

HUDSON, NH BOARD OF SELECTMEN
Minutes of the February 14, 2006 Meeting

1. CALL TO ORDER by Chairman Ken Massey at 7:00 in the Selectmen's Meeting Room at Town Hall.

2. PLEDGE OF ALLEGIANCE, led by Selectman Rick Maddox.

3. ATTENDANCE

Selectmen: Kenneth J. Massey, Teresa Stewart, William P. Cole, Kathleen R. MacLean and Richard J. Maddox

Staff/Others: Steve Malizia, Town Administrator; Priscilla Boisvert, Executive Assistant; Fire Chief Shawn Murray; Police chief Richard Gendron; Police Lt. Bill Avery; Police Lt. Jason Lavoie; Sean Sullivan, Director of Community Development; Bill Oleksak, Building Inspector; Rob Sousa, Code Enforcement Officer; Julie Kennedy, Admin. Aide; Atty. Tom Leonard; Ed Vydra, W/S Development; Tom Sommers, Town Engineer; Donna Sommers, Sewer Utility Clerk; Ben Nadeau; Rep. Shawn Jasper; John Knowles, Library Trustees; Beverly Jackson and Myrtle Legendre from the Nashua Baptist Church and Hannah Dustin Quilters; several Otarnic Pond residents; Connie Owen; Gerry Coogan, Grant Writer; Doug Robinson, HLN

4. PUBLIC INPUT

Award of 15-year Certificate of Appreciation to Lt. Jason Lavoie of the Hudson Police Department -- Lt. Lavoie was promoted to Sergeant in 1997 and to Lieutenant in December 02. He has a Bachelor's Degree in Interdisciplinary Studies from Plymouth State College. He is assigned to the Services Bureau and is active in teaching the RAD Program, assists with officer survival training, and is the liaison for the SoNH Special Operations Unit. A life-time resident of Hudson, he and his wife, Linda, enjoy spending time with their children, Tyler and Kayleigh.

- Chairman Massey asked if anyone in the audience wished to address the Board on any subject.

- **John Sauter** stated that he was a Town employee and requested that Item #10 be held in open session.

- *Motion by Selectman Stewart, seconded by Selectman Maddox, to change the Order of the Day and take up Item 8-B carried 5-0.*

8-B. Acceptance of Donation of Child-size Quilts to the Police Department from the Happy Quilters of the Nashua Baptist Church and from the Hannah Dustin Quilt Club

Police Chief Gendron said a few weeks ago, he received a call from Beverly Jackson, who came up with the idea of making quilts to give to the Police Department for children. In the past, this group had donated Teddy Bears to give out to kids when officers respond to situations where kids are traumatized from removing them from homes, child custody issues, etc. It isn't the best of circumstances, and often kids don't take a whole lot with them. If they were given hand-made quilts, they would have something comforting to hold on to, and they would be able to keep them. Mrs. Jackson said making quilts was the ministry work of members of Nashua Baptist Church. Ms. Jackson is also a member of the Hannah Dustin Quilt Guild and a resident of Hudson. She scrounges extra pieces of material that the quilters don't need and that is what is used to make the child-size quilts. Volunteers from the Baptist Church and Hannah Dustin Quilters donate their time and talent every Monday night at the church to make the quilts to give to the Police Department. So far, they've donated 19 quilts, with more in progress. Chief Gendron read the label on the back of a quilt, which said, "Made with love by the Nashua Baptist Church Happy Quilters and the Hannah Dustin Quilt Club, 2006." He said the quilts were very nice, adding that a lot of work goes into making them. He has them in his office and joked that some people probably think that's what they do at the Police Department. Some people have asked how much they cost. Chief Gendron and the Board of Selectmen thanked the women for this wonderful donation.

5. NOMINATIONS & APPOINTMENTS

A. **Sewer Utility Committee** (1 Alternate, term to expire 12/31/08)

Doris Ducharme was not present.

- *Motion by Selectman Stewart, seconded by Selectman MacLean, to waive the Board's normal procedure and appoint Doris Ducharme to the alternate position on the Sewer Utility Committee, term to expire 12/31/08, carried 5-0.*

B. **Water Utility Committee** (1 Member, term to expire 12/31/06)

Ray Rowell was recognized. He expressed his desire to serve on this committee, stating that he was aware the critical need to get water to the south end of Hudson and he was in support of that.

- *Motion by Selectman Cole, seconded by Selectman Stewart, to waive the Board's normal procedure and appoint Ray Rowell to the position of member on the Water Utility Committee, term to expire 12/31/06, carried 5-0.*

6. CONSENT ITEMS

Motion by Selectman MacLean, seconded by Selectman Cole, to receive the Consent Items, as noted or appropriate, carried 5-0.

A. **Assessing Items**

- 1) Abatement Application, 15 Riviera Road, w/recommendation to approve
- 2) Current Use Lien Release, Excess Land, 137 Wason Road, w/recommendation to sign

- 3) Veterans' Tax Credits (126 Barbara La; 49 Bowes Cir; 23 Bowes Cir; 912 Elmwood Dr; 64 Pelham Rd; 6 Amanda Dr; 6 Hummingbird La; 321 Abbott Farm La; 2 Wagner Wy; 22 Williams Dr; 31 Scottsdale Dr) Blind Exemption (26 Glasgow Cir) and Elderly Exemption (47 Lexington Ct) w/recommendation to grant
- 4) Current Use Lien Release, 22 Speare Road, w/recommendation to sign
- 5) Current Use Lien Releases, Map 105/Lots 11-1 and 12, w/recommendation to approve
- 6) Current Use Lien Release, 27 Lawrence Road, w/recommendation to sign
- 7) Yield Tax Warrant and Certification of Yield Tax Assessed, Map 201/Lot 012 and Map 207/Lot 010 w/recommendation to sign
- 8) 2004 & 2005 Property Tax Abatements (Map 241/Lot 70; Map 240/Lot 24; Map 223/Lot 44; Map 216/Lot 12; Map 135/Lot 28; Map 130/Lot 16; Map 117/Lot 13; Map 247/Lot 146) w/recommendation to approve
- 9) 2004 & 2005 Property Tax Abatements (Map 126/Lot 31; Map 247/Lot 49) w/recommendation to approve
- 10) Abatement Application Reconsideration, 7 Baltrusol Drive, w/recommendation to approve
- 11) Superior Court Docket #05-E-0286, 267 Lowell Road, w/recommendation to approve
- 12) 2003, 2004, 2005 Tax Abatements (16 and 30 Cottonwood Drive) w/recommendation to grant
- 13) 2005 Property Tax Abatement, Map 175/Lot 89, w/recommendation to approve
- 14) 2004 & 2005 Property Tax Abatement (Map 169/Lot 22; Map 180/Lot 9; Map 252/Lot 55; Map 247/Lot 77; Map 246/Lot 88) w/recommendation to approve
- 15) 2002, 2003, 2004, 2005 Tax Abatements (12 Henry Drive; 15 Parkhurst Drive), w/recommendation to grant

B. Licenses and Permits

Hawker-Peddler Permit by Glenn Smeltzer to sell Flowers and Plants for the Blushing Rose at True Value on Derry Rd through 12/31/06, w/provision that his State license is renewed by April 28, 2006, as noted on the Town's license form.

C. Acceptance of Minutes

- 1) Minutes of the Board of Selectmen's Meeting of January 24, 2006
- 2) Minutes of the Board of Selectmen's Workshop Meeting of January 31, 2006
- 3) Minutes of the Board of Selectmen's Meeting of February 4, 2006

D. Calendar

Feb 15 5:00 Water Utility Committee in Small Conference Room
 Feb 15 7:00 Library Trustees in BOS Meeting Room
 Feb 15 7:00 Seniors in CD Meeting Room
 Feb 16 1:00 Trustees of the Trust Funds at Town Hall
 Feb 16 7:30 Budget Committee in BOS Meeting Room
 Feb 20 Presidents' Day—Town Hall Closed
 Feb 20 6:30 School Board in BOS Meeting Room
 Feb 21 7:00 Cable Committee in BOS Meeting Room
 Feb 22 7:00 Planning Board in CD Meeting Room
 Feb 23 7:00 Open Space in BOS Meeting Room
 Feb 27 7:00 Conservation Commission in CD Meeting Room
 Feb 28 1:00 – 2:00 Matt Lahey from Sen. Gregg's Office in BOS Meeting Room for Citizens' Hours
 Feb 28 7:00 BOS in BOS Meeting Room

7. OLD BUSINESS

A. Green Meadow Golf Club Property/Proposed Town of Hudson Water Tank

Atty. Thomas Leonard stated that he was present on behalf of Green Meadow Golf Club and Ed Vydra said he was the Project Manager for W/S Development Assoc. Atty. Leonard said the letter before the Board tonight was in response to their last proposal presented to the Board. They tried to address the specific concerns the Board had raised. W/S and Green Meadow wanted to make it clear that the proposal was without any contingencies; they are prepared to assure the Town that there will be no delays regarding the Town's schedule of planned improvements. There will be no financial responsibility, or even the potential for financial responsibility, on the part of the Town. The land owner and W/S Development have agreed to accept that fully. There is no implication with regard to the plan—specifically they (W/S and Green Meadow) don't expect anything. This agreement does not give them (W/S and Green Meadow) any rights, or any expectation, with regard to the plan. Atty. Leonard thought those were the main points raised at the last meeting. They (W/S and Green Meadow) understand that this is just to get things going, to do some good planning in advance.

Selectman Cole said he didn't see much difference between the first letter the Board received three weeks ago and the one before them tonight, so there was nothing that compelled him to change his mind. He thought it would be an excellent idea if they (W/S and Green Meadow) presented to the Town the projected water use calculations that was talked about in tonight's letter—but that didn't have any linkage to the Town entering into any Memorandum of Agreement with regard to the tank. There are other people in South Hudson who own extensive pieces of land that may be doing some development in the future and they haven't come in to talk about any possible contributions. This is an inappropriate and imprudent course for the Town to take at this time.

Selectman Maddox said, as the Planning Board representative, it makes a lot of sense to do something down there, but he would feel more comfortable if it came from Green Meadow because they don't know whether W/S Development will make it all the way through the process. It makes no sense to build a water tank just to meet the immediate needs, when they know that something is going to happen on that property. With the caveat that it isn't going to cost the Town anything and doesn't slow down the project they already have in place, it makes sense to be proactive.

Selectman MacLean was glad this was before them again because it makes sense to her, too. She asked for an explanation of #2 in their

letter that stated, "Commit to an agreed-upon cap, or upset limit, for all engineering and design costs for the upsized water tank, and pay the Town those costs, as incurred." Atty. Leonard said basically, the goal is to discuss it ahead of time; it isn't going to be any kind of impediment to the future effort. It's just to discuss it ahead of time. The purpose of the letter is to set up a procedure that allows the Town to go forward. They (W/S Development and Green Meadow) will not slow the Town down, nor do they expect that. If the Town is ready to do something and they (W/S Development and Green Meadow) are not ready to answer the questions, they fully expect the Town to go forward. This all started as a result of initial discussions at the Planning Board level and with different people in Town who are responsible for those kinds of things and it became clear that if that tank was to be used, if they (W/S Development and Green Meadow) were to be a part of that tank, they had to do it now. They fully expect, know and understand that the Town needs to go forward at their present pace.

Selectman MacLean asked for input from the Director of Community Development. Mr. Sullivan said there is a way they could make this work that all parties would be comfortable with, but it is the Board's decision. The issue itself has merit and makes sense. The question has to do with timing. It's the Board's call, should they choose to act on it, but he didn't see any detriment if they don't. Selectman MacLean said it wouldn't be wise not to consider the option. It doesn't make sense not to look at this. This isn't an agreement; they would just be looking to see what they might be able to do. She didn't see why they shouldn't take the next step.

Selectman Cole pointed out that on Page 2 of the letter, they would like the Board to, ". . . enter into an agreement on or about March 31, 2006." Selectman MacLean said but that's not tonight. Selectman Cole said there were a number of terms he questioned, as he was not a water tank design person. He had no idea what terms, such as "upsized water tank," and "add alternative," meant. He'd like to have an explanation from the Town's Engineer, Tom Sommers.

Motion by Selectman Cole, seconded by Selectman Stewart, to defer this item until February 28, 2006 for the Town Engineer, and any other appropriate Town staff, to consult and coordinate with Ed Vydra and his people and the people from Green Meadow, to present to the Board exactly what they are talking about with regard to base bid upsized water tank, etc., and to bring in some of the other parcels of land in South Hudson that may be developed in the next couple of years and the impact they might have on the water.

Selectman Cole said the Board needs this information in order to make a decision. He realizes he is going against Mom and Apple Pie because there is no argument against the concept, but in fairness to the Board and to the citizens of Hudson, they should have an idea of what is being offered. In the meantime, if they (W/S Development and Green Meadow) would like to submit projected water use calculations, he'd love to see them—and he was sure the Town Engineer would, as well. Chairman Massey asked Selectman Cole to clarify his motion. Selectman Cole said it was to defer until 28 February. Chairman Massey asked what the purpose was. Selectman Cole said to have input from the Town Engineer and other staff, as appropriate, following coordination with Mr. Vydra and members of W/S Development, as appropriate, so the Board can see the entire picture.

Selectman Maddox said later this evening, there is an agenda item to look at the petition to acquire the land for the water tank they are putting up, and the Board has limited time in which to deal with this. He didn't have a problem with the motion; it would give the applicant time to get their information to the Town Engineer, so he can tell the Board whether this is a viable plan or not. Because they don't have the ability to add a second tank, at this point, expanding what they are going to build makes more sense. If two weeks is enough time for them (W/S Development and Green Meadow) to pull together information that would make Selectman Cole more comfortable, he will go along with it.

Chairman Massey said he would not normally be in favor of deferment, but given what Selectman Cole is asking for, it would still stay within the time frame they are on. Any agreement would have to include the following considerations, so as they go forward in the next two weeks, he'd like to ask Green Meadow and W/S Development to consider them before the meeting on the 28th. The first is that the Town is going to adhere to their schedule, so nothing the Board would do with either of the two entities would have any impact on that schedule in terms of it being delayed. The second one is, which they (W/S Development and Green Meadow) already stated in their document, is there would be no stated or implied approval by the Town for any development proposal or related infrastructure improvements put forward by Green Meadow, et al, before the Board of Selectmen, Planning Board, Zoning Board of Adjustment and Conservation Commission, or any other agency of the Town, State or Federal government. The Town would be the sole responsibility for the design, construction and operation of that tank. Finally, in terms of any payments, Chairman Massey would fully anticipate that the payments would be due when the agreement is signed for the design and engineering work and at the start of construction for the tank. For all practical purposes, the agreement would have to be in place no later than March 28 in order for the Town to stay on schedule.

Vote: Motion carried 5-0.

Atty. Leonard said part of what they were understanding was that this letter is to inform the Board they are ready to enter into a Memorandum of Understanding because those were the terms used at the last meeting and the suggestion of Town Counsel. He asked if they should be doing something other than that, if they should be doing more than just a letter. Chairman Massey thinks they are beyond a letter stage. It would be in the nature of a draft agreement that would incorporate a lot of the things they've talked about. Over the course of the next two weeks with their (W/S Development and Green Meadow) conversations with the Town Engineer and Community Development, he would expect there would be some elements of what he just indicated. Until they get to February 28 to see where the Board is, they wouldn't be in a position to know whether an agreement is appropriate.

Mr. Vydra asked if it would also make sense to include Town Counsel preliminary review, if they are looking at a form of agreement. Chairman Massey thought that would be premature because if, on the 28th, the Board says no, then anything else they've (W/S

Development and Green Meadow) done wouldn't make any difference.

(Start 1-B)

B. Third Bridge over the Merrimack River

Rep. Shawn Jasper was recognized, said he represented the towns of Hudson, Pelham and Litchfield. He thanked the Board for its letter to the Governor. It was an excellent letter and very much appreciated. He had hoped to report good news to the Board tonight. Unfortunately, things have moved rather rapidly and unexpectedly. The Public Works Committee, in the last couple of days, decided not to wait for the final amendment and has recommended that the bill that had been introduced not pass this year. While that is disappointing, it probably doesn't have a great deal of effect in the long term, because the Department of Transportation does have a great many projects in process and, even if this had gone through this year, chances of actually having design work start probably were not very great.

Chairman Massey asked Mr. Jasper to explain what House Bill he was talking about. Rep. Jasper said with 1,600 bills it was difficult, but the gist is that it started out merely as a bill which would have said that any sale of land in the southern corridor would be dedicated to building the bridge to Merrimack. That really wasn't what any of them had wanted. Rep. Calawa and he drafted an amendment that specifically said that the third bridge and the connecting road from 3A to 102 would be approved as a toll road, as part of the turnpike system and the design and construction would commence as soon as the Commissioner felt it was appropriate. After Rep. Calawa brought that forward to the committee, they felt that perhaps, as it was already in the 10-way Highway Plan—his understanding was that they wanted to directly amend the 10-Year Highway Plan, which it was already a part of, and specify that it would be a one-way toll, going into Merrimack. That was in the process. Unfortunately, that was going to be drafted with the help of the Department of Transportation. The person who does that work for them was on vacation last week, so it didn't happen. Rep. Calawa was detained and for some reason, which is very odd, because normally if a sponsor of a bill is on the particular policy committee, the Chair will always hold on to the bill until that member is present, and they X'ed it while he was not there and recommended that it be inexpedient to legislate, which is recommending that it die. There were some odd things that went on with the process. Unfortunately, because they were waiting for certain things to happen prior to this, they got behind the eight ball and were never able to get out from behind it. There is blame to go around, but it serves no purpose to place that blame on anyone because all it does is create bad feelings and makes it more difficult to proceed in the future. It is still, nonetheless, very disappointing, but they can move forward from here. What they need to start doing is build a coalition, particularly within the Town, within their delegation and Litchfield and the surrounding communities that they can and really try to push this. The delegation will be meeting again. Some of them have had discussions. They think, at this point, even if there are no Federal funds available, which they've been told there are not, it will be helpful to have the backing of the Senators and Congressmen in supporting this project in this manner and, hopefully, have some assurances from them that they will be on the lookout for any assistance at the Federal level. After all these years, if they've read his column in the Hudson-Litchfield News last week, he thinks it is time to stop wondering how they are going to pay for it and keep looking for funds if after 45 years, they haven't found the means to pay for it. Chances are, they aren't going to find them any time soon. He hoped this Board and people within the community would be accepting of a toll and that, in fact, as painful as it may be, that the Board might, in fact, endorse the idea, as most of them in the delegation have done because, otherwise, they are probably just going to continue spinning their wheels. He has been saying if people don't want to pay \$1 they can pay \$3 in gas to go around. He didn't think there were too many people that could make that round trip for less. He had a story relayed to him where someone who works in Merrimack spends an hour a day in traffic and about \$85 a week in gas. Yeah, he would pay \$5 a week to go across the bridge. That's the case with most people. Rep. LaRue from Merrimack has circulated a petition in that town, advisory only, to put the Town of Merrimack on record as being opposed to the bridge, if it had a toll, so they need to do some PR work there, as well, with the people of Merrimack. That may be a little difficult, but the paper over there is the Merrimack Journal and, perhaps, write some letters and explaining it. He will take it upon himself to do at least one letter to them. It might be helpful. Merrimack feels put upon because there are so many tolls to get on to the highway from Merrimack. Most of those, actually, were asked for by Merrimack to build the interchanges, but they were particularly upset when an additional interchange was built in Nashua and that was paid for with turnpike funds without a toll, so that has created a bitter feeling. Understandably, they don't really want another toll, but this isn't something people have to use. That was the bad news, but there is beginning to be a gelling of consensus that they need to build a bridge with a toll. The other piece is that the Department of Transportation, through the exercise they've gone through, has identified a great many parcels of land with buildings, which have considerable value, which could easily be sold, and still leave the corridor open. That's the good thing. He had a question relative to the Board's letter, was if the Board was concerned about preserving the corridor only, not all of the adjacent land, so if he spoke out of turn, he apologized, but he didn't believe the Town has any reason to keep houses. Chairman Massey said the conversation was always the corridor from Lowell Road over to 111, then from 111 across the river. Rep. Jasper said the members of the delegation asked him to be the point person on this, to coordinate it, so that was his role, at the request of the delegation.

Selectman Maddox said on Thursday night, he was going to CTAP. One of the things they are trying to foster is the cooperation between the communities and the DOT. This is probably a good venue to say we need some east-west roads; we need to get another bridge and, hopefully, he will bring that up and continue to move them to an understanding that Hudson, with the advantage of having 93 even wider, and the 40,000 people that will be moving to this area, they need another way across the river and, at the very least, get it moving with the design. Once the weather is nicer, maybe the Board can get a group together with all of the towns that are affected by this, and have some sort of gathering to have a common point of "we need this bridge" and how they get to do that—some ideas to push, whether it be a letter-writing campaign or a petition-signing campaign, what ever it takes to get it to the forefront because, if they've learned nothing else, if they make enough noise at State level, they tend to listen a little better.

Rep. Jasper said Selectman Maddox's comments were very appropriate. That is one of the things the delegation will be discussing and his recommendation was going to be to ask the Hudson Board of Selectmen to be the group that would host it. That will be key to moving forward and whoever is elected for the next term will want this issue to be a priority. He thanked the Board for listening to him, for its past support in this and he hoped they would continue to come together as a community and actually make this move forward in the not too

distant future. Chairman Massey added that the letter Rep. Jasper referenced at the beginning of his comments went to the Governor, the Executive Council, the DOT Commissioner, the Senator and Reps. To date, no replies have been received.

C. **Eaglevue Consultants** (from January 31, 2006 BOS Workshop)

Motion to defer to Monday, March 13, 2006 by Selectman Stewart, seconded by Selectman Cole, carried 4-1. Selectman Maddox voted in opposition. Chairman Massey said the reason for the deferral was that the plan was not in a state that would allow them to look at it tonight; there are some issues that are being dealt with that take a higher priority; and the Finance Director is not available on February 28 and it's important that she be part of the discussions.

D. **Public Hearing on Community Development Block Grant, Otarnic Pond Cooperative**

Community Development Director Sean Sullivan and Grant Writer/Planning and Development Consultant Gerry Coogan were recognized. Mr. Sullivan said several months ago, the Board authorized submittal of a Community Development Block Grant for the Otarnic Pond Cooperative, a sewer and water feasibility study for the Otarnic Mobile Home Park. Gerry Coogan was the lead consultant for the project. Clough Harbour and Associates were an engineering firm that was contracted with through the Town to conduct the research study. Comments were provided by him, the Town Engineer and Mr. Coogan. They incorporated those comments into the second version, which is the report before them tonight. Mr. Coogan said the Town received a \$12,000 CDBG in August. They went through the process of competitive selection for the engineer and the Town selected CHA to study the feasibility from an engineering standpoint and a cost standpoint of connecting the Otarnic Pond Cooperative, 31 homes, to Town sewer and water. The Cooperative members were not present, due to a difficulty. However, they did want to express their thanks to the Board and their support for the study. They provided their comments to the study and were part of the process since the beginning. After the study is completed, they will continue to meet with the Cooperative to sort out how to proceed, if there might be some funding opportunities from the CDBG, or other alternatives, to implement the project. He then introduced Roger Monsel, a partner with Clough Harbour Associates in Keene, NH and Kevin Thatcher, an engineer who worked on the project. Mr. Monsel said he was present on behalf of Marty Wisley, his associate, who was project manager. Unfortunately, he had emergency surgery this morning and was unable to be present tonight.

Mr. Thatcher said there were three main objectives to the study: 1) to identify any deficiencies with the existing water and sewer system; 2) to identify possible solutions to remedy the deficiencies and to recommend and outline a preliminary engineering design; and 3) to provide an estimate of construction costs. The Cooperative is located on the north side of Ferry Street, across from the Derry Queen and on the south shore of Otarnic Pond. It has 31 homes in it and is currently connected to the Town of Hudson water system, which branches off inside the park into four 1" water lines, which dead ends on the north side of the park, near the shore of Otarnic Pond. It also has several on-site septic systems to serve for waste water disposal. There has been frequent need for repair of the water system in recent years. Two of the water lines which run up the middle of the park were improperly imbedded and have been subject to breakage. Their placement in some locations is actually underneath some of the homes. As for the septic systems, a number of them are currently failing, due to their age and proximity to the pond. There is a high water table, which is intercepting some of the systems and causing the need for frequent pumping. CHA is suggesting a replacement of the existing water system with a new 6" loop system through the existing roads in the park. This will provide more adequate pressure, as well as the possibility for additional fire protection for the community. As for the septic systems, due to the constraints of the site being on the shore of Otarnic Pond, there is also a brook on the east side and a wetland area to the west, there is not sufficient area within the community to construct a properly sized septic system without removing three or four of the existing homes. In response to the high water table, it would have to be a raised system, which would require pumps, which would also be more costly. They are recommending the construction of a gravity sewer collection system through the roads in the park, which could drain to the end of Pond View Drive, where it would drain to a pump station, which could then pump the waste water up Pond View to Ferry Street and west to the intersection of George Street, the nearest location of the Town's sewer. The estimated construction cost for these improvements is about \$750,000--\$535,000 for the sewer improvements and \$215,000 for water system improvements.

Mr. Coogan said the purpose of this meeting was for a public hearing, a requirement for the CDBG. He asked if the Board had any questions or comments. Selectman Maddox said yes, he had a number of them. The proposed motion for tonight was to accept the preliminary engineering report, but the public notice says it is the final report. Mr. Coogan said this is the final report, but it is a preliminary engineering study of the feasibility of connecting the Cooperative to Town water. Selectman Maddox asked what the cost of the report was. Mr. Coogan said \$10,000. Selectman Maddox said the report talks about 31 households, yet on Page 2, it talks about 30. Mr. Thatcher said there was a new residence, which was an oversight that it was not reflected in the report. There are, in fact, 31 residences. Selectman Maddox said when you add up the houses in the report and on the roads, there are only 30, so a correction needs to be made. In looking at the colored drawing from 1997, it shows the circled property off of Otarnic Pond, yet on the other drawings, it shows it as Little Otarnic Pond, which is about a half mile away. After conferring, Mr. Coogan said that information was from the Town's aerial mapping. Selectman Maddox said this was a nice report that says there are some problems, but he wanted to know where they go from here. This is an awfully expensive project. The Board had a letter from the Cooperative, saying they were going to weigh their options. He asked if there was grant money available to accomplish this project. Mr. Coogan said this is a two-phase project. The first would be the sewer, which would be about \$500,000 and Phase 2 would be the water. The Cooperative wants to sort out their funding opportunities. One idea is to come back to the Town and request the Town to submit an application for a CDBG for a portion of those funds. There are other options, such as bank financing, etc., so they are weighing the feasibility and economic appropriateness of their being able to fund this project. Selectman Maddox said if they accept this report, there are some changes that have to be made, after which the association would have to decide what they want to do. Mr. Coogan agreed, relative to accepting the report. He believes the Cooperative wants to move forward, but they have to make some decisions. He works with about 10 cooperatives around the State, and they have been very successful in getting Community Development Block Grants. This group has to line up their ducks in terms of getting

local match and funding of non-CBDG sources, etc., so they want to evaluate all of that. It is likely they will come back to the Town to request the Town submit an application. All towns have points that are associated according to socio-economic conditions. With the particular funding that is in place, the Town of Hudson has low points, around five or 10, where the city of Bow might have 45 points. It's good in one way, bad in another. They would have to evaluate how they would score a competitive application. Selectman Maddox said they didn't have that information before them and asked if that would be part of the second phase. Mr. Coogan said they would have discussions first with the Community Development Department to see how they would proceed and if things looked positive, they would come back to make a request to the Town to support the application. Selectman Maddox said they need to know the homeowners are behind this in order to take this forward to take this to the next step. Those homeowners would have to know there will be some financial impact to them.

(Start Tape 2-A)

Selectman Stewart said Page 5 said the Cooperative would be responsible for the construction of the sewer. She asked if they'd be able to set up a sewer district, like was done on Glen Drive to recoup the cost of building the sewer. Town Engineer Tom Sommers was recognized and said the first part of the process was for the Co-op to see what kind of funding is available, and maybe that is a possibility with the remainder. There may be other options. He hasn't looked at the cost estimate yet. Selectman Stewart said it wasn't her intent to give the Road Agent more work, but wondered if the construction could be done in-house. Mr. Sommers didn't think so because this was private property.

Selectman Cole said if they assume that the Co-op gets together and everyone is in perfect harmony, he wondered what the available funding options were, other than the obvious block grant. Mr. Coogan said there might be State revolving loan funds. The State has a program for low-interest loans, and there may be a small grant for sewer systems. All or a portion of this might be eligible for funding. Selectman Cole wondered how the Town could help the Co-op if none of those funding mechanisms pan out. Mr. Coogan said the NH Community Loan Fund, which provides technical assistance to cooperatives like this, has funding available. They have provided gap financing, and sometimes permanent financing, so that might be another resource. It could be long-term financing. Selectman Cole asked if, once the Cooperative has met and made their decisions, Mr. Coogan and the Cooperative would be coming back to make an application for a block grant and possibly other funding mechanisms. Mr. Coogan said that was correct.

Chairman Massey opened the public hearing at 8:00 p.m. and asked if anyone in the audience wished to speak on this issue. There was no response, so he closed the hearing.

Motion by Selectman MacLean, seconded by Selectman Cole, to accept the preliminary engineering report, with the changes noted by Selectman Maddox, prepared for the Otarnic Pond Cooperative by Clough Harbour and Associates, dated January 23, 2006.

Selectman Maddox said he wouldn't vote for this because it wasn't correct, and it shouldn't be his job to find the errors. The math needs to be corrected, and so do the maps. For \$10,000 the Board should get a correct final product.

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

Chairman Massey said the next step would be to hear back from the Otarnic Pond Association. Additionally, he asked at what point the Board of Selectmen, acting as the Sewer Utility Committee, could cause it to happen. He asked the Town Administrator if that was within the Board's purview. Mr. Malizia said he didn't know. Chairman Massey said that's something he'd like to follow up on, given the failing septic system and the close proximity to Otarnic Pond.

E. Community Development Department Issues

Community Development staff was recognized: Sean Sullivan, Director; Rob Sousa, Code Enforcement Officer; Bill Oleksak, Building Inspector; and Julie Kennedy, Administrative Aide. Selectman Maddox said he'd like to see a packet put together so everyone understands what the policies and procedures are in Community Development in regard to three items—certificates of occupancy, zoning enforcement and zoning determinations. (Mr. Sullivan provided a large handout to the Board.) Selectman Maddox asked if there was a written policy of how the process works for getting a CO, if that was what Mr. Sullivan was passing out. Mr. Sullivan said yes, that was in the packet.

Selectman Cole asked if the packet represented all of the issues Selectman Maddox had raised. Mr. Sullivan said today, he received a copy of some specific questions from Selectman Maddox, via Selectman MacLean, the liaison to Community Development. He said they pulled that information today, based on those questions. Selectman Cole said he wasn't aware of what the questions were and asked if the packet was one answer, or if he should separate it. He asked again what was just presented to him. Mr. Sullivan said it's the certificate of occupancy process, the building permit process—both of which deal with CO's—a copy of a CO report they had sent to the Town Administrator for the Board; a copy of 72 CO's they had copied for the Board about a month ago that had been issued because there were specific questions on them that they've attempted to answer; a copy of the building permits and code enforcement actions dated February 6, which includes the building permits issued for the month of January and it includes the code enforcement actions taken in November, December and January. Also included in the packet is a copy of the CO application and the fee associated with it that they use on a regular basis. Similarly for zoning determinations, there is a specific form they have when somebody comes to the counter and has a question. If it deals with any degree of complexity, they have to put it in writing and then he or his staff gets back to them in writing. Toward the end of the packet is a copy of Chapter 143 of the Town Code, which deals with the ZBA and alludes to zoning determinations, administrative appeals, and what the process would be and how those are distributed. Lastly, there should be a copy of both the certificate of occupancy issued for a residential unit and for a commercial unit. The documents look the same, but they have two distinct purposes. The common denominator is the use is separate. Chairman Massey asked if, at the front end, Selectman Cole's question was answered. Selectman Cole said yes, at the front end.

Selectman Maddox said they now have a written policy of how this works, coordinated through staff, with dates it gets to Engineering, Fire Department, etc., who sends it back and it's signed in as being approved. Mr. Sullivan said that was correct. Selectman Maddox said on the ones he went through, the dates were always way behind the final. He asked if the CO was issued when the final was issued. Mr. Sullivan said no. Selectman Maddox said there was nothing in the distribution that shows when that date is. Mr. Sullivan said the date of the issuance of the occupancy, in each instance, would be at least one day later than the most recent date on that signoff. For example, if the Fire Department responded two days after the Building Inspector/Health Officer was out at the site, say the 9th—if Bill had been out there on the 7th, that CO, depending on when they communicated with the Fire Department, would either be issued the day of the 9th, if they got the call early in the morning. If they didn't get the call until 4:00, it would be prepared on the 10th. The final means the date the Building Inspector/Health Officer was there. It doesn't mean that he is the last guy there. Selectman Maddox said the one he was looking at says the final was 7/18, but Engineering didn't get back until 8/1. He asked if the CO was issued after 8/1. Mr. Sullivan said that was correct, unless there is a note on there, indicating otherwise. That happens occasionally, but not often.

Selectman Maddox asked how this was tracked. Mr. Sullivan said through a computer process that Cathy Hawkins had developed. She wrote the program that is utilized on a daily basis to track inspections, to schedule inspections, to determine when people have signed off and to determine when the permit will be issued. They can pull up any address in Town that they've issued a permit for and they will know who inspected it, when, whether or not it passed and, if it failed, why it failed, when it passed subsequent to that, and ultimately when the CO was issued. Selectman Maddox asked if that software stop a CO from being issued if something is not signed off on. Mr. Sullivan said no, that's something they do manually. Selectman Maddox said what he was looking at had scratched off dates, etc. There was no way to tell when this was actually issued. He asked if there is another type of report that would have shown that information in a better manner. Mr. Sullivan said the front end of that multiple-page document had a listing. There is a one-page document that is a synopsis of what Selectman Maddox was talking about. The administrative date is the date it is issued. It seems very convoluted and confusing to the layman. He realizes staff has a better understanding of how all of this works, but if someone asks him how it works, does he now have something to show that? The software they are looking at from Muni-Smart has that module available. He asked if the cost was looked into and what that would do for them. Mr. Sullivan said the module was approximately \$20,000 for startup costs in the first year. The maintenance cost is \$2,700 annually and there is a \$100 per-PC user fee annually. The total annual fees is about \$5,000. Year one, approximately \$25,000; year two, approximately \$5,000 for the Muni-Smart. They have a couple other requests out for information that they haven't gotten back the numbers on yet. Selectman Maddox said he Googled Certificate of Occupancy Software and came up with several in the \$3,000-\$4,000 range. Maybe they should look at those. He'd like to have a process where it is transparent to everybody because he can't make heads or tails out of it.

Continuing, Selectman Maddox asked why Mr. Sullivan would override the signoffs. Mr. Sullivan said he had specific answers to the two that Selectman Maddox alluded to. As the department head, he reserves that right to override any of his staff, which he has done, but infrequently. In this business, there is unpredictability because of the human element. Relative to the Polaris dealership on Lowell Road, at the last minute the owner of the business realized that he needed to have an existing water line turned off and a new water line with a different size meter turned on. That was no one's fault; it was something the owner basically misunderstood, so he called Mr. Sullivan at 4:00. Up to this point, he had spent thousands of dollars, including \$35,000 to upgrade his sprinkler system in the building. Mr. Sullivan said they are there to help people, whether it's a home owner or a business owner, so they called Pennichuck, who said they could take care of it immediately, at a cost. The owner was willing to pay because he wanted to open the next day. Pennichuck went out there, the water was turned on and the problem was solved. The next day, the guy got the CO, which was prepared in the morning, long before Engineering had a chance to get to it. In this instance, Mr. Sullivan overrode Engineering. Selectman Maddox asked why a note wasn't made of that. Mr. Sullivan said if that question comes up, there is a sticky in the file to say, "per Sean," with the date. That isn't, however, included on the checklist.

Mr. Sullivan said the second issue cited was 6 Scenic Lane. That's the subdivision off Webster Street, across from where the old driving range was, across from the old Sam & Anna's. There was a temporary occupancy issue, which wasn't on the list because they don't issue temporaries often. They are sometimes issued, due to unique circumstances. Folks were ready to move in, with the truck running and a pregnant wife in the car crying, trying to help this new resident get into their home. They had a natural gas connection, so there was heat, water and sewer, but one of the things they didn't have, and they didn't realize until they went out and did an additional inspection, was that the contractor for the gas utility placed the gas line within five feet of the water line. The Engineering Department thought that was inappropriate. There needs to be a five foot separation in order to work on the water line. That is why a temporary CO was issued in that instance. They made it very clear that within 30 days, the gas line was to be relocated, which it was. The family moved in and the gas line was subsequently relocated to the correct position.

Selectman Maddox said there are a number of those, which speaks to lack of documentation. It's tough for the elected officials to know how the policy and procedures work. It would be nice to know that there was a procedure in place so any citizen could come in and be told how something works. There needs to be better documentation why Mr. Sullivan can override something, while still looking at software, keeping that electronically tracked. They've gotten way too big for 8,000 pieces of paper for each household, as they go through the process. Mr. Sullivan said that would be in his budget request next year.

Moving on to Code Enforcement, Selectman Maddox said they were making progress. They are now getting a spreadsheet that shows a breakdown, but he feels there is a breakdown in the spreadsheet. 521 and 522 on the original spreadsheet doesn't match up with the most recent one. The numbers are slipping; the descriptions are slipping. Something is happening so that what was one address is now something else. Perhaps it was cut and paste. Mr. Sousa said that was exactly what happened, as they have been developing the new

spreadsheet, adding new columns, etc. Things probably either got deleted or added during the cut and paste process. Selectman Maddox said none of that data is relevant now to what they are trying to do. He suggested they stop trying to cut and paste. On the original form he had from October, it didn't show they've gone anywhere since then. Why don't they receive the whole thing that shows the older items? The ones they just got in the most recent package was showing the latest ones, not the stuff that is still hanging. Mr. Sullivan said when they began the new form, somewhere within the last three or four months. What they attempted to do was incorporate the Code Enforcement within that. They are beyond the work in progress in terms of the form itself, or the method they use to report, but the goal is to do it monthly. It's easier to track. If they make the columns any smaller, they will need a magnifying glass to read them. For clarity and legibility, they thought that monthly would be appropriate. If there was an issue that happened in November—for instance, a sign wasn't taken down—that wouldn't appear in December, if the submittal is monthly. If there was one continuous spreadsheet, you'd be able to see it. Mr. Sullivan thought that might be a better way to go, since there wouldn't be any cutting and pasting. Selectman Maddox said he was looking for a means of being able to track this. What they have before them is tough to read and asked if some of these were ongoing. Mr. Sousa said yes. Selectman Maddox referred to 05-33 and 05-36, both of which indicated they were ongoing. Mr. Sousa said 33, a tenant moved. Selectman Maddox asked if 38 was ongoing. Selectman Stewart said 35 was ongoing, too, and the last meeting was November 28. Mr. Sousa said 35, 36 & 37 were ongoing. Selectman Maddox said they haven't seen anything but the first land use going on in 11-29. Mr. Sousa didn't know which one they were talking about because there were three different items. Selectman Maddox said 35. Where is the procedure? When would the next letter be sent out? Is the second letter 30 days later? 60 days later? What is the process, as it moves forward on the spreadsheet. Mr. Sousa said with 35, that land owner came into compliance with a list of car registrations. Selectman Maddox said then the result should be changed from ongoing to closed, or resolved, or whatever. It's tough for the Selectmen to be able to follow this between the cut and paste and trying to find out the current status of an item. He asked that this be kept up to as long as they are still running, they are showing up on the sheets, rather than just cutting the last month and just giving them a snapshot of what is recent. The problem they will have will be with the ones that are ongoing, going for months on end. Mr. Sousa asked if Selectman Maddox wanted the ongoing items on the newest report. Selectman Maddox said yes. Those are the ones they are interested in, not so much the ones they turn around quickly. He asked if there was a written policy for that, when the letters go out, etc. Mr. Sullivan said no, that he wasn't a big written policy guy; he was more practical, hands-on type of guy. Selectman Maddox said that's why this was on the agenda tonight. There should be some sort of structure, realizing that there will be minor changes. How can he explain to people what the policy is if it's not in writing? Mr. Sullivan said initially, they do the phone call, the site visit; eight out of every 10 can be resolved with the first or second visit. Once they get to the letter stage, depending on the circumstance—and every one is different—they use prudence and discretion when that second letter gets out. If they know that someone isn't complying, and they've tried every reasonable means to bring the property into compliance, and they get the letter, they are given a certain amount of time. If they don't address the situation satisfactorily within that window of time, which almost never exceeds a month—except in very unusual circumstances—then they get a second letter, and then they get either 15 or 30 days, depending upon the discretion of staff. If they aren't in compliance at the end of that time frame, then the attorney gets involved. That's the process, and they can put it in writing.

Selectman Maddox said he was just trying to be fair to everybody. If there is a policy, then it's not up to someone's discretion. Of course, there will be some fudging left or right, but if something is always left up to discretion, it might not stand up in court. That is part of the problem with inconsistency. Mr. Sullivan said, having spent a reasonable amount of time in court across the river, he has learned that they need to have an iron-clad case before they get there. They work pretty hard towards that end, so they can be successful. But they can certainly put that in writing.

Selectman Maddox said during construction season, Mr. Sousa is helping with building inspections. During the quiet season, isn't there more time for code enforcement catch-up? Clearing up of ongoing issues. Mr. Sullivan said they attempt to clear up those ongoing issues on a regular basis, based on the actions of the ZBA. The ZBA, within their decisions, an inspection is conducted within six months, based on the type of permit issued, after the date of issuance by the Board. Once the Board meets, Mrs. Kennedy goes back six months and gets the cases, gives them to Rob and he goes out and does the inspections. That is consistent, whether it is January or July. During the real busy times, Rob helps Bill out with inspections. Lately Rob has been shadowing the electrical inspector on Tuesdays & Thursdays. Code enforcement is most often precipitated by a complaint. The rest of the time is an obvious violation—building without a permit, too many junk cars on a lot, etc.

(Start 2-B)

Selectman Maddox asked Mr. Sullivan to put something together that outlines that, update the spreadsheet, going back to see where the cut and paste failed, and put it all together. He asked if there was a written policy for zoning determinations. Mr. Sullivan said no, other than the document that was in the Board's packet. It's the human element, the hands-on effort. The zoning determination, much like a building permit, are probably among the most important things his department does. It affects the pocketbooks of a lot of people—the applicants, people who are going to purchase a home, who would like to, in the future, put an addition on their property. For example, they have a current, non-conforming setback of 10'. The likelihood of them being able to put an addition on is something Mr. Sullivan wants to answer, so he will speak to the person at the counter. If there is a vacant piece of land located in a business district, and someone has a general retail sales and service operation there, he can quote the specific land use code because that's what appears in the Zoning Ordinance. That's a broad term, one that he and John Cashell have worked with the Planning Board to attempt to narrow. This year, they are on the right track and are going to do that. For the time being, that term still exists. For instance, someone would come in with a general retail sales and service question, staff knows that that question must be put in writing, and it goes to him (Mr. Sullivan). He addresses it back to the person, in writing, per the Town Code, and the determination is copied to the Planning Board and Zoning Board members. It doesn't happen very often that a Town board would appeal that decision. It's more likely that someone affected by that decision, a potential or future property owner, would disagree with that decision—which is their right. It is then adjudicated by the ZBA. Procedurally, the applicant has a right to a rehearing, if the Board agrees to it. If not, the decision is final. Should the applicant decide the pursue the determination of the ZBA, they can go to court. When a complex question is asked—and that is almost something that has to be

sensed—it is referred to him (Mr. Sullivan) and he has to think about it; he doesn't make a decision at the counter. He has to get out the ordinance, shut his office door and think about it. That is done on a regular basis. That determination is put in a binder, along with every other one he has written since January 01. It is public information and anyone that wants to can look at them. That is a pretty consistent process for the complex questions. They also get a lot of questions over the phone, but he can't do those; it's not fair to the interest of the Town, nor to the applicant. If a person makes an investment and then sometimes in the future, that applicant can claim that they called and was given the OK to do something. No one in his department does that, including himself. If someone wants an answer to something, it has to be put in writing, so there is no doubt about the request, and there is no doubt about the response because that is put in writing, also.

Selectman Maddox said it sounded like there was a policy, but unless it is in writing, it is difficult to understand how that works. He also thinks the zoning determinations should be numbered. If now, how does the Planning Board know that they are looking at 1, 2 and 3 and not 2, 3 and 5? There should be some sort of numbering system, such as 06-01, so they would know that was the first one done in 2006 because they have only 30 days to appeal that. Mr. Sullivan said as soon as it is written, it is automatic—cc'd to the Zoning Board and Planning Board. The Code requires it, so there is no wiggle room. If he forgets to put a cc on something, Mrs. Kennedy doesn't, so there is a double review before that document leaves the office.

Chairman Massey said a zoning determination is very critical and, ultimately, it is going to be the Selectmen's legal foundation for any subsequent actions. He agreed with Selectman Maddox, that without a numbering system, they don't know they've received every one of the zoning determinations—and it's not a reflection on the department. When the Planning Board's 30 days are up, it's final—when it's gone, it's gone. Because of the underpinnings of it, and because of what it becomes in terms of any future disputes, there would be no doubt that it was issued if there is a numbering scheme that shows it was issued. A numbering system would be a good step in the right direction. That way, you could see you had every one of them, that none were missing. When you get to 2007, it would change to 07.

Selectman Maddox thanked Mr. Sullivan for the “extra reading,” which would undoubtedly generate more questions. People have asked him how this works, and he can't explain it. They need something in writing to give guidance. There needs to be a standard, and soon, because things aren't going to get any slower. Staff will be getting more and more work as more and more projects come forward. They need to know how the policies work so they can make things work for the Town. He looks forward to having this cleaned up so they can move forward.

Motion by Selectman Stewart, seconded by Selectman MacLean for a recess at 8:37 p.m. carried 5-0. Meeting resumed at 8:45.

8. NEW BUSINESS

A. NH 102/West Road/Robinson Road Intersection Improvements

Community Development Director Sean Sullivan was recognized. (Background static.) Mr. Sullivan said this was a bid-payment request for the aforementioned improvements. In 2002, prior to the signals that are there today, the Board of Selectmen voted to request a meeting with DOT Commissioner Murray and her senior staff on one August evening, at which he was present. The Town expressed the need for improvements at that intersection and asked that this project be moved up on the 10-Year Plan. To “sweeten the pot,” the Town committed 30% match—normally, it's a 20% match—so the State did move the project up on the 10-Year Plan. A public hearing was held at Town Hall and one at one of the schools about a year and a half ago. At the time, improvements were being constructed by the property owner of Mobile on the Run (soon to be Dunkin' Donuts). The developer, at that time, spent \$411,000 on the intersection improvements, which is a lot safer since the installation of the traffic signals. That, however, was only part of the entire project that NH DOT designed. There are additional shoulder widenings, a truck climbing lane up 102, as well as a decel lane turning into Tracy Lane where the gymnastics center is. The Town, through the efforts of Senator Clegg, was able to get NH DOT to agree with the Town that the \$411,000 spent on the project to date be credited to the Town of Hudson, in terms of the Town's share, which is a huge element of the project. The remaining estimate for the Town's share of the cost, after project completion, after the \$411,000 credit, is \$164,144.86. He and the Town Administrator have reviewed some of the accounts, where money was collected independent of the corridor accounts, from businesses along Route 102, who have sought to either expand or construct a new building for their uses—Eastern Propane, R & S Carpet, New England Gymnastics and Chase Welding. The combined account number for Eastern Propane and R & S Carpet is \$19,887; New England Gymnastics, \$6,713 and Chase Welding, \$5,177. Those are all individual, off-site improvement accounts that were committed to at the time of site plan approval with the Planning Board. The total value of those contributions is \$31,777. The Route 102 Corridor Account has a current available balance of \$157,794.59 so if they go to the project cost of \$164,144.86, he recommended that the Board authorize the expenditure from the off-site improvement account of \$31,777 and an allocation of \$132,377.86 from the existing available uncommitted monies in the Route 102 Corridor Account, which would equal \$164,144.86. He suggested that the Board make it clear to Mr. Barry at NH DOT that this project be monitored and should the cost estimate change, that the Town be notified immediately, so as to avoid a Highland to McDonald's scenario. They need to stick to the original number as close as they can. The project has been bid and would actually be constructed this summer, with full completion and fully operational by the end of the 06 construction season.

Selectman Maddox said Mobile on the Run was a great example of someone stepping up to spend the money that needed to be spent to effect that project. Vast improvements have been made at that intersection. He goes out of his way to buy gas there because the owner was willing to help the Town. The new building on the corner of 102 and Rebel Road was not on the list of contributions—Mr. Plante's building. There should have been an off-site for that. Also, further down the road was Mr. Handyman, and he believed that should have been included, too. The last one is the drywall person at the end of West Road, who also contributed. The Planning Board was quite aggressive in trying to get that project finished up and getting some monies for that. Rather than using the corridor accounts money, they should tap those other sources first. Mr. Sullivan said he could get those exact numbers for the Board and come back to the Selectmen's

next meeting, but NH DOT is eager to get the Town's input so they can get things in motion. If there are additional off-site account monies, he will reduce the amount taken from the corridor account by that much, and he will provide a report to the Board reflecting the action he has taken. In the meantime, the Board can notify DOT of their concurrence. That suggestion was agreeable to Selectman Maddox.

Selectman Cole said the figure should be \$132,367.86, a correction of \$10. That change was made.

Motion by Selectman Stewart, seconded by Selectman Maddox, to authorize an expenditure of \$132,377.86 from the Route 102 corridor account and \$31,777 from Planning Board off site accounts (1050-140, 1050-147 & 1050-149) to fund traffic improvements at the NH Route 102/ Robinson Road/ West Road intersection, and further to reduce by the amounts of money in existing accounts for this intersection, the \$132,367.86, carried 5-0.

Chairman Massey clarified that the \$132,367.86 would be reduced by any additional accounts for that intersection. Selectman Maddox asked if the Board would get a report, detailing that action. Chairman Massey said that was correct.

B. Acceptance of Donation of Child-size Quilts to the Police Department from the Happy Quilters of the Nashua Baptist Church and from the Hannah Dustin Quilt Club (This item was taken up earlier, during Public Input.)

C. Acceptance of a Grant in the amount of \$1,784.16 from the NH Highway Safety Agency to the Police Department to participate in a Seat Belt Safety Program entitled Join the Clique

Chief Richard Gendron said this is an annual program that the Police Department has participated in which targets drivers under the age of 18, who are required to use seatbelts. The Highway Safety Department determines how much money each community will receive. The agreement stipulates that the Police Department will conduct this program.

Motion by Selectman Stewart, seconded by Selectman Cole, to accept the \$1,784.16 grant from the NH Highway Safety Agency for the Police Department to participate in the seat belt safety program. Join the Clique, carried 5-0.

D. Request by the Police Department to use the Community Center for the Red Cross Blood Drive on March 3, 2006 and to waive the Fee for use of the Hall

Chief Richard Gendron said this is the semi-annual blood drive, sponsored by the Police Department. Officer Hobecke is heading it up this year. Chairman Massey thanked the Chief and his staff for their hard work in this endeavor.

Motion by Selectman Stewart, seconded by Selectman Cole, to grant the request by the Police Department to use Hudson Community Center for the Red Cross Blood Drive on Friday, March 3, 2006 and to waive the Fee for use of the Hall, carried 5-0.

E. Consultant to Inspect, prepare Bid Specifications and oversee painting of Gordon Street Water Storage Tank

Town Engineer Tom Sommers said the Board's approval of his request would allow him to hire a consultant to provide the inspection service, prepare the bid specs and, probably through a follow-on contract, oversee the actual painting of the tank. This is a very specific type of operation, unlike someone painting their house. He was asking for authorization to negotiate a contract with TIC, who provided a proposal/contract last summer. They need to re-look at the numbers. He put a budget together to allow for using the cost estimate TIC provided, plus some additional contingency that would be done in the 2006-2007 fiscal year. After that, depending on the price they get for the actual painting, they would proceed in the following year to paint the tank. He hoped his memo was self-explanatory, but he would answer any questions the Board members had.

Selectman Stewart said a couple of years ago they did some maintenance or upgrades on Marsh Road and she wondered if it was to repaint it, as well. Mr. Sommers said the work done on Marsh Road was the booster station. They had a general inspection on both tanks in 2004 by another company. The work that TIC would be doing would be very specific to the painting. Selectman Stewart asked when Marsh Road would have to be painted. Mr. Sommers said it won't because it is a different type of tank; it's a concrete tank, where Gordon Street is a steel tank. Concrete tanks are more expensive to build, but they require far less maintenance. TIC is to provide a cost estimate and he will make sure it is a life-cycle estimate, to see if they should be replacing the tank, as opposed to repainting it. That's an outside chance, but the question should be asked before they enter into a six-figure painting contract that will need to be done every X number of years.

(Start Tape 3-A)

Selectman Cole said TIC has already submitted a proposal and if everyone is comfortable with them, he wondered what was left to be negotiated. Mr. Sommers said there are some other items he may want to add, that weren't in the original request and to go over the things the Town is responsible for in order to make sure they can do those things between the Highway Department and Pennichuck Water.

Selectman Maddox said the Weston & Sampson letter, which was stamped as a draft, noted some concerns. Mr. Sommers said those concerns will be addressed. A lot of them were to take note of the items the Town is responsible for. He wasn't asking the Board to approve a contract; he was asking for authorization to allow him to enter into negotiations with TIC to move forward, given the specialty they are talking about. Selectman Maddox asked if the Board would see an updated letter from Weston & Sampson. Mr. Sommers said the Board would get an updated letter from him, with his recommendations, and an updated contract. As part of that, he will provide whatever Weston & Sampson and/or Pennichuck writes to them.

Motion by Selectman Cole, seconded by Selectman Stewart, to authorize the Town Engineer to enter into contract negotiations with Tank

Industry Consultants (TIC) for the purpose of performing a detailed inspection, preparing bid specifications and oversight of the Gordon Street water tank painting project, carried 5-0.

F. Petition to acquire Land for Water Storage Facility Pursuant to RSA 38:15

Town Administrator Steve Malizia said Atty. Hodes has been advising the Town on this project, and he recommended the course of action before them.

Motion by Selectman Cole, seconded by Selectman Stewart, to accept the petition to acquire land for water storage facility pursuant to RSA 38:15 and schedule a public hearing for Monday, March 13, 2006 to hear why the acquisition of this property is required, carried 5-0.

G. Release of Library Impact Fees

John Knowles of the Library Trustees said he wanted to give a quick summary of why he was present, for the benefit of the viewing audience. They were requesting release of the library impact fees that have been accrued up to this point for the purpose of hiring an architect to do some actual design work for a proposed new library. The second request was to seek authorization to use the Alvirne site for such a library. The parcel is nestled between the high school and Hills Garrison School. Last December, the Trustees came before the Board with a proposed warrant article, which was not recommended. In the course of that conversation, this parcel of land came up, which generated a lot of discussion. The Selectmen decided not to authorize the use of the land at that time because the Trustees did not have a sufficiently concrete proposal. There were other reasons, too, and it was felt that this issue could always be revisited. In the meantime the Trustees considered this a bit more and went to the Planning Board around the first of February, requesting that the Planning Board consider the release of the impact fees. The Planning Board voted unanimously to recommend to the Board of Selectmen, who are the agents to expend, that those fees be released. In December, the Trustees hired an architect to do a very preliminary conceptual design, to see if a library could be located on that property, and if the property was sufficient enough in size for possible future expansion. Right now, they are dealing with a financial issue; they want to build something, so they have pared down their original plan. The architect came back with a little design and indicated that future expansion was possible. At this point, there is a Town-owned piece of property that they believe is not only viable, but there are all kinds of good reasons why that would be a good place to put a library. They also have a positive recommendation from the Planning Board to get those impact fees for the purpose of hiring an architect to come up with a real design that they can eventually take to the voters. This is going to be a long process, even if they get the money today and they get the authorization for the land, he assumes that authorization will only be for a certain period of time. Assuming those two things happen, over the next six to nine months, up until the next budget cycle, they will propose a concrete design. In order to do that, they will be talking to a lot of people because they want this to be a design that doesn't just come out of nowhere. They want it to be one that goes into that campaign cycle with lots of support already. They will talk to the Selectmen, to the School Board, to the Planning Board and to the public. There is a process they have to go through before they reach the final one. Tonight, they were asking to take the first step so they can begin the process. A third, ancillary request would be a use variance from the ZBA for that property, which is zoned in such a way that a library is not listed as an allowed use. The Selectmen, as owners of the property, are the ones who would actually have to make the request. There is a needs assessment that needs to be updated again, as it should be done every five years. In 2002, the assessment was for a Town of the size of Hudson, they should have a library the size of 29,000 sq. ft. That will not be proposed because that would be too expensive. The conceptual design they came up with was for a library about 12,500 sq. ft. which is more than twice as big as what they have right now. The current library and two trailers are a little over 5,000 sq. ft. Mr. Knowles assumed that the Selectmen had copies of the studies he referred to in his memo.

Selectman Cole said Mr. Knowles' memo mentioned three different studies, which he hadn't recalled ever seeing, and neither had the other Board members, as far as he knew, so he asked staff to secure him a copy of the documents, so he is probably the only one at Town Hall that has a copy of those reports. Mr. Knowles said the Trustees gave a copy of the Needs Assessment to the Budget Committee and thought they had copied the Selectmen, as well, about a year and a half ago. He's not sure the GZA study would even be relevant, if they are looking at a different property, because that was specific to the current library site. Since they are not proposing to build what is in the Needs Assessment right now, it will be useful as a framework when they do an actual design, but they will have to do bits and pieces. They won't be able to build everything that's in there. If they prioritize, a lot of things in the Needs Assessment isn't going to happen. Mr. Knowles then talked about the cover letter from the architect that did the most recent conceptual design, which included a rough financial breakdown of what such a project would be, where the money would go, etc.

Selectman Stewart said Sean Sullivan's letter stated that there must be at least 35% of open space on the lot, and if he had looked at this. Mr. Knowles believed they were within that criteria. If they were not, that would have to be addressed. Mr. Sullivan did not look at this. He just had some general questions, as to the kinds of things they would have to look at. This is just an initial conceptual plan, not the plan they would necessarily bring forward. Selectman Stewart asked if the architect they are speaking to has done other libraries in the area. Mr. Knowles said he has done a number of them, including Londonderry and Bedford. This architect is one they've worked with up to now, but not necessarily the one they will go forward with. They would put out an RFP. There are about six architects that have done libraries they are familiar with that are good. Selectman Stewart asked how much was expended on this so far. Mr. Knowles said \$3,000. Selectman Stewart said she found it interesting that Mr. Knowles said in his memo, "Based on these steps and other considerations, the Library Trustees decided that the current site if not the best choice for expanding our library," when the Board of Selectmen, for the past several years, have made that point, prior to the purchase but no one listened. She found it ironic that that is something the Trustees are now starting to realize. Mr. Knowles said that they have agreed to the advice they received from the Selectmen and others, which was a painful decision. Selectman Stewart said the Town used taxpayer money to purchase two houses that they now have to sell, and probably won't get back what was paid for them because there are issues on those sites. Mr. Knowles agreed that there are issues, but they will

probably get their money back because they didn't pay that much for them.

Selectman Maddox felt that there was adequate open space. Selectman Cole said earlier this evening they were visited by the ghost of Christmas past when W/S Development came in with the same issue and same basic letter they had two weeks ago, and now the Library Trustees have come back with something the Selectmen rejected in December. At that time, Selectmen Stewart was willing to give the Library two years, but his fellow Board members who were supporting the Library at that time, wanted all or nothing, so they ended up with nothing. The Library has now come back to the Board, and now the Planning Board is brought into the picture. He assumes the Planning Board was made privy to a plan or some detail and complexity that the Board of Selectmen wasn't made aware of in December, and that's why the Planning Board is recommending release of the impact fees. Selectman Maddox said no. Selectman Cole asked if the Planning Board, with the same information the Board of Selectmen had, made a positive recommendation to release the impact fees, with the added caveat that it has to be the Alvirne property. Selectman Maddox said it says, "site specific, as approved by the Board of Selectmen. It didn't specify the Alvirne property. It said whatever property the Selectmen pick." Selectman Cole read, "Discussion that funds would revert to library impact fee account if site is not approved by Board of Selectmen." He asked if they were talking about the Alvirne site. Selectman Maddox said any site that the Selectmen authorized. Mr. Knowles didn't believe the request was specific, but that was the location they were asking for. The Planning Board was aware that they were asking for the Alvirne site. Selectman Cole said he has the same issues he had the last time this came before them; there is no plan. The architect study talks about \$3.5 million for 12,500 sq. ft. and Mr. Knowles has used the term "expansion" at least half a dozen times tonight. The overview the Trustees brought to the Selectmen before talked about some aggressive fundraising efforts for additional money. The reality that they have to accept is that the cost will be more than \$3.5 million.

Chairman Massey asked what Selectman Cole meant by the Library having no plan. Selectman Cole said there is no plan for what they are going to put out there and how they are going to raise the money. Chairman Massey asked how he would expect someone to raise money if they don't have an architectural drawing of what it is they want to build. Selectman Cole said he would expect someone to tell him how they were going to fund something. Are they going to be going for a \$3.5 million bond? How are they going to get the additional monies? Those two questions were only a start. Chairman Massey said Selectman Cole was getting into circular logic. Selectman Cole said there will be some sort of motion tonight to cut the five years down to two years, or even something less than that. The problem is once the camel has his nose in the tent, you are not going to get him out. That land has potential use for things other than a new library, such as a performing arts center, or a multi-media center. The Ferry Street properties really trouble him. The Town paid \$198,000 for 47 Ferry Street and \$115,000 for 49 Ferry Street. When you factor in all of the legal fees, the Town has spent well in excess of \$400,000 on those two properties, and now they are suggesting walking away from them. What are they going to do with those properties? Is there a plan for that? The last time this came up, the Chairman included a statement that he wanted to see from the Library Trustees what the plan was for those two properties. Those two properties can't be sold without cleaning them up first. Mr. Knowles said the study indicates that digging that property up, even for a parking lot, it wouldn't be that extensive. That could be difficult to abate. However, if they leave the properties as they are, as residential properties, you don't have to go in and dig up all that land and the problems the Library would encounter to demolish the houses and dig up the land would not be there. They are perfectly viable as residential properties. When they bought both of the, part of the negotiations over the prices had to do with the fact there was asbestos there. As a result, they paid less than market for each of those properties by some amount. Even if they are sold and the price was somewhat reduced, that is already figured into the purchase price. His guess is that this is not a major problem, if those properties are sold as residential.

Selectman MacLean believed that the Selectmen agreed that the Library could use that land, but they didn't have a plan, so the Board said no. They redid the motion and took the land back. It's not that big of a deal for the Board to let the Library use that land, with some time limit. The issue before them tonight is really the impact fees, so the Trustees can come back with a plan, which they want to do. It makes sense to approve the request; it just seems logical. People talk about the two properties (on Ferry Street) like the Trustees went out and purchased them on their own, but they didn't. The taxpayers voted for that. Selectman Cole interjected that that was because the taxpayers wanted the Library to stay there. Selectman MacLean said if that was the case, why does the Board of Selectmen keep saying no, no, no? Chairman Massey said the Board of Selectmen never told the Trustees they couldn't put a library there. Selectman Cole said the Library has never come forward with a proposal to put the Library there. Mr. Knowles and Chairman Massey disagreed, saying that they have.

(Start Tape 3-B)

Chairman Massey asked the Library liaison for his comments. Selectman Maddox said the Board needs to give the Trustees the impact fees so they can get some sort of study to get the Board the information everyone wants. Until they do that, they will continue to go in circles. The Planning Board had much discussion on this and it finally came down to the fact that the impact fees are collected for the expansion of the Library. The Selectmen should respect the fact that the Trustees have stepped back from the \$8.5 million version. He supported the \$3.5 million bond and the Trustees can sell the houses for whatever they can. There are a number of options to look at, but right now, the issue is the impact fees. Until the Trustees gets the money to fund a plan, they will always have this debate.

Selectman Stewart said last year the voters voted down a warrant article for the Library expansion. Selectman Cole said that was for architectural fees. Selectman Stewart asked the Town Administrator how much money was in the Library expansion fund. Mr. Malizia said probably \$50,000 in their capital reserve fund, but he didn't have the exact figure. Selectman Stewart asked if the Trustees could use that \$50,000. Chairman Massey said no, because the voters are the agents to expend. Mr. Malizia thought that was changed to the Trustees. Mr. Knowles said although the voters did not approve the warrant for the architect's fees, which was not recommended by either the Selectmen or Budget Committee, but the voters did approve the Trustees as the agents to expend the capital reserve. Selectman Stewart asked if the Trustees could use that \$50,000 for architectural fees. Mr. Malizia believed so, since it was for the expansion of the Library. Chairman Massey said the answer is yes, they could. Selectman Stewart thought they should use the \$50,000 that is already in their account for the architect's fees, which they can expend without Selectmen approval, and leave the Planning Board money where it is. Mr. Malizia said

that was correct. Mr. Knowles said they have the money in impact fees, too, since those are monies that were collected precisely for the Library expansion. They don't know how much this is going to cost. They are hoping that the \$56,000 will be enough, but they really don't know that yet, so they might have to draw some money out of the capital reserve. But they are talking about putting something on a piece of property that the Selectmen control, so they do want to keep the Selectmen involved, whether the money comes from there or not. The cleaner thing to do would be to use the impact fees, at this point. Selectman Stewart disagreed. She asked if the capital reserve fund was a lapsing fund. Mr. Knowles said no.

Chairman Massey said on the first page of Mr. Knowles' memo, it says, "with these funds, we will be able to move forward with the process during the next year in preparation for presenting a firm, well-vetted proposal for next year's warrant." He asked if they were referred to the March 2007 warrant. Mr. Knowles said yes. Chairman Massey said the only way to do that is for the Trustees to have their plan in October 2006. Mr. Knowles said that was correct; they believe they can do that, if they start moving now. They intend to be aggressive about getting an initial design and then spending several months negotiating with various people, such as the Selectmen. Chairman Massey asked if the plan would include what the Trustees plan to do with the present Library. Mr. Knowles said yes, but it was something that they would discuss with the Selectmen. There has to be a consensus as to what is going to happen there.

Selectman Maddox said at last year's deliberative session, it was put to the voters that voting for that \$222,000 was saying that they wanted the Library where it was. Between a not recommended by the Budget Committee and the Selectmen, the voters saw that the price tag was creeping towards \$9 million, or some large sum, so they didn't vote for it. The Library Trustees listened to that and realized that they were going to end up staying in the building they were in, so they opted to look at other options. They've done what they've been asked to do. Now, it's time for the Selectmen to step up and give them the money to move forward with that plan.

Selectman Cole asked if the warrant article last year was for architectural fees. Mr. Knowles said that was correct. Selectman Cole asked what the amount of that was. Mr. Knowles said 220-something. Selectman Cole asked if they now planned to get it done for \$56,000? Mr. Knowles said that was just for the preliminary design work. The other warrant article was for an architect, not only to do the initial design, but to carry them most of the way through the construction phase. Chairman Massey said when the Trustees went for the original proposal, which was the addition to the current Library, the Trustees had an architectural rendering of those, and they had an estimated cost of construction and fitting up. He asked if that was what this proposal would be doing; the plan that the Trustees would be putting to the voters. Mr. Knowles said yes. Chairman Massey said the Trustees wouldn't have architectural drawings, at that point, so they wouldn't know the actual cost. All the architectural firm did for them on that was give an estimated cost. Mr. Knowles said that was correct, but they had funds left over in a previous warrant article that they were able to use partly for that. The Trustees spent about \$16,000 for that whole process, at that point. What they spent for that would not be sufficient; they are hoping that \$56,000 would be.

Motion by Selectman MacLean, seconded by Selectman Maddox, to authorize the release of funds in the amount of \$56,884.22 from account 1080-052 Library Impact Fees, and to authorize the Library Trustees to use the property at the Alvirne site, with the stipulation that the Library Trustees shall submit the plan for their facility by October 15, 2006, to the Board of Selectmen.

Selectman Stewart said she would not support the motion, knowing that the Trustees already have \$50,000 they can expend at this time. The impact fees could be used at a later date, if they didn't have enough.

Selectman Cole asked for an elaboration by the Chairman on what he meant by a plan. Chairman Massey said in order for the Trustees to satisfy the motion, they would have to have a set of architectural renderings that would indicate the size and layout of the building, that would include an estimated cost to construct and to fit up that would address the issue of the Hills Memorial Library current facility and would have a proposal for the sale by the Town of 47 and 49 Ferry Street. If all those came together by October 15, and the Board said yes, then the warrant article would go forward. If the Board said no, then the land would no longer be available and the Trustees would be back to ground zero. Selectman Cole asked for a roll call vote.

Vote: Motion carried 3-2, by roll call vote. Selectmen Cole and Stewart voted in the negative.

Selectman MacLean asked if the impact fees for the Library were \$4 per unit. Selectman Maddox said \$124, per unit. Selectman MacLean asked how that related to the other impact fees. Selectman Maddox said very low, because when Mayberry did his study, it was predicated on the new households and their impact on those Town services. Since the Town has spent very little on the Library, the number was low, as opposed to the roads and the schools. It's a function of what the Town has spent and what those new households will impact. Selectman MacLean said if the Trustees come through with a plan and the warrant passes, would that be grounds to increase the impact fees for the Library? Chairman Massey said it would have to be recalculated. Selectman MacLean thought that might be worth looking into. Chairman Massey said the Planning Board looked at it about a year ago. Selectman Maddox said it has been done twice in the last 10 years.

Mr. Knowles asked about the issue with the ZBA. Chairman Massey asked for a motion that the Town will apply for a zoning variance to allow the Library Trustees the use of the aforementioned parcel, initiated by the Director of Community Development, under the direction of the Town Administrator. Selectman MacLean so moved, seconded by Selectman Maddox, for discussion. Chairman Massey said the land is currently zoned R-1 or R-2, which means it is only available for residential. The Library is not a permitted use. Since the Town is the owner of the parcel, the Selectmen are the only ones who could apply to have a use variance on the property. Selectman Maddox thought a municipal facility can be put in any zone, so they wouldn't need a variance. Chairman Massey said that was a good point, so they can defer any action until the 28th, as this wasn't material for the Trustees to do the other piece. Selectman MacLean withdrew her motion; Selectman Maddox withdrew his second. Chairman Massey said he would get a zoning determination from the Director of Community Development—which would be 06-02.

H. Acceptance of \$2,555 Emergency Management Performance Grant from the State of NH to the Fire Department

Fire Chief Shawn Murray said this grant money will be used for cell phones and pagers.

Motion by Selectman MacLean, seconded by Selectman Stewart, to accept a \$2,555 Emergency Management Performance Grant from the State of NH FY05 to the Fire Department, carried 5-0.

9. OTHER BUSINESS/REMARKS BY THE SELECTMEN

- A. Terry Stewart** said a representative from Senator Judd Gregg's office will be at Town Hall on February 28 from 1:00 – 2:00 for any resident who wants to come down and talk to him about any local or national concerns.
- A big thank you to DPW for such a good job over the weekend, making sure everything was taken care of to ensure schools could open on time on Monday.
 - She thanked Leo for her rose and the goodie bag; Barbara for the cookies; and Priscilla for the ticket. Happy Valentine's Day to everyone, including her husband.
 - On a sad note, she wanted to mention the passing of a dedicated member of the Hudson Police Department, Officer K-9 Dino passed away two weeks ago, after giving many years of dedicated service to the Town and to the Police Department. Her thoughts and sympathies go out to Officer Sullivan, Dino's handler.
 - She asked that the Chairman or the Town Administrator to follow up with the School Department concerning the house project. It's on "their" side of the house, and the Town hasn't had any word as to where that stands. Mr. Malizia said the School Board has been working with the Community Development Department to determine if they can site a garage, a deck or patio on the property. They are looking at their options from a marketability standpoint. There also may be wetlands issues.
- B. Bill Cole** asked where the CTAP meeting was going to be held. Selectman Maddox said on Thursday, at some banquet hall in Manchester. He'd be glad to try to get Selectman Cole in. Selectman Cole declined, saying he blew his chances with that group a long time ago.
- Earlier in the meeting, they got some information on the third bridge. He thinks he heard correctly that the bill to sell the land and put that money into an account for a bridge didn't go anywhere. Chairman Massey said it was inexpedient to legislate. Selectman Cole said with 1,600 bills, he couldn't imagine how anything moves at the State. He agreed with Selectman Maddox that, even if that bill had gone through, that money wouldn't be sufficient for a third bridge, so they can cross that out as a way of getting a third bridge. A toll into or exiting Merrimack can be chalked off the list, too, because he read in the paper that the residents in Merrimack are ready to fall on their proverbial sword over that issue. If nothing else, that would mean a lawsuit. He also read the project of widening I-93 has come to a screeching halt because of a lawsuit, so now the DOT has plenty of time to work on Hudson's problems. He asked the Town Administrator to check with DRA or DOT to find out who in the State hierarchy and how they track gasoline taxes. When someone buys a gallon of gas in Hudson, they pay a tax that goes to the State. How is that money accounted for—by Town? by County? If they are ever going to see a third bridge, there is only one way it's going to happen. It's going to have to be paid for by something other than land or tolls and it's about time that the people in this part of the State started to benefit from all of the gas taxes paid. People in the southern tier pay the vast majority. The people up north are driving on some pretty good highways. They bring in the tourism dollars, but those in the southern part pay the preponderance and majority of gas tax and it's about time they saw some benefit from those taxes. As a first step, he'd like to know how the State identifies/tracks them, so they know X number of dollars of gas tax came from this area. He didn't know how it was done, but the point is the folks down here are generating the preponderance of that money, but they aren't getting the same benefit the northern brethren are getting.
- C. Kathleen MacLean** thought that Selectman Cole, with his magnificent way to win people over to his way of thinking, should be sent to Merrimack. By the time Selectman Cole is done, they will want to pay a \$3 toll. It could be the Little Bridge that Could. Selectman Stewart interjected that Selectman MacLean obviously wasn't at the NRPC dinner at Anhauser-Busch in Merrimack because the Merrimack delegation was quite vocal.
- Town Meeting was wonderful. It's such a great all-American process, it's too bad that more people don't go, but she didn't used to go, either. Now that she is a Selectman, she wishes everyone would. Maybe next year more people will.
 - Relative to the Code that they are supposed to be going through, for the first part, Chapters 1-65, she was willing to take it upon herself to compile everyone's comments into one document, if they would get them to her, so they can look at it before the meeting. When she went through those chapters, she found so many things, and it would be too time-consuming to go through all of that at a meeting. If the Board doesn't like her method, they can just go back to the old way. She just thought this would be a more efficient, less-time consuming way to get started on this. Chairman Massey thought it sounded like an excellent idea. If anyone has any input for Chapters 1-65 of the Code, to get that to Selectman MacLean by Tuesday night, February 21—a week from tonight. Everything should be put together in one packet, collated, so the Board can all look at it. Selectman Maddox thought the changes were going to be done at their workshops. Chairman Massey said no, they were going to take them up on the Board's second meeting of the month. It would be much easier than going through the Code, page by page.
 - She thanked Leo for the rose and the treats. She wished everyone Happy Valentine's Day—including Selectman Stewart's husband. She always thanked Barbara Massey for the cookies.
- D. Rick Maddox** said, as a solution to the bridge, all Barbara (Massey) has to do is make about 300 million (cookies) so they can sell them to pay for the bridge. It would be faster than going to the State.
- As a Library-O-Gram, he announced that the Library has basic IRS tax forms available in the main room of the Library. Additionally, they have a master copy of the reproducible Federal tax forms. The Hills Memorial Library also carries the Massachusetts State Income

Tax Forms for non-residents and the NH Interest and Dividends Tax Forms, as well as Package X, which can be used for photocopying. The IRS is phasing out the distribution of paper tax forms to post offices and smaller libraries. There is also a decrease in the number of forms that are being sent to libraries. The Hills Memorial Library staff is not trained to answer tax questions, but they have several copies of Lassiter's Your Income Tax 2006 for further help in tax saving tips. The Post Office is cutting back drastically on the forms, so for those citizens that used to go to the Post Office, there is another resource at the Library for forms.

- On March 1, Green Meadow is expected to be at the Planning Board meeting for their Master Plan. This meeting will be at the Community Center, to allow for adequate seating for anyone interested in attending. It will also be televised.

- As the liaison to the Public Works Department, which has been a nice gig because they are just no trouble, he went plowing with them on Sunday. By plowing, he means sitting in the passenger seat, riding with Derek, who was the snow plow driver. He thanked Derek and Kevin Burns for this chance. When you see the snow plows going through the neighborhoods, it looks so easy. However, they got to do the smaller side streets, the A & B Streets, around the Rec Center, making tight corners with a huge plow, with a side wing on it—and they went during the daytime. These guys deserve a lot of credit for not taking down every mailbox in Town! Kudos to the Highway Department for the great job. The new equipment was quite nice. One guy was controlling the sander, the two plows, all of the equipment, while maneuvering down little streets, dead ends, etc. It was enlightening.

(Start Tape 4-A)

E. **Ken Massey** wanted to give the Board an update on current water projects. The River Road water main construction is scheduled to start the first of April. The Wason Road booster pump station, the final design is scheduled to be finished by the end of March. The permitting process is underway and is scheduled to be finished mid-April. The bid and the award is scheduled to start mid-April and carry out to mid-June. The construction would start mid-June, with an anticipated completion date of mid-November. The South Hudson water storage tank, they've started tonight with the land acquisition process. The final design is going to begin shortly and will be completed by mid-June. The permitting process will start early April, with a scheduled completion of the end of June. The DES submittal, they will be doing in June. The bidding and awarding is scheduled to go out to bid early July. Anticipated, right now, that if everything came about, they would have the winning bid before the Board at the second meeting in August. If they can't get it done that fast, it would spill over into September. The plan right now is to start constructing the tower in October 2006. A very ambitious schedule, which is on top of other major projects the Engineering Department is currently working on, which are the two sidewalk projects—Lowell Road and up near the high school—and the bridge on Acorn Acres.

- He had a very nice conversation with Congressman Bass's office last week. The individual he talked to said they are very interested in working with the towns on providing the local agencies the ability to supplement and support the immigration and customs enforcement areas. In other words, to allow the Town to do the job they weren't allowed to do, based on the court decision. There is some legislation winding its way through Congress right now, called *The Border Protection Anti-terrorism and Illegal Immigrations Control Act*, and there are a couple of side bar bills. There are a couple of documents he will have printed and sent out to everybody, one of which is a 35-page document, and his computer can't take that. It's a summary of what the bill is. His office indicated they would be more than happy to keep the Town updated, over the next several weeks, over the status of what those bills are. That's good news that the Congressman is willing to work with the Town on that. He has also testified in Concord on the bills that are currently before the House on the same subject.

- Chairman Massey said he doesn't often do this—and has only done it once before since he's been on the Board—but every once in awhile you pick up a book and you realize it is a book that everybody should read. He is reading Doris Kearns Goodwin's book on Abraham Lincoln, called *Team of Rivals*. Some things in the book are quite compelling to read because he can take every one of the characters in that book and how they are behaving and put names to them in today's political world. In other words, what goes around, comes around. He has a new appreciation for Abraham Lincoln. What a consummate leader he was! Chairman Massey heartily recommended this book to everybody.

10. **NONPUBLIC SESSION**

Motion by Selectman Stewart, seconded by Selectman Cole, to enter Nonpublic Session pursuant to 91A:3 II (a) The dismissal, promotion or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him, unless the employee affected has a right to a meeting and requests that the meeting be open, in which case the request shall be granted, carried 4-1 by roll call vote. Selectman MacLean voted in opposition, in view of the request made earlier by John Sauter.

Motions in Open Session:

Motion by Selectman Stewart, seconded by Selectman Cole, to seal the Nonpublic Session Minutes carried 5-0.

Motion by Selectman Stewart, seconded by Selectman Cole, to promote Firefighter Jason Sliver to the position of acting Lieutenant, on a temporary basis, within the Fire Suppression Division of the Fire Department in order to fill a vacancy created by a medical leave absence, in accordance w/IAFF Local 3154 at a Lt./Paramedic Step II @ \$21.67 per hour, carried 5-0.

Motion by Selectman MacLean, seconded by Selectman Cole, to promote Call Firefighter Jim Richardson to the position of acting Firefighter, on a temporary basis, within the Fire Suppression Division of the Fire Department in order to fill a vacancy created by a medical leave absence, in accordance w/IAFF Local 3154 at a probation level for a Firefighter/EMT-I at \$12.95 per hour, carried 5-0.

11. **ADJOURNMENT**

Motion by Selectman Stewart, seconded by Selectman MacLean, to adjourn at 11:10 p.m., carried 5-0.

Recorded and transcribed by Priscilla Boisvert, Executive Assistant

HUDSON BOARD OF SELECTMEN

Kenneth J. Massey, Chairman

Teresa Stewart, Vice Chairman

Kathleen R. MacLean

William P. Cole

Richard J. Maddox