got inspectors now who are running back and forth, doing a lot of different things, so in total, you may not get their salaries covered, but what they should be doing with any of these fees, is for an average inspection, the time that they are on site, actually dealing with this, doing the paperwork. That should be covered. He believed that was covered, at the present time, so when he's looking at a project of 3 million sq. ft., you are pretty much going to have people there probably for the whole day, whether it's one or two. Based on the fee structure they have, he thought they were covered. That's something they should look at. Right now, he thinks they are based on a per square foot basis. How does that calculate out? Bill said the present costs right now, they were looking at \$900,000 base, at 30¢ a sq. ft., today's cost. In looking at the fee schedule, that could change, or again in two or four years, if this project ever gets going. That's just the building side of it. When they use that \$1 per sq. ft., or change, whatever you want to call it, it also runs over and covers some of the other costs they are looking at, from a mechanical or electrical, because they can't start pricing out electrical permits for every plug and every this and every that. They'd waste more time sitting at a calculator than actually doing a physical inspection. What you are doing is getting them to call you out and then you cover some of your costs in this other sq. ft. fee. There are other formulas that can be used in calculating building fees. It's something they might want to look at as they get closer to this whole project.

Selectman Massey said his point was that if they were using a pure number like per square foot, the cost of inspecting a printed circuit facility for it's electrical plating and other uses of plating, or the cost of inspecting a warehouse, is going to be significantly different because the types and depth of electrical equipment that's in a printed circuit facility is going to be significantly greater than what's in a warehouse. He's not certain that if you rely strictly on a per square foot, you would necessarily arrive at the right number. They need to understand what would be the cost and how they would recover it through inspection fees, such that they wouldn't have to hire a full-time person. He agreed that the type of work they were talking about was going to ebb and flow, over time. It would be far better to be able to do it with contractors, like they are doing right now. The current individual is doing a tremendous job for the Town. Chairman Maddox said those are the very questions that they need to talk about now, as opposed to budget time when

they hold a three-day marathon, having the Director come back with more information, looking at both a full-time person and a contractor. If they find out that a contractor is X dollars per hour, they might very well cover it with an employee. Those are the things they need to look at so they will know what the dollars will be for the FY-8 budget.

Relative to a hiring an Assistant Planner, Selectman Massey said if "it" doesn't happen, he wouldn't support another position, but if it happens within the next six months, they would have to consider letting the people of the Town vote on this position because it would be a critical need. All things are pointing towards it going to happen, so he would be in favor, having on the warrant, a position for Assistant Town Planner.

Selectman Nadeau asked if they really needed an Assistant Town Planner, or if there was someone else they could use, like contracted services. Mr. Sullivan said there are, and MRI comes to mind. They've used them in the past and they've used Gerry Coogan to write a grant. It's an option to explore, but he's not sure of the cost, but he could look into it and get the information for budget time, if not beforehand. Selectman Nadeau asked if they needed an Assistant Planner or another office person. Mr. Sullivan thinks they would want someone beyond a clerical position, who would have an education and some experience in dealing with complex planning projects. Should Green Meadow hit, on the job training will prove equally challenging for the Planner or him to train someone to be a planner. John is the second planner they've had since he's been here, and he has learned, and once John gets the general direction, he is well aware of what needs to be done, so he does it. For an Assistant Town Planner, they would want someone who really doesn't need a whole lot of OJT. They may not have experience with 1.3 million sq. ft. of retail, but if they have been through the cycle and have worked with Planning Boards and they have an idea of the fundamentals of planning, then they could come on board. That could be either contracted or as a Town employee.

Selectman MacLean asked if there was anyone on staff now that could step up to that position, then they could fill in some of the other gaps with interns, or a smaller position. Mr. Sullivan said yes, with additional training, there were one or two employees who could be promoted to that position. Selectman MacLean asked if the transitioning of his records could be done by an intern, laserfiching the files or helping out at the desk. Mr. Sullivan said he'd always consider it. He is somewhat hesitant with interns. Brad Seabury said it well about six months ago at a ZBA meeting. He's one of the people in Town government who thinks that the person who sits in the desk at the top of the ramp in the Community Development Department has one of the most important roles in Town government. He hadn't heard anyone say that before. After giving that a lot of thought on his long drive home, he agreed. That makes sense, and the young lady who is in the position now has been there for about five years and there aren't too many things that she can't at least provide you the direction to get the answer. Similarly, for the other women in the office, who predominantly the first line of defense at the counter—and it's important that you give the right answer and the consistent answer—with an intern, even though well intentioned, it's a job you can't learn in school. You have to learn it, see how it happens and be prepared to know what you are talking about. Even accepting an application is more complex than you may think, so an intern at the counter would be challenging. An intern to help with laserfiching the files and making copies of correspondence is certainly an option.

Chairman Maddox said he thinks they should be thinking about hiring an Assistant Town Engineer. You can train an engineer to be a planner; it's a lot harder to train a planner to be an engineer. With they complexity they are talking about, it might be worthwhile having an Assistant Town Engineer that could assist the Planning Board and could do more of those types of things. Mr. Sullivan said that was a service they could certainly contract, probably even more so than a Planner because there seems to be more engineers out there, and certainly more engineering firms that would welcome the opportunity. CLD isn't here every day, but if the Town needs them, they can be—and no benefits required. Chairman Maddox said this would be one more option, as part of Mr. Sullivan's package, an Assistant Town Engineer that would take some of the planning from John Cashell on some of the smaller projects, as opposed to getting an Assistant Town Planner. Mr. Sullivan asked if Chairman Maddox meant in lieu of an Assistant Planner. Chairman Maddox said correct; that would be his tack. An engineer would be much easier to get; more trainable to be a support to the Planning Board, as opposed to going the other way.

Selectman Jasper didn't want to sound like a broken record, but he will not support additional employees unless he sees documentation that shows him something other than what he noticed in this last year's budget, which was, in fact, the fees and everything associated with construction in Town has been on a downward trend, not an upward trend. He found that very interesting when he looked into the detail on the revenue side. While there is no question that this one project will be requiring an awful lot of resources, putting additional people on the payroll for one project is a bad idea. The Budget Committee would also not support additional employees for a one-time project, but would welcome something that had a cost benefit analysis, showing contract employees with the revenue coming in because that revenue slide on the construction has been going down and, therefore, it's really difficult to say things are so busy we need to have more Town employees. How can they be busier? The fees have been upped, but the revenues are down. Chairman Maddox said that was a good point, but he would take the position that the mandates from the Legislature and the Federal Government are taking up a lot of the Town Engineer's time; the bridges that aren't being inspected. The infrastructure is getting older in Town. The engineering side is getting busier and he didn't see the need going away. Even if Green Meadow isn't built, just the water and sewer responsibilities takes up a lot of the Town Engineer's time. There are a lot of things expected from that one person, and he was just looking at other options.

Selectman Jasper said, with all due respect, he has a jaded opinion. The Town Engineer was just here and he didn't mention wanting an assistant engineer. When the idea comes from a politician, he is skeptical. They are all politicians

on the Board and they have a perception, but they need to wait for the professionals to come in and say what they need. The Board's job, then, is to make them justify the position. The Board shouldn't suggest putting on more staff. That's how bureaucracies get bloated. Not that he thinks this Town has a bloated bureaucracy at all. They can be very proud of the job they've done on limited resources. All they need to do is look around at other communities, who are going through budgetary hell right now because that's happened over the years, and the chickens are coming home to roost. That hasn't happened in Hudson because they have a lot of people making a lot of people justify every penny they get. That's a good thing because they never end up in crisis mode, budgetarily, such as Nashua, Manchester, Merrimack and other communities are now.

Selectman Massey said they shouldn't lose sight of what they are asking the Community Development Department, and potentially Engineering, to do, which is, is there a need for an additional resource to handle the work load that a project, such as Green Meadow would involve and what then becomes the best way to handle it. Is it with a contract employee, or a Town employee, and is that person better to be an engineer supporting a planning function or a planning person supporting an engineering function. The real issue is if they have enough resources that they will always be in front of the curve when that project is before them. That's what the Director should be coming back with. Does the position need to be handled? What type of a skill set is required? The best way? And either way, he has his own ideas, but he'd rather hear from Mr. Sullivan and Mr. Sommers, and then, because it may necessarily be only a one-time project, maybe it is best, from a cost analysis, to do it with contract.

Chairman Maddox hoped Mr. Sullivan got the gist of what the Board was looking for during this workshop.

Code Enforcement

Mr. Sullivan said they kind of formalized the code enforcement procedures, which they were asked to do. They laid out the process they use on a regular basis. Today, they forwarded a legal request to the Town Administrator, to prosecute a case. They've been through all the steps and were on #6 right now. He anticipates getting authorization to work with the authorization to work with the Town Attorney to prosecute that case. Most cases don't get to that level. With the vast majority, they work with the property owner and solve the problem locally. When they do prosecute, they have been successful, and he is proud of that. They prove to the judge that they have a logical, lawful process they use, and they don't waste the Judge's time or the Town's time on frivolous cases. A most important element is they work with people to solve the problem, and they've been pretty successful in doing so.

Chairman Maddox said the process, although somewhat lengthy and challenging, will get them to that same point. This form will give the Board the answers, eventually, as they go through the process, so they can see how it is working.

(Start Tape 3-B)

Selectman Jasper said one thing that jumped right out at him as being missing is that after #3, if it is determined that a zoning violation exists, they then know what happens. If no zoning violation occurs, the next step should be to write a letter to the person who complained, explaining to them why there was the determination that there was no violation, so they know. That is probably already being done, but that should be formalized in the procedure. Mr. Sullivan said that was a good point and it would be added. They do that verbally, but it should be part of the policy. Selectman Jasper said it should be in writing, so if it ever comes up again, it is in the file. That is something they need to do more of, letting people know. He has numerous things for later, along the same lines—letters and stuff—and he didn't know what the final result was. Steve has been working on some of that, but there are some things that he has gotten through distribution, which he will talk about later. They get copies of correspondence with people complaining, or people say this or that is going to happen, then it just goes away and he doesn't know if it went off to the land of Oz, or got taken care of. That's something he will talk about later.

Selectman Nadeau referred to the May Activity Log and asked what happened to the ones in April that weren't closed out. Mr. Sousa said they were working on developing a tracking form. They do go back to previous months' spread sheets to try to close out the cases that are still open. He hopes the new Munismart software will be a big help in being able to track these code enforcement cases. Mr. Sullivan said next month, not only will the Board get June's sheet, but they will get March, April and May. They will get the most recent, and all of the previous months that still have open cases on them. Maybe they need to add another category that says Closed Out. Chairman Maddox said there needs to be a column that says resolution—a block that X's that so they don't have to look at it any more. On 06-79, the resolution said, "owner to be in compliance in six months." He asked what the completion date was. Those are the things that makes it tough for the Board when they look at the form. Mr. Sousa said in the "Violation Yes/No" column is where he indicates something is resolved. It would end right there. April's sheet has a lot more No's or Resolved. Selectman Nadeau said on May 22, Mr. Sousa pulled out 14 signs. He asked why that was on the sheet. Mr. Sousa said he was told that he was to keep a general log when he removes signs as part of his daily activities. Mr. Sullivan said that was code enforcement, enforcing the sign ordinance. Chairman Maddox said he was the one who said he didn't want every street location noted when a real estate sign was removed. At the end of the month, he can just indicate the number of real estate signs he picked up.

Selectman Jasper said he had the same concerns as Selectman Nadeau did about seeing previous months' activity because a lot of them were ongoing. He referred to 06-73, "Single family used as 3 family," and it was determined that there was a violation. There was a site visit, and a phone call, then nothing until it says, "Follow up on May 31; need to make another site visit to meet owner." It doesn't seem like they've done much due diligence to move this through in a

timely process. It was a month, and they haven't sent out any letters or had a meeting. Mr. Sousa said on June 1, they sent a land use letter and talked to the person who made the complaint. Selectman Jasper was confused by the next one, since the complaint came from both the landlord and the tenant, given the nature of the complaint. He surmised it may have been one tenant complaining about another tenant. Mr. Sousa said his comments have to be brief because of space limitations, which sometimes end up being vague. Selectman Jasper referred to 06-79, saying Nash-Hamblett was the Town, the conservation area. Mr. Sousa said that was the State's timeframe, so he went with that. Selectman Jasper said they needed to discuss this because this is the first any of them heard about the issue. He didn't know if it was his issue about the dirt bikes making that into a disaster area. Mr. Sousa said it was a small encroachment.

Chairman Maddox said he had a question on the policy, #3, which says the property owner is given seven days to correct the violation, after the phone call or letter. He asked if that was the first letter, referring to one of the items on the chart. Mr. Sousa thought it was #3, saying he always tries to resolve it with a phone call or a meeting first. Chairman Maddox said, in theory, there could be a third land use letter, which would be #5. Mr. Sullivan said yes. Chairman Maddox said both 4 and 5 both say that corrective actions needs to be taken within 30 days, so the spread sheet should have another letter column. Mr. Sullivan said they could do that. Chairman Maddox said this has been painful and hoped Munismart will make all of this go away. Or they could do dropdowns because a lot of this is consistently the same, which would be done a lot easier and faster and more consistently. He asked if Mr. Sousa could send the spread sheets electronically, which would show all of the history, then if any Board member had questions, they could check with him. Getting one page isn't enough. They may be interested in the status of cases from three, four months ago. He asked how often code enforcement was being done. Mr. Sullivan said five days a week.

Certificate of Occupancy Procedures

Mr. Sullivan said the people in the CDD live and breath these procedures daily, but they have put the process in writing, creating a policy. They used this process on a regular basis, but they need some wiggle room. He presented a scenario to explain what he meant and an example of issuing a temporary permit, which is done only on a rare occasion, but it does happen. Bill is the primary manager of the process and, under the statutes, he is responsible for issuing the CO. He doesn't sign the CO until all of the others, as appropriate, have signed off on it. If someone hasn't signed it, they have to explain why, which is then conveyed to the property owner—such as not paying their CAP fee, their water fee, their sewer fee or if there is a violation of the site plan that shows 32 parking spaces and he is proposing 22. That takes a lot of coordination by the different parties to make sure the process works—and they deal with a lot of CO's. They are done on a regular basis, but they have fine-tuned the process within the last year. When someone applies for a CO, that's when the fees are paid, so the paperwork is completed before the CO can be picked up. Staff has felt that it works much better this way. The process, as a whole works good, but CDD needs some flexibility.

Selectman Massey said this was a classic example of a document management system, and there are innumerable computer systems out there that provide that type of thing. A quick example of why it's a classic example, a document management system is a process for managing paper flow through a department and when something like this is created, all of the appropriate routing departments are initiated and the document doesn't get signed off at the very end until every one of the routers have had their piece of documentation stamped and added to the system and only the router has got the authority to enter their data into the system. A classic example of a document management system.

Chairman Maddox said in looking at the Munismart quotation that was handed out tonight, it does not say anything about CO's. Mr. Sullivan said he asked the Finance Director about that. Her understanding was that they can manage that system, along with the building software; that it's included. Chairman Maddox said they need to "test drive" this software. He knows CDD needs to have some wiggle room, but he'd still like to see something that covers how the distribution happens. If he applied for a CO tomorrow morning, how long before it gets to Fire? How much time do you have to turn that around? What is the guidance? Mr. Sullivan said not more than two weeks from the day of application. If it is a simple one, they can do it within a week. Chairman Maddox said so when a person comes to the counter, they are told a maximum of two weeks, then it is distributed to Fire, Zoning, Engineering, Planning, Building, and Bill is looking at the physical structure and someone is managing the other four areas, turning in their paperwork, signed off on something. Mr. Sullivan said that was correct. One of the Administrative Aides does just that. Chairman Maddox asked if there was a piece of paper that comes back, saying they've signed off on it. Mr. Sullivan said yes, absolutely. There would be a record of that. Before the Aide presents the final CO to fill to sign, and in his absence it would be Mr. Sullivan, she doesn't even present it for signature until she has received all of the signoffs. Chairman Maddox asked if he could look at the piece of paper, seeing that everyone has signed off. Mr. Sullivan said no doubt. Chairman Maddox asked Mr. Sullivan to put some of that in there, saying the people they go to, but not with any time frames, how it comes back and how it gets signed off. What Mr. Sullivan just outlined is what Chairman Maddox would like to see included in the document. Mr. Sullivan said OK. Bill said Fire has a checklist; he has a checklist; they leave a copy at the scene and on the counter for the person out there. Chairman Maddox asked if it includes construction slopes and all of that. Mr. Sullivan said there is a minimum they look at, but it could be broader. Chairman Maddox asked if Engineering has a checklist, too. Mr. Sullivan wasn't sure. Chairman Maddox suggested Fire's checklist could be attached in the document. What was explained tonight was more than what he read in the CO document. He'd like to see what happens, in writing, within that two-week window—how it gets routed, how it gets back to Bill, and he's the ultimate signer, unless he is not here, then it reverts to the Director. The key, however, is to take the Munismart module for a ride.

Chairman Maddox asked a question on the building permits. He'd like to stop trying the CO as being the stopgap for issues. In the State of NH, if they put down a road bond, they can get building permits. What is the stopgap if there are issues at a development, rather than CO's. They are ugly from trying to stop people from moving in, as they've seen. Mr. Sullivan said there are two sites in Town that he could spend an hour talking about. One where the developer has gone belly-up and the bank now owns the property. The road now is 65% complete. Another that was alluded to earlier, a permit issued by the State, the dredge and fill, he sincerely believes unintentionally and inadvertently expired. That process was slowed, but Chairman Maddox's point was well taken. It might be wise to have the Town Attorney in for a workshop session. He has responded in writing what authority the Planning Board has and how that relates to ZBA authority. These complex issues can't be predicted. If everybody plays by the rules, these two circumstances don't occur. But when a snag arises, particularly with the developer that went belly-up, now the bank owns the property and they are trying to market the property. Six houses are occupied with the road that's OK, at best. Drainage is an issue and it looks kind of crummy. They knew that the builder, coming in, had some issues in another community. What can they do to prevent that? They had another issue off Webster Street in a development about a year ago. Same thing. The contract, for some reason, wasn't able to perform to the standard expected. What does the Town do with those types of issues, and what is the authority? Do they take a bond, or are they obligated, once they do, to issue building permits? He thinks the answer is yes, and he thinks the Town Attorney has told them that, but then they run into someone who goes belly-up and the road isn't finished, and 10 houses are occupied. They can't get an ambulance down there or the roadway plowed or maintained and that's a problem. He didn't know that simply not issuing CO's was the answer. It may be and, if it is, is it lawful and what procedure could they use? Those are two examples but, in the grand scheme, are still only a fraction of folks who do everything right. It's the "what if's" that they need to nail down. He thinks they are ahead of the curve, compared to other communities, but clearly they don't have the final answer. Steve Buckley would be the guy to get some advice from.

Selectman Jasper said on the issue of roads not getting completed, this has been a problem for as long as he has been involved in the Town. His understanding is that other towns require developers, at least, to finish to town standards, the sections of the road which they are asking for building permits on. Mr. Sullivan said so you got a binder with curbing up to the point where you can get permits, up to that point? For the next phase, then you pave and bring drainage and sewer and water? Selectman Jasper said yes. Mr. Sullivan thought that was wise. Selectman Jasper said it would seem to him, with the problems they have had, that is where they should go, instead of worrying about bonding. Mr. Sullivan said the Board of Selectmen can lawfully establish that policy. Once that's in writing, that's what they can do because the building community will whine about it. But if it's a policy of the Board, that's what they will do; and he thinks it is a great idea. Too often they have a bond posted and a road at gravel, at best, and they are pulling building permits before they have the road contractor out there putting in the road properly. Selectman Jasper said he was also looking at streets that have been in for awhile, but really only at binder course. They are full of potholes and are a mess and people have been living on them for quite a period of time. Maybe that's a question they ought to ask the attorney. He heard that solution 20 years ago, and they are still at the same point. Mr. Sullivan said he worked in another community and they did just what Selectman Jasper suggested, and the development community didn't like it, but they didn't run into that problem, either, because they did just that. Road isn't the binder, they don't get a permit. It's a hard line, but the problems they've alluded to were avoided.

(Start Tape 4-A)

Selectman Jasper had a letter that was directed to the Board of Selectmen and Sean Sullivan, dated May 1, "We the people of Dracut Road, would like you to look into the filling of wetlands." This is the only information he has on this, and it doesn't appear to show up on any form, so he'd like a status update on this. Mr. Sullivan said he's talked to Steve about this, as well as his liaison, Selectman Massey, the Chairman of the Conservation Commission and they conveyed to the property owner, both verbally and in writing, what the status is. The current property owner has owned it for about two years. The previous owner used the property, essentially, as a junk yard—discarded material, allegations of oil, car batteries, car parts, etc. The current owner went to the Planning Board for site plan approval. A variance was issued in the 60's to that property. He modified the terms of the variance through the ZBA, built a home on the front portion of the property and relocated one of two structures, commercial in nature, to 100 yards behind the home, built an office, also shown on an approved site plan, all upland, high and dry. The parcel is about 12 acres; the site plan covered about six acres of the 12. About a month ago, the owner brought fill in to the rear part of the portion of the parcel and graded it. He also pulled out a lot of old batteries, tires and car parts and stockpiled them in the upland. However, he graded within 50' of a wetland—right up to the edge of the water—and you can't do that, not without a wetland conservation special exception, at the very least. He walked the property and told the owner what the violations were, which was followed up with a Code Enforcement letter that went out about a month ago. In his opinion, Mr. Sullivan said there was no filling of the wetlands by the current property owner, but there could have been by the previous property owner, and DES had direct involvement with that property. The current property owner worked within the wetland conservation district, which is a violation, but he did not fill in wetlands. That has been conveyed to him and he has three days to get a plan in, or they send a second letter. Then they wait 30 days, then they kick it up to the Town Administrator for legal action. Chairman Maddox noted that it was on the list, #77. Selectman Jasper apologized, saying he missed seeing that, but he appreciated the detailed explanation.

Selectman Jasper asked about the legal opinion that had to do with gravel pits, with excavation going on to different parcels than the ones originally approved. He asked where they were in that process. Mr. Sullivan said there were two that they were dealing with, one larger than the other, without getting into names. The Planning Board put a series of stipulations on a number of years ago during the approval process. They've spoken to the gentleman a couple of times, again today. He advised he has an engineer on board and Mr. Sullivan told him to address any correspondence to him.

Mr. Sullivan said they made available to him a copy of the Planning Board's stipulations and are awaiting his reply. He is to respond to each of the items, 1 – 10, how he complied with each of them. When that comes in, he will share the results with Selectman Nadeau, who inquired about that property. The other larger sand and gravel operation in Town, he has not forwarded anything to the Town Attorney. Mr. Malizia said he did, shortly after he got it, and yesterday he got a 3-page written opinion that he is still reading.

E. Review Services for the Redevelopment of Green Meadow (VHB)

Chairman Maddox said as everyone saw in the letter from VHB, they seemed kind of worried that the Board wasn't in agreement with the consultant on this project. He didn't think that was the Board's intent. They had some questions, as they are supposed to, but tonight he was looking for reaffirmation that the Board wants VHB to be the Town's consultant for the Green Meadow Project. If there is a problem or concern with that, they should talk about it.

Selectman Jasper said they all saw the e-mail commentary on what went on, which sort of made him laugh because "if you don't do what we did, then that means that all decisions are either being made by one person, or they are being made out of the public eye," and their job is to make decisions in the public eye, so what they do is often not pretty at all because they are in the development of their thought process of where they are going. That was pretty much what they were doing. They weren't directing anything at VHB's qualifications. In fact, they had discussions about whether there was a conflict of interest and the Board came to a very solid decision that VHB were the people they wanted on board. A lot of the discussion a couple of weeks ago had to do with where they go to where they were, and then wanting to make sure the developer paid for what he should be paying for. It seemed to VHB that the Board was nickel and diming and were being too stringent in doling out the money, and that wasn't what he intended. What he wanted was for the developer to pony up, but they can't micromanage every meeting they go to in every little phase. That may be a concern they had, but he didn't intend for VHB to come running back every time there is something else to do. The Board needs to make that clear to VHB because they can't be doing that. The Selectmen have got to refine the process they are using because he wants VHB on board. It's new; it's ugly and will probably remain ugly, but it's a lot better than having everything done out of the public eye, in his opinion.

In response to VHB's letter, Selectman MacLean said she has total confidence in what they do, but the money was an issue. She talked to Sean Sullivan about meeting with the developer to explain what the Town expects them to pay for, so then the Board will know before they go any further who is going to pay for what and what everyone expects everyone else to do. Relative to decisions being made in the public eye, afterwards, she wanted to address something that happened outside of the public eye concerning this subject.

Selectman Massey said he will support whatever the Board decides, whether he is in the minority or majority, but on the basis of Mr. Kennedy's responses to his questions, he has no confidence that VHB is the correct company to do this and said he'd give his rationale. Any plan that has ever come before the Planning Board that required a traffic study, everybody knew exactly what had to be done, and they went off and did it, and it was based on the plan. The Board was told that night they couldn't do what he (Selectman Massey) thought was the most important thing, which he called an economic impact, but it's really a Town-wide impact, which covers everything—police, fire, highway, traffic, attracting new business in Town, retaining existing businesses in Town—the entire quality of life and infrastructure of the Town. He was told by Mr. Kennedy that that couldn't be done because there is no plan and they don't know what they need to do. But when they want to do a specific project, the traffic project, they are going to be able to apply the methodology and because the type of project that has been proposed is bigger than any project the State has dealt with, they don't have the methodologies for it and, hence, that was the reason for the State meeting with the developer. It was the reason for the Board wanting to understand it, and when he asked the specific question of Mr. Kennedy, how they could do that, if they don't know the impact, especially since the proposal said they were going to deal with the number of trips per day, the number of pass-through trips per day, the seasonal adjustments per day, that smacks exactly of having to know the scope of that project. On the basis that, on one hand, you can do it with all of the information that that developer is supplying, but you can't do it on the other one, Selectman Massey didn't have the confidence that VHB understands the problem. But, if this Board votes to retain VHB, he will say no more and he will go along with it.

Selectman Nadeau thought VHB can do this. He was just concerned about where the money was coming from and that's why what happened, happened that night. Selectman Jasper said he didn't have the technical knowledge to explain what he believed was the methodology that they are developing, but he was confident that they (VHB) was not doing a traffic study. Selectman Massey said he understands they are not doing a traffic study; they are coming up with a methodology to determine what would have to be done to have a valid traffic study, which says you have to have the parameters that that methodology would be based on. Selectman Jasper said, as he asked Mr. Kennedy, that would mean that for X type of store, here is the methodology; for Y type of store, here is the methodology, so they have a whole range of different types of uses, and you would have a methodology assigned to each of those types of uses and that's not to say that any of them are specifically going to be on that plan. They've got a basket full of potential uses and when they come in with a plan, they pick from that basket the one that applies and start putting them on the board and then develop the traffic study, based on what has been picked out of the basket, which has a whole bunch of things in it which may or may not be used in the final analysis. But now they don't have to go back and say they don't know how to deal with something and waste another month or two trying to determine the methodology for that type of store. He didn't think Selectman Massey was understanding what they (VHB) were doing. From what Mr. Kennedy told him, that's what the methodology is referring to, all the different types of uses and they all have different traffic patterns, different seasonal adjustments. He asked if he was off base on that. Mr. Sullivan didn't think so, saying there is an ITE

Land Use Code 820, which is a mall category, and when they first met with the State back in January, the developer didn't want to use that land use code; he said they were off the charts in terms of numbers, that there was no code that takes 3 million sq. ft. into account. They went back to the drawing board and when they came back a month or so ago, they said they'd like to call this a mall from a traffic standpoint and they'd like to phase it in, so 1.3 million sq. ft. does fit into one of the land use codes 820 and they wanted to use that as a baseline. VHB hasn't had time to review that, nor has the State or their consultant. He didn't think Selectman Jasper was far off track, in terms of where they were today.

Chairman Maddox said having attended the traffic scoping meetings, they are also looking for the methodology of how far they are going to look at, so it's not just what could be on their property, but how far out from Hudson do you go to look at the road infrastructures that are present and what may be needed to be made. All of that is part of that methodology that they are looking to get for their baseline. He keeps asking if they've talked to the Commonwealth yet because River Road becomes a Massachusetts road across the border. Mr. Sullivan said he's talked to the Town Administrator in Tyngsboro a couple of weeks ago. Other than that, there hasn't been a whole lot of talking by the developer to the Commonwealth. Chairman Maddox said that item was something the scoping was looking to do—find out where the traffic is going to be coming from. As much as the developer would love to say it's all going to come up Route 3, go over the magic bridge and into the project, the Selectmen know that it's going to be coming through on a lot of Town roads. How far out do they look for infrastructure improvements, impacts, etc. Do they go to Greeley Street, or all the way over to 102? That's the methodology he thinks they are looking to do as part of the scoping. Part of that is generalized traffic counts. This is a lifestyle center, which is different than a Pheasant Lane mall. Does that change the destination counts, as opposed to pass-through? These are the kinds of things the scoping is trying to set up.

Selectman Massey said the others are all talking in terms of the impact a box retailer could be, what a lifestyle center could be, what all of these things are, but these are the exact things that the developer is proposing to put on that property and, therefore, if that's what he is proposing, then sure, you have to know that a box retailer, all by themselves, is going to have a different set of traffic requirements than a destination center. His point is, if they can answer all those questions for the different types of development that occur there, they could extrapolate that same information for the economic impact on the Town, which goes far beyond traffic studies. The second thing that he still doesn't understand is, in the concluding paragraph of the letter from VHB, it says, "our next task would be to review and comment on the project applicant's traffic study methodology." He thought, when they set up this fund a long time ago, that they were looking for independent input to the Town so that when they had to deal with applications of this type, the Town would be in a position to ask the right questions. He didn't sign up to have this consultant *comment* on somebody else's plan. He thought they were signing up to have the consultant tell them (the Selectmen) what they want the developer to do and not just comment, that it would be their response to the Selectmen that if you want to have a traffic study done, this is the methodology you should require any applicant to come before the board on. That's more than *commenting* on a developer's methodology.

Selectman Nadeau said Mr. Kennedy has done what he was asked to do. The Board is confident in what he is going to do, and they should just move on with this for tonight. Selectman Jasper said before they move on, they need to get the discussion out in the open, even though the hour is late. There is a lot of stuff floating around out there; people are making comments about things that need to be addressed and there isn't a better time to do it. What (Selectman Massey) just said is what any applicant would be expected to do. If he came in with 2,000 sq. ft. of retail space, the methodology is *not* going to be the same because they are going to look, probably, to the end of his road versus somebody coming in with 2-3 million sq. ft. The methodology would be do we go to 93, all the way down Rte. 111? Do we go to 93 down 102? That is the methodology and the developer is coming up with his first, rather than the Town spend a ton of money, coming up with their own methodology, based on he didn't know what. The Town can at least look at the methodology they have supplied. He thinks (Selectman Massey) is putting the cart before the horse in a lot of cases here. Home Depot, etc. are potentials; they don't have a plan, so the Town can't do anything specifically in terms of actually making a prediction on what the economic impact is going to be until the day they come in with a plan. He knows they (W/S Development) are coming in with 1.3 million and believes the Planning Board is going to say that is not acceptable, that they (W/S Development) will have to master plan it, knowing that components will undoubtedly change. They will have to tell the Town how much is going to be retail, etc., because traffic studies and economic planning have to be based on that. Anything else will just screw things up incredibly. He saw the e-mail and thinks 'he' is on track with that, saying the Town has to plan for worst case scenario, but this isn't like planning for a war—the enemy has X number of million of population and troops, so we know we've got to have so much armament there. What is the worst case scenario here? Would it be all residential? The Board doesn't know what the worst case scenario would be until the actual plan comes in. If the Board spends on what they think is the worst case scenario, and it comes in totally different, everything they had done is out the window and a waste of money. What they do has to be based on the plan submitted and, right now, some of them seem to be running around like Chicken Little, "the sky is falling." There is a process in place, through the Planning Board, to get this information and they are either going to supply that information up front for review, or if they don't come in with it, the Planning Board is not going to accept their application; they will say it's not ready. This is much ado about nothing. VHB is on the right track. The only thing they didn't understand was what the Board wanted for an investigation of their (W/S Development's) track record. If the Board clarifies that, they will be all set. He was disappointed in how some of this is being reacted to because there is no worst case scenario. There is no economic study that can be done. The Town doesn't have a plan and that was a big thing from a former member of this Board—where's the plan? This is something where clearly everything they do is based on the plan and there is no plan, there is no application.

Selectman Massey asked why, then, were they doing the traffic methodology. Selectman Jasper said because they know there is going to be a plan. Selectman Massey said that was his precise point. Selectman Jasper said but they don't have the plan; all they can do is the methodology. (Talking over each other.) Chairman Maddox gavelled order, saying they were dealing with an animal they've never seen before and they need to be working through the consultant. That's why they are paying people who know more about large parcels than the five of them ever will. Their (VHB's) concern was watching the meat grinder make the sausage, looking at every nickel. This Town has a history of not spending the money necessary, up front, to do the projects right the first time. Any number of people bemoan the things that have happened over the past quarter century. This is a time when they don't have the luxury of thinking about later. He thinks now is the time where they have to spend some taxpayer dollars, although he knows that disturbs some people. They need to collect as much money as they can from the developers, but the Town will have to spend some money to do what needs to be done. A motion to spend a certain dollar amount to do a preliminary overview study would be something the Board could discuss. He asked Mr. Sullivan if his home town, where there are a number of malls, but nothing of the size they are talking about here, if they did it alone, or if they brought in a consultant. Mr. Sullivan said they had a consultant, for about ¼ million sq. ft. Chairman Maddox said this is new ground for Hudson, spending money when the Planning Board collects about 99% of it. It is difficult, but this is a defining moment for the Town, and he feels it is prudent to spend a few dollars up front. The developer should be paying for a lot of this, but the Town is going to have to make a decision. The developer shouldn't have to pay for the investigation work. That is what the Town should pay for. A vote was taken on March 13 to hire VHB for up to \$25,000 and he thinks the Board needs to reaffirm that. Maybe the Board can put together a review committee, consisting of the Town Administrator, the Planning Board Chairman and him, to review VHB's bills. To ask VHB for a quote for every piece of work is the reason why the Board received the letter they did. The Town if hiring a professional should depend on VHB's professionalism.

(Tape 4-B)

Selectman MacLean said she has a 12' x 12' garden and she can't get that to grow the way she wants it to—and what they are talking about is 400 acres. VHB are professionals; they must have done things like this before, helped other towns with big projects. They know what to look for in developers and how to go. They are protecting the Town's interest, even though Selectman Massey doesn't want VHB to study someone else's plan. She thought that's why the Town hired them. Selectman Massey interjected that he didn't say that. Selectman MacLean said the Selectmen want VHB to protect the Town's interest for whatever study they (W/S Development) brings before them. VHB will look at it with the Town's interest in mind. There is still a question of who pays for what, but the Director of Community Development has worked with consultants and he has done his homework. If Mr. Sullivan recommends VHB, that is good enough for her. Selectman Massey asked if that meant when the Fire Chief approves a new engine, she will say he is the expert and accept his recommendation. Selectman MacLean said no.

Chairman Maddox said this is an example of the philosophical trouble they were having. They've never done this before, so they are expecting them (VHB) to give them (the Town) the right direction. The Board is having a tough time taking that direction. He didn't disagree that they need to look at what the impacts will be to the Town, and he wouldn't have a problem with a motion for X amount of dollars to do that, as a sidebar to what VHB is doing.

Mr. Sullivan said to keep in mind that the contract has a line item for an economic impact study. Chairman Maddox thought what Selectman Massey was looking for was an infrastructure impact. Selectman Massey said exactly. Chairman Maddox said so it's not really an economic impact study. Selectman Massey said economic in the sense of what they would have to do to insure that the existing businesses in Town remain viable, and what they would have to do to insure that they could encourage other businesses, in addition to that, to come into Town. The infrastructure would be a real critical element to that.

Mr. Sullivan said whatever the Board decides is what they will run with, but he suggested that the developer of the project, with whom he is in communication with almost daily, has indicated that they will pay for three of the four items listed on VHB's letter. They (W/S Development) fully expect to pay for reviews. They also asked for a meeting with him, the Town Administrator and, perhaps, the Chairman of the Board, to set some parameters of what they expect the developer to pay for. He didn't think that was unreasonable, having been down that road before with other projects. That is kind of standard operating procedure and not out of the norm to have such a meeting and to establish those broad parameters. When he and Mr. Malizia met with them early on in the process, right after they took over for the original group that was looking to developing the property, and they had said they pay for reviews all the time. That's the way it works. It works on a Planning Board project where a 5,000 sq. ft. addition to a commercial-industrial building. The Town incurs no cost for that professional-technical review. The consultant phase is not a whole lot different. With the Green Meadow project, the Board approved an amount of \$25,000 on his birthday. Chairman Maddox said this is going way outside of what is mostly done. With a normal project, they lay down the plans and then the review process starts. They start getting invoices for those reviews. With this project, the Town is trying to stay in front of the curve with infrastructure impacts, tax base, etc. That's why they put the \$25,000 in place.

Chairman Maddox hoped the Board would reaffirm the vote from March 13, naming VHB as the consultant the Board wants to use, and that they have authorize to expend up to \$25,000 that has already been taken out of the Selectmen's contingency for this project. Selectman Jasper so moved, seconded by Selectman Nadeau.

Selectman Massey said the contract the Board approved on March 13 did not specify any specific course of action. It listed a list of things that VHB could do for this Board. He is not going to vote to support any motion that gives VHB

the unilateral decision to spend the Town's money. Anything they do *has* to be approved by this Board. He didn't want to micromanage their project, but any project they undertake should be approved by this Board. If the Board is going to reaffirm that all projects that VHB undertakes have to be approved by the Board, he would support the motion, but if VHB tells the Town how they are going to spend the \$25,000, and the Board does not have a chance to say yea or nay, no.

Selectman MacLean said at the meeting that is going to take place with the Community Development Director, the Town Administrator and developer, they are going to set all of those parameters up. She didn't think the Town was just handing VHB a blank check. There will be certain expectations and they will outline who will pay for what. Mr. Sullivan said that was one of the goals of the meeting. She understands that there are some things the Town will have to pay for.

Selectman Jasper said he'd be willing to modify his motion a little bit because he didn't like sending them off with a blank check. On the other hand, this appears to be moving rapidly. He thought they could authorize an expenditure of up to \$25,000 with the approval of the Chairman of the Board for the individual components. Chairman Maddox said VHB was the professionals and they are not going to do something unethical. If they think the Town needs to study the lizard population on Green Meadow, then if that has to be looked at as it relates to wetlands impacts or endangered species, anything they feel needs to be looked at, he doesn't think the Town should be saying no. He didn't think VHB was going to be spending money on something that didn't need to be done. He thinks it would suffice if he, the Town Administrator and Chairman of the Planning Board reviewed VHB's billing to make sure it is within the scope of what they want done.

Selectman Jasper thought that was reasonable. If at the end of the \$25,000 the Board found that VHB went on a fact-finding trip to Acapulco, then the Board won't continue using them. This is a company the Town has had a relationship with for over 20 years, so he's not uncomfortable going with this firm.

Selectman Massey said this is an extremely important effort that the Town is engaged in and it needs to have as much transparency as they (the Board) can push on it. As a Board, they've already been accused of doing all things behind closed doors on this project. He didn't believe that they have the luxury of presuming any credibility on the part of the population and he is not going to support any motion that cedes to any one member of this Board the authority to speak for the Board in spending this money, given that the contract was not specific as to what would be done. It was left to the Board to direct VHB what to do and he is not willing to give that directive power to any member of the Board.

Chairman Maddox said that's why he didn't want to take it because he doesn't know what needs to be done. That's why they are hiring a professional. Selectman Massey said he was not willing to let VHB tell the Chairman what they are going to do without the Board agreeing to it because everything has got a cost associated with it. That's why the Board asked for VHB's cost structure for everybody they were going to assign on the assumption that on any given task that they did, they would assign one or more of those individuals, and there would be a cost to that. Chairman Maddox asked if the Board was supposed to approve every expenditure. Selectman Massey said no, every project and the estimated cost of that project, which is what they did the other night. They had two projects—one to do a methodology scoping and the other one to do an investigation of a developer's past history—and they both had a specific cost attached to them and he never once had any intention of micromanaging how that money got spent, as long as the deliverable was what they (the Selectmen) were asking them (VHB) to deliver.

Selectman MacLean said she wouldn't expect VHB to come before the Board for direction at every turn, but they would be in close contact with Mr. Sullivan and the Town Engineer and Town Planner, perhaps daily, and those staff members would guide them (VHB). If staff didn't think something was in the best interest of the Town, she's sure he would speak up. Mr. Sullivan said yes, he would speak up.

Selectman Jasper said this is an unusual circumstance, but he is sure VHB isn't going to go off on any project without talking to Mr. Sullivan first. None of the Selectmen are experts in what is going on here. He didn't know if there were any experts in any place that knew what was going on because this is such a mammoth undertaking, so much different than anything else. The huge malls are usually in areas that have better access to more highways. He's not comfortable with the Board having veto power over the people who are in the business of doing this because he's not sure the Board is competent to do that. If VHB says they need to do something, and the Board says no, that could be a huge mistake. He doesn't know anything about planning a 3 million sq. ft. mall-shopping-retail-residential area; he didn't know anybody who does. Who is the Board to tell VHB they are off base in what they want to do next. VHB are the people the Board hired to do the job and, at this point, the Board has to say alright to this limited amount of money. He can't believe that Sean or Steve is going to let VHB go off the wall. When the invoices are paid, they will be able to see what VHB is doing. If a bill is too questionable, the Board can talk about it.

Selectman Nadeau moved the question. Chairman Maddox said he'd allow Selectman Massey the last word. Selectman Massey said he just has two observations. VHB is working for this Board; this Board is not working for VHB. Therefore, if VHB wants to do anything, he has no problem with them being totally in control of going forward with a project. They do it all the time. The Board has done it with them with traffic studies; they do it every day with CLD and Weston & Sampson. This Board authorized the project and the deliverables from that project were authorized and

approved by this Board. Selectman Jasper said actually, it was a previous Board. Vote on the motion to move the question carried 4-1. Chairman Maddox objected, saying he didn't want to be here past 11:00 either and, as the Chair, he was still going to talk. Selectmen Jasper and Nadeau said it's not a debatable motion.

Vote: Motion to reaffirm the vote of March 13 and to authorize VHB to spend up to \$25,000 carried 4-1 by roll call vote. Selectman Massey voted in opposition.

Selectman MacLean read the following statement. "At our last meeting, after much discussion, this Board directed the Chairman to make a phone call to the developer to insure that they would pay for the traffic study meeting that would take place within 48 hours of the meeting that we were at. The Chairman stated that he was busy with a real job and, consequently, asked the Town Administrator to make this phone call. Before 24 hours passed from our vote, from our direction to the Chair, I received a phone call from the Chair, asking me to change my vote to have the Town or the taxpayer pay for the first meeting because VHB was insulted and wanted to withdraw. If the Chairman did as the Chair was directed, and the developer refused to agree to pay for VHB to attend this meeting, I would gladly have changed my vote in support of having the Town represented at the taxpayers' expense. What is troubling is that the Chair didn't have the time to make a phone call to the developer, but had time to call at least three Selectmen and request that we change our vote, less than 24 hours after a public vote was taken. The Chair stated to me that he was not going to beg the developer, yet he spent time begging me to change my vote. I want to be on record this evening for not having changed by vote via this phone poll and I also want to be on record stating that had the developer refused payment, I would have certainly approved VHB attending the meeting at the Town's expense. As I understand it, the developer did agree to pay for the items in question and this whole phone polling episode should never have taken place."

Chairman Maddox asked for confirmation that Mr. Sullivan didn't reach W/S Development until after the scoping meeting. Mr. Sullivan said that was correct. Selectman Massey said to wait a minute, that he sat in the Town Administrator's Office last Monday and he sat in the Community Development Director's Office yesterday and he was explicitly told that on the 25th, Ed Vydra from W/S Development was contacted and he agreed to pay for the entire scoping project, didn't think that the \$600 was worth it, but he would go along with it. Mr. Sullivan said that was true; the timing was the issue. He hadn't talked to Ed before the meeting. He came in that morning before the meeting and he (Mr. Sullivan) told Mr. Vydra he needed to talk to him about paying for something. After the meeting, he went upstairs and made a copy of the front page of the two-page document from VHB and handed Ed that front page and said, "I don't expect you to look at this right now and tell me yes or no, but I do expect you to take it back to your office and get back to me today to tell me whether or not that's something you can pay for." Mr. Vydra called him back later on that day. That's his recollection of events. By the time Mr. Vydra agreed to pay for the meeting, it was over.

Selectman Massey said he had an e-mail from the Chairman of the Board, which is critical, because the problem they are in right now is that something that a certain Selectman on this Board has consistently throughout his public life said was important, which was transparency in government, and this is a prime example where non-transparency has caused the problem. He has a response to an e-mail that he sent to the Chairman of the Board last Friday when he heard about his and the Chairman's e-mail response was, "On the 24th, I am told, Sean Sullivan called Ed from W/S. They, the developers, did not agree to fund."

Chairman Maddox said on the 23rd, when the Selectmen met, they were asked to ask for money. He foolishly said he has another job, but he should have said he thought it was unethical for him, as the Board Chairman, and as the liaison to the Planning Board, to call up a developer and ask for money. And he still does, so he opted not to, turned to the Town Administrator, delegated it to him, who then, in turn, delegated it to the Community Development Director. Because there was only one day—he Selectmen's meeting was Tuesday night and the scoping meeting was Thursday morning—they only had one day to get an answer. He did not get an answer within that timeframe and he (Chairman Maddox) thought it was important enough that VHB attend the scoping meeting for the \$600. He called other Selectmen as he drove around and got an approval from two other Selectmen to expend the \$600. He did what he thought was right and he did what he thinks he should have done, ethically. He admits that's what he did and put what he thought happened in his e-mail. Selectman Massey quoted, "on the 24th, I am told." It doesn't say "I think." It says, "on the 24th, I am told." Chairman Maddox said with commas separating "I am told." He didn't know; he was told.

Selectman Jasper said when people have been asking him how it was being on the Board of Selectmen, he's been telling them it has been more enjoyable than any of the other 11 years he served on the Board, and now it's getting ugly and personal and unnecessarily so. Instead of asking for clarification, accusations are flying around, and he didn't think there was anything inconsistent, other than the issue of being told that they wouldn't was confused with I couldn't reach them, or whatever. He didn't know. The Chairman was conveying what he believed to be true. It would be foolish of him to say something as fact which he didn't know because, obviously, that turned out not to be the case. He (Chairman Maddox) called Selectman Jasper the evening of the 24th, with the meeting to take place on the 25th. Sean wasn't able to reach Ed until that morning. What the Chairman called him around suppertime, he said at that time, "we haven't been able to reach them." That's the best of his recollection. "He (Chairman Maddox) said, at this point, the meeting is tomorrow morning. VHB will not be able to go to the meeting, based on our vote." Selectman Jasper said that was something he had not thought about at the time that they took the vote. He didn't think about what would happen if they didn't get an answer from W/S on Wednesday about a Thursday meeting. It should have been obvious to him, at the time, that that was a very short window to get an answer from them and that not having them (VHB) go to the meeting was, obviously, not in the Town's interest. For \$600, it was stupid of the Board not to have them (VHB)

there. That was not in the best interest of the Town. He thinks that it is very unfortunate that the discussion that just took place took place in such a personal manner--the Board starting questioning the motives of the other members. He may disagree with Selectman Massey, but he never questioned his motives. Although if he is going to start attacking and accusing other Selectmen, he will begin to question his (Selectman Massey's) motives and he will begin to reconsider his personal opinions of the fact that he has always believed that Selectman Massey had the best interest of the Town at heart. This is a disgraceful discussion that has taken place and while probably, in part, he made the motion many years ago that the Planning Board not be allowed to meet after 11:00. It's not 11:00 and look what has happened. This is unfortunate and he hoped, in the future, they would ask people for clarification, rather than attack. This is not a time when the Board of Selectmen can afford to disintegrate and begin to attack and accuse each other. They are all good people with the best of intentions and he is very sorry he was a party to what just happened.

(Tape 5-A)

Selectman MacLean said the point is that the whole Board voted 4-1 to direct the Chairman to make one phone call, and it didn't happen, and that is disturbing to her. It was a simple thing, but a serious thing. This is not a personal attack, although it may sound like one. This needs to be addressed because what the Board voted on in public last Tuesday was all changed around by a phone poll on Wednesday, and she didn't think that was right.

Chairman Maddox suggested that they let this drop; that everyone has a right to their opinion. Selectman Jasper said opinions are one thing, but to state a fact that the Board directed the Chairman to make a phone call, he didn't believe they did that. Selectman MacLean interjected that it was a fact. Selectman Jasper said he didn't have the minutes, but believed that the record would show that the Board voted to *ask* that they pay for it. He didn't think there was any direction for any specific individual. Chairman Maddox said they were getting far afield. Selectman Jasper disagreed, saying this was important--stating something that was not in evidence and he didn't believe would be borne out by the minutes or any tape that the Board directed the Chairman to do anything. In any case, the Chairman is a free citizen of the United States, who could decline to do anything. The Board didn't have the ability to direct the Chairman to do anything on his free time. Regardless of that, the point that is being made--and a phone call was made and he and the Chairman spoke about the need to make that public at the next meeting, as he didn't like phone polls, which he has made very clear--but there wasn't any alternative, other than not to have them (VHB) there (at the meeting). He made a bad motion (May 23) because he hadn't thought through the fact of "what if we can't get a hold of them?" or "what if they say no?" That should have been part of the motion. That was his mistake; he knows better.

Selectman Massey said the motion was to authorize VHB to do the work, subject to W/S Development paying for it. The motion carried 3-2, with him and Chairman Maddox voted against the motion. The specific discussion around the motion was that it was imperative that they (W/S Development) pay for that because, without the Board agreeing to anything, there would be no--among other things--flyover, so there was never any doubt that night that what the Board was voting for was to have VHB do the work, but that it could only be done if W/S Development paid for it. The discussion that night (May 23) was very clear, that the work would not occur if W/S did not agree to pay for those three tasks, and that the discussion did center around what happens if they (W/S Development) said no. The maker of the motion clearly put on the table, that night, what they were going to do because without the Board's approval, they couldn't go forward with any traffic work. The Board was never under any illusions that night what they were voting for. He didn't vote for it on the basis of who was going to be making a phone call. His vote was based on something entirely different, which will be reflected in the record. The only other concern he has about this, and where the transparency in government comes about, the worst thing in the world you can ever do to an individual is surprise your boss. He didn't hear that this ever occurred until long after the events happened, and he did not hear it from the Chairman of the Board. He would have thought the Chairman would have at least sent him an e-mail, saying they did this. That's his concern on this; it was all done with phone polls, and he has no idea what he (the Chairman) told Selectman Jasper or Selectman Nadeau to get their votes, or to get Selectman MacLean's vote. Selectman MacLean interjected that he (the Chairman) didn't get her vote.

Selectman Massey said the problem is he (the Chairman) called each Selectmen individually to get their vote on an issue that, as he said that night, they were being asked to approve a project that had already been put in motion. Now they see the problem that occurs when you are voting to spend money after the horse has already been let out of the corral, adding he had nothing further to say on this.

Selectman MacLean said they will all look at the minutes when they get them. Chairman Maddox said yes, they would. It pained him to have to make the phone calls. He tried to call Selectman Massey several times that day, but he was not at home. He did what he thought was the right thing to do, which may not have been in the long run, but for \$600, he didn't want them (VHB) to not be at the scoping session, so he got two other Selectmen to agree. He asked those two Selectmen to support it, and they did. He thinks this is the reason why VHB wants to walk away; they see what the Board is going through. But this is the way things work in Hudson--and good for them. They question every dollar, which is why the Town's taxes are low. On a project that's worth millions, the Board is arguing about \$600. At some point, they (the Board) has to give up something to get these people to do what they (the Board) wants them to do. Asking them (VHB) for a quote for every piece they do is beyond the scope of what they want to do. He asked Sean Sullivan to transmit to VHB the Board's decision. The more heads up they can give the Board as to the next steps, and possible costs, the more appreciative the Board will be in order to address some of the Board members' concerns. Mr. Sullivan said he would convey that to them (VHB).

5. **OTHER BUSINESS**

Board of Selectmen Responsibilities and Authority (Selectman Massey)

Selectman Massey said part of what he was going to talk about, they've already talked about, so he would make it as brief as he could. Chairman Maddox asked if it could wait until the next meeting. Selectman Massey said no, it could not, which is why he asked to have this put on tonight's agenda. Selectman Massey said when he came on the Board, he understood the responsibilities and authority of the Board of Selectmen are premised on several key facts. The first one is that all decisions have to be made in public, unless a nonpublic session is called for, and roll call vote is taken and, even then, if it's a nonpublic session, any votes have to be recorded. He has always known that no single Selectman can act on behalf of the Board, nor can make commitments on behalf of the Board, unless the Board has so authorized that individual to do that. He is well aware that there are emergency situations that require telephone polls to get agreement to move forward on something, but they are, in his mind, emergencies that only need to happen for what he considered true emergencies. As he said before, the worst thing in the world is to be surprised and, much to his surprise in the last two weeks, he has been hearing from several people in Town that one or more members of this Board are making implied commitments to an organization in Town that this Board can, and may be willing, to lease land to that organization. In his mind, there has been no meeting that he has attended, either in public or nonpublic, where the Board has authorized any member of this Board to make such representations to any private individual in Town. His problem is that he fears that the individuals who have heard those statements believe that it is going to happen, and if it does happen, it will be very difficult for the Board to have any meaningful discussion because it will be perceived by the world that it is a done deal, and that is the issue he has about transparency in government. Is it a good idea? On balance, he thinks it probably is. But the fact that one or more members of this Board are out protheletizing—although he didn't know that was what they were doing—he does know that representations have been made. This is a very critical element and he, for one, would think that if that's something this Board wants to do, it should be put on a public agenda at the next meeting and they should have a frank and reasoned discussion. And they have precedence for it, because they did it for Hudson United Soccer Club. He didn't believe they (the Board members) should be out making commitments to people that the Board has not authorized.

Chairman Maddox asked for a motion to adjourn, but Selectman Jasper wanted to respond to the previous comments. He said when you talk about transparency in government, which is important, when you have these types of statements, it is important that they be addressed so people who are watching don't just sit and wonder what is going on. It needs to be discussed, briefly, or however long it takes. His understanding of what Selectman Massey is talking about—and it would have been more productive if he had, at least, asked the Chairman if this is what he had done, or whomever—has to do with land for the Senior Center. Selectman Massey said that was correct. Selectman Jasper, continuing, said there was a breakdown in the process of the land that was promised to them, and that may no longer be available. He didn't know because he's only heard about this through the grapevine. He does know that when the Chairman became aware of that, he mentioned to Selectman Jasper that there was land in the Industrial Park that was taken for taxes that might possibly be suitable for their purposes. The Chairman had asked him (Selectman Jasper) what he thought of that. No commitments were made. No promises were made. He understands that Chairman Maddox made the same types of comments to Selectman Nadeau. Selectman Massey said funny, but the Chairman never made those comments to him. Selectman Jasper didn't know when the Chairman ran into Selectman Massey. Selectman Massey said it happened three weeks ago. Selectman Jasper said the Chairman didn't mention it to him three weeks ago; he mentioned it to him within the last week. Selectman Nadeau said within the last week and a half to him. Selectman MacLean said she just heard about it. Selectman Massey said there you are; there's the transparency he was talking about.

Chairman Maddox said he was the one in the middle, so he would answer part of the question. Selectman Massey asked the Chairman why he wasn't talking to all members of the Board, just to some of them, and why was it being done on the phone and in private meetings, not in public. Chairman Maddox said they all have ideas that they think the Board might want to discuss, and they float it by the liaison to that group. He also mentioned it to the Vice-Chair, but he hasn't run into Selectman Massey at Town Hall, or wherever, so he didn't mention. He was just asking if this was something the Board might want to consider. Selectman Massey asked if the Chairman made those comments to the Hudson Seniors. Chairman Maddox said no. Selectman Massey said he was told that the Chairman did. He talked to a member of the governing board. Chairman Maddox asked if he had (supposedly) talked about the possibility of another piece of land. Selectman Massey said 10 acres on Industrial Park land, behind Clement. Chairman Maddox asked if he (supposedly) told them (the Seniors) they had that land. Selectman Massey said no, the Chairman did not tell them that. Chairman Maddox said he just said there was that possibility. Selectman Massey said that was correct. Chairman Maddox said much like any one of them might say there is a piece of land somewhere for a recreation, a United Soccer (field), or a library, in such and such a location. He didn't know where Selectman Massey was going with this. Selectman Massey said where he was going was that, in the future, he'd appreciate it if he (the Chairman) was going to talk to other people about commitments to the Town of a nature they are talking about, that the Chairman would have the courtesy to talk to all of the Board members and, more importantly, if he (the Chairman) is going to be talking to individuals, he at least discuss it with the Board to see if it was something the Board would support because, frankly, does the Chairman think he (Selectman Massey) was going to vote no if that comes before the Board now, with the Seniors having known it's possible?

Chairman Maddox asked if Selectman Massey asks the Board to ratify everything he thinks about at IT. Selectman Massey said no, but he's never made a commitment with IT before bringing it to the Board. Chairman Maddox didn't want to go down that path tonight. Selectman Jasper said he's been on the Board of Selectmen for 11 years and has served for many years with Selectman Massey; he was the only other person present who he has served with, and almost every major decision that was made was made outside of this room. There was no discussion, things came in, everybody—boom, boom, boom, boom—and anybody with a modicum of common sense knows that everybody didn't suddenly go boom! what a wonderful idea. The discussions took place outside of this room. He finds it very disingenuous for Selectman Massey to say that the Chairman, just to have an idea and a casual conversation with him (Selectman Jasper) and Selectman Nadeau, not at the same time, but to run into them, feeling out

the idea, that's what they do as Selectmen. They talk to people. They get input from them. Tonight, they are not getting any input. There were two members of the press present and the Chairman of the Budget Committee was here earlier, along with staff. They were not getting any input. The only place the Board can get any input, get any idea, is to go out and talk to people, and sometimes that happens to be each other—in the office, on the phone, wherever—and there is nothing wrong with that. That's how government works. That's how it works on every level—and Selectman Massey knows there was no transparency on the previous Board which they both served on before. He didn't want Selectman Massey to insult his intelligence by pretending that to have conversations like this, which don't even result in anything, except fact-finding, is something that is out of the ordinary. It is something that is necessary; it is something that has to happen.

6. **ADJOURNMENT**

Motion to adjourn by Selectman MacLean, seconded by Selectman Nadeau, at 11:20 p.m., carried 5-0.

Priscilla Boisvert, Recorder/Transcriber

HUDSON BOARD OF SELECTMEN

Richard J. Maddox, Chairman

Shawn N. Jasper, Vice-Chairman

Kathleen R. MacLean, Selectman

Kenneth J. Massey, Selectman

Benjamin J. Nadeau, Selectman