

HUDSON, NH BOARD OF SELECTMEN
Minutes of the July 12, 2005 Meeting

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

2. **PLEDGE OF ALLEGIANCE** was led by Selectman Teresa Stewart.

3. **ATTENDANCE**

Selectmen: Kenneth J. Massey, Teresa Stewart, Kathleen R. MacLean and Richard J. Maddox. Selectman Cole was out of Town.

Staff/Others: Steve Malizia, Town Administrator; Priscilla Boisvert, Executive Assistant; Deputy Fire Chief Charlie Chalk; Tom Sommers, Town Engineer; Police Captain Don Breault; Dan Clarke, Police Facilities Manager; Ray Rowell; Leo Bernard; Normand Martin; Maryellen Davis; Ashley Smith, TEL

Award of Certificate of Appreciation—Dan Clarke, Hudson Police Department Facilities, was presented a 10-year certificate for faithful and loyal service to the Town. Chairman Massey noted that Dan, a lifelong resident of Hudson, has kept the HPD in excellent condition ever since it was built. Dan is also active at Old Home Days and at the Police Department's bloodmobile drive.

4. **PUBLIC INPUT**

Brad Seabury, 4 Meadow Drive—ZBA Appointments. (Mr. Seabury called prior to the meeting to say that he would be unable to attend.)

There was no response when Chairman Massey asked if anyone else in the audience wished to address the Board.

5. **NOMINATIONS AND APPOINTMENTS**

A) **Resignation of Doris Ducharme as a Member of the Sewer Utility Committee.**

Chairman Massey read the letter of resignation into the record, then added [as liaison to the Sewer Utility Committee], Doris has been a very active, vocal participant in the workings of the committee--a valuable asset that will be missed.

Motion by Selectman Maddox, seconded by Selectman Stewart, to acknowledge the resignation of Doris Ducharme from the Sewer Utility Committee, with the Board's thanks and appreciation carried 4-0.

B) **Building Board of Appeals** (1 member, term to expire 12/31/07)

Bill McInerney, 943 Fox Hollow Drive, said he has been here only four years, but is very impressed with the community. It was the Board's saying the Pledge of Allegiance that was the impetus for him to submit an application to serve the community in a more active way. He has some experience in economic development. He has spent his adult life in industrial and real estate in the Boston and New York area and thought his expertise could benefit the Town. Selectman Maddox said his standard question was to ask an applicant if they have ever attended a meeting, but since this Board almost never meets, the question does not apply in this case. He asked if Mr. McInerney had ever attended a Planning or Zoning Board meeting. Mr. McInerney said no, but that he has participated 'on the other side of the table' in many other communities. He was invited to attend the Planning Board meeting tomorrow night and the ZBA on Thursday night.

Motion by Selectman MacLean, seconded by Selectman Maddox, to waive the Board's normal procedures and appoint Bill McInerney to the Building Board of Appeals, with a term to expire on 12/31/07, carried 4-0.

C) **Zoning Board of Adjustment** (1 Member, term to expire 12/31/06; 1 Alternate, Term to expire 12/31/05)

1) **Maryellen Davis**, 14 Nathaniel Drive (current alternate [2-1/2 yrs]) said she has enjoyed her time on the Board a great deal. She believes she is very reliable and competent and makes good, sound, rational decisions for the Town. She'd like to become a permanent member by filling the vacant position. This is a great Town and a wonderful place to live in and she'd like to keep it that way for all of the residents. She believes in using the land wisely and wants to give something back.

2) **Normand G. Martin**, 3 Edgar Court (current alternate [7 months]) said he's lived in Town four years, was appointed last December and attends every meeting that he can. He enjoys serving and wants to do what is right for the Town.

3) **Bill McInerney**, 943 Fox Hollow Drive, was asked by Selectman Maddox if he'd be willing to attend the ZBA meeting on July 14. Mr. McInerney said he would.

Chairman Massey asked for a motion to appoint Ms. Davis or Mr. Martin to the membership position. Selectman Stewart so moved. Selectman Maddox asked if the Board was going to waive their procedures for this appointment, too. Chairman Massey said yes. Selectman MacLean asked if they would wait until next week to do the two alternates. Chairman Massey said there would be only one alternate position. Selectman MacLean asked if they were going to vote on two appointments tonight. Chairman Massey thought they should probably wait. He thinks it would be easier if they deal with whether or not they want to waive the procedures on the member. If so, he would then accept nominations. Selectman Stewart withdrew her motion.

Motion by Selectman Stewart, seconded by Selectman Maddox, to waive the procedures for the member position carried 4-0.

Chairman Massey said nominations were in order for that position. Selectman Maddox didn't know they were going to do this tonight. He said he, along with other Board members, got a communiqué from the Chairman of the ZBA, asking the Board of Selectmen to appoint Maryellen Davis to the membership position for reasons that included her time, knowledge, dedication, etc.

Motion by Selectman Stewart, seconded by Selectman MacLean, to appoint Maryellen Davis to the Zoning Board of Adjustment as a member, with a term expiration of 12/31/06.

Selectman Stewart said she made the motion because of Maryellen Davis' longer amount of time serving on the Board, adding that they are both well-qualified, dedicated individuals—and that Mr. Martin was 'next in line.' Selectman MacLean echoed Selectman Stewart's remarks. Mr. Martin said he put his name in because he enjoys serving, but was entirely in favor of the motion. Chairman Massey said seniority played a big part in the appointments, but especially with the ZBA, it is essentially an arm of the judiciary system and, as such, it requires an extensive knowledge of land use regulations, court decisions and an understanding of how to apply what is becoming a more and more confusing hodge-podge of NH Supreme Court decisions. In this case, it's more than just seniority. With 2-1/2 years of experience, Ms. Davis has already started to codify that. That is what he is basing his decision on. The ZBA is an extremely important part of land use operations and experience is very important.

Vote: Motion carried 4-0.

Chairman Massey advised Ms. Davis to contact the Town Clerk by the end of the week in order to get sworn in as a member. The Board will hold off until the meeting of the 26th to appoint an alternate member. He encouraged Mr. McInerney to attend the ZBA meeting on Thursday in order for him to get an idea whether or not this is something he'd truly want to do.

6. CONSENT ITEMS

Selectman Maddox asked about B-1, saying that the backup paperwork indicated it was addressed to the Town Clerk in Londonderry, which had been scratched out and 'Hudson' was written in, but no one initialed it. Town Engineer Tom Sommers said he is the one who changed the name, and should have initialed it. Since it is a standard form, obviously someone from Verizon didn't catch it.

Motion by Selectman Maddox, seconded by Selectman Stewart, to receive Consent Items A-D, as noted or appropriate, carried 4-0.

A. Assessing Items

2004 Abatements, 5 Hudson Park Dr & 1 Wall St, w/recommendation to approve

B. Licenses and Permits

- 1) Petition/License for buried cable/conduit location, 6AABTH, Scenic Lane, w/recommendation by staff to approve
- 2) Petition/License for utility poles/underground works, 9AAVNB, Bush Hill Rd, w/recommendation by staff to approve
- 3) Petition/License for utility poles/underground works, 9AAVYW, Constitution Dr w/recommendation to approve

C. Acceptance of Minutes

Minutes of the Board of Selectmen's Meeting of June 28, 2005

D. Committee Announcements

- 7/13 7:00 Benson's Committee in BOS Meeting Room
- 7/13 7:00 Planning Board in CD Meeting Room
- 7/14 6:30 Recreation Committee @ Rec Center
- 7/14 7:00 Sewer Utility Committee in BOS Meeting Room
- 7/14 7:30 ZBA in CD Meeting Room
- 7/16 Saturday--IAFF Boot Drive @ Intersection of Ferry/Chase/Derry Streets
- 7/18 6:30 School Board in BOS Meeting Room
- 7/18 7:00 Conservation Commission in CD Meeting Room
- 7/19 7:00 Cable Utility Committee in BOS Meeting Room
- 7/19 7:30 NRPC's Economic Development Forum @ (former Radisson) in Merrimack, Exit 11
- 7/20 5:30 Water Utility in BOS Meeting Room

7/20 6:00 Library Trustees @ Ferry Street Annex
 7/26 7:00 Board of Selectmen in BOS Meeting Room
 7/27 7:00 Planning Board in CD Meeting Room
 7/28 7:00 Lower Merrimack River Committee—Location TBD
 7/28 7:00 Open Space Committee in BOS Meeting Room
 7/28 7:30 ZBA in CD Meeting Room

7. OLD BUSINESS

A. Inter-municipal Agreement Governing the Adelpia Southern NH Cable Television Consortium

Chairman Massey recognized Selectman MacLean and Mike O’Keefe, Chairman of the Cable Utility Committee, and Vice-Chairman Leo Bernard. Mr. O’Keefe said at the last meeting, the Board had been given a consortium agreement that the committee hoped would be signed, letting them participate in the consortium, which would help in the transfer agreement that Adelpia has pending. The Board deferred that item to tonight’s meeting, in order for the Town Attorney to review the document. That legal opinion came back with one recommended change, which he brought to the attention of Dottie Grover, Chairman of the consortium, and she had no problem with that being added. There was some question about putting the vote off, but in his opinion, time is of the essence. The consortium has met twice and will have met three times before the Board’s next meeting, so the Town has already incurred some cost. Until the document is signed, the Town isn’t actually committing their portion. The clock is ticking and he didn’t know how long they could continue to hold off on this before making a decision to participate. Selectman MacLean pointed out that the Town has been using Attorney Peter Epstein for cable business right along, and he is the attorney for the consortium. Mr. O’Keefe said Atty. Epstein’s expertise is in communications law and he has been used for the last 394 and for the last franchise agreement. Chairman Massey asked if there wasn’t any reason why they couldn’t divide the issue and approve the request for information and defer the agreement until the 26th because there has been some questions about what exactly that agreement is. He didn’t think that piece of the process was time-sensitive. Mr. O’Keefe said that part for additional information has to be decided tonight, or there is not point doing it because there is a 30-day window from June 14. From a technical standpoint, it would be ok to wait on the issue of joining the consortium. However, they have already participated and have incurred some cost. The letter that is being sent to Adelpia was drafted by Attorney Epstein. If the Board, at a future meeting, decides not to participate. Ms. Grover was ok with waiting until the Board of Selectmen’s next meeting, but he’s not sure what the ramifications would be, cost-wise. The Form 394 has to be done tonight so it can be sent out tomorrow. Selectman MacLean said, for the record, she had no problems joining the consortium tonight.

Motion by Selectman MacLean, seconded by Selectman Maddox, to authorize the Selectmen Chairman to sign the letter requesting information regarding Form 394 carried 4-0.

Motion by Selectman Stewart, seconded by Selectman Maddox, to defer the consortium agreement until July 26.

Selectman Maddox said, for the record, he was not going to vote for this. It has nothing to do with the consortium, but with Attorney Epstein, who he doesn’t think did the Town any good the last time he was before the Board. That, however, would not change his vote this evening. Chairman Massey asked what, then, did deferring action do. Selectman Maddox said he was just helping out by seconding the motion. Chairman Massey asked, for the record, if Selectman Maddox was not in favor because he wouldn’t want to join the consortium period, or that he didn’t want to defer until July 26. Selectman Maddox said he wasn’t going to vote to join a consortium, utilizing that attorney that he did not see value in. Selectman MacLean asked if Selectman Maddox was talking about monetary value, because there is monetary value involved with joining the consortium. Otherwise, the Town would have to pay their own attorney independently, which would be much, much more costly to the Town. She wondered if Selectman Maddox was talking about monetary value, or if it was aesthetics. Selectman Maddox said it’s when he had to question four times and never got an answer, he didn’t think they were getting much for the money. Selectman Stewart asked if the consortium has already hired Atty. Epstein and if so, if they considered or interviewed any other attorney. Mr. O’Keefe said yes, Atty. Epstein is the attorney for the consortium. He didn’t know definitely whether or not other attorneys were interviewed or considered, but he didn’t think so, since Atty. Epstein has been with the individual towns for several years, so it was almost by default to go with him. Selectman Stewart said she was of the same mindset as Selectman Maddox—she didn’t get a warm and fuzzy feeling about this attorney. When she came to the Board eight years ago, she didn’t have a warm, fuzzy feeling about the then-Town attorney, either, and it took the Board many years to get a warm, fuzzy feeling with the current attorney. Atty. Epstein can’t be the only attorney in this specialized field, and the fact that he’s out of Boston and not local is another issue. Mr. O’Keefe said Atty. Epstein does have clients in southern NH and he has handled most of the franchise agreements in this area. He was also at the consortium meeting on July 5. Selectman MacLean said the term, “reinventing the wheel” has come up in the past in other circumstances and if Hudson doesn’t join the consortium, they will be reinventing the wheel, and it will be much more costly. That’s why she supports joining. Chairman Massey said the motion isn’t to join; it’s to defer action until the 26th.

Vote on the motion to defer carried 3-1. Selectman MacLean voted in the opposition.

Chairman Massey thanked Mike and Leo. Selectman MacLean said if they defer it just to say no at the next meeting, maybe they should just say no now, so they don't waste people's time and Mr. O'Keefe won't have to come to a third Board meeting. Chairman Massey said given the fact that Selectman Cole had some questions that he wants to have answered, the Board owes him the courtesy to defer it until a meeting where he is present. Continuing, Chairman Massey said he also wants to be on record that he was under-whelmed by the representation by the attorney relative to the cable operations in Town. He would like to understand, based on the questions that Selectman Cole has, whether or not those under-whelming thoughts are worth continuing with. It has nothing to do with the work that the Town's Cable Utility Committee has been doing. They have been doing an excellent job, but he shares the same sentiments as Selectman Maddox and Selectman Stewart that from what the Town received, they didn't get their value from Atty. Epstein.

(Start Tape 1-B)

B. Funding Mechanism for Future GIS (Geographical Information Systems) Aerial Flyovers

Town Administrator Steve Malizia said back in April the Town asked that he and the Town Engineer take a look at funding for future GIS work. The Board awarded the bid for a GIS flyover of Hudson to update the records. At that time, Selectman Maddox had questions about some of the other tasks they do, mainly topographical data. He and Tom tried to map out the schedule of tasks that would be required in order to keep the GIS system updated. Included in that would be tax mapping, which is done on an annual basis, flyovers, which are done every six or seven years, and topographical updates, which are approximately every 12 years. Attachment #1 to his memo shows the expense pattern. They then looked at the current revenue stream. The Town sells GIS digital files, which brings in a modest income at \$60 a tile. A complete set of tiles costs \$4,000 which not one has procured to date. The Town also charges, on applications for site plan review and applications for subdivision plan review, tax map updating fees, and he looked at updating those. Considering all the fees and looking at what the expenditure line may be, taking into consideration the next topo update, they will hit a \$90,000 deficit if they use just the revenues they currently have. Looking at all of that, as a starting point, he was suggesting doubling the GIS fees for tiles for digital files. He didn't think the paper files needed to be touched because if someone comes in for that, it's probably a citizen and they aren't doing anything with it. Engineering companies are the ones who buy the digital. He also looked at the site plan review and subdivision plan review. There is an existing fee for tax mapping. That should be doubled, too, because they are part of the reason why GIS has to be updated. The Town also benefits, so it's reasonably fair to have the Town contribute, most probably by a capital reserve. If the Town starts putting money away during the next budget cycle, they will not be hit with an immense bill. The third attachment takes into account the expenditure line, the updated revenue proposal from the GIS tiles sale, and the tax map or the fees from site plan and subdivision, along with—at this point—a \$6,000 capital reserve funding line for the first seven years. After that, they can drop it slightly because they are going to be facing a topo in eight years, as opposed to a full 12 years, based on the Town Engineer's recommendation. They could establish the reserve fund during the budget process, if that's the Board's desire. It would be expendable by the Board, so they wouldn't have to go to the voters every time GIS is done. It would be up to the Board's discretion.

Selectman Maddox asked if the topographical update could be deferred out a year instead of doing it at the same time. Mr. Sommers said maybe, but it's still going to be within the same timeframe. They could take the aerial they just had done and update that, but at the time they were talking about topographical, it's also time to do another flyover, given the development of the Town, so you might as well use that for your topographical. Mr. Malizia said if circumstances were to evolve, the Board would have the discretion to expend the money through the budget process. If the Board felt that development had slowed, they could defer doing a flyover. Selectman Maddox said it makes sense to have a schedule. Mr. Sommers said this is a schedule, but it's not case in stone. It can be adjusted as they move along. Selectman Maddox said in the past, when the Board originally signed the GIS, it took awhile to get from point A to point B. He was wondering why there were lining up \$80,000 and \$35,000 in the same year instead of putting it off until the following year because it's probably not going to get done anyway. Mr. Sommers said it could be put off to the following year. Selectman Maddox said he just did. He then asked if all of the money would go into one capital reserve. Mr. Malizia said the funds would be directed into a GIS capital reserve and would also raise some through taxation. It's easier to have one bucket to expend out of. Selectman Maddox said that's the way they should go so they're not coming in, scrounging for money. They have a plan that pays for it over time, rather than some other poor Selectman trying to find the money. It makes sense to have a revenue stream set in place, but rather than lining up the two big dollar items in the same year, move that over, which gives them more time. That's the way to go. Mr. Sommers said they do have other items that need to be added in, but they will fall on the water and sewer utilities to do them. Other items need to be done to upgrade the GIS, adding in the utility locations, but they don't fall into the category of the general fund.

Motion by Selectman Stewart, seconded by Selectman Maddox, to direct the Town Administrator to initiate the process to increase the GIS fees, as outlined in his memo dated July 7, 2005—GIS Update Expenditures & Revenues-- and send this to a public hearing on August 9, 2005 and further direct him to prepare a warrant article to establish a capital reserve fund for the next budget cycle, carried 4-0.

C. Pennichuck Water Contracts

Town Administrator Steve Malizia and Town Engineer Tom Sommers were recognized. Mr. Malizia said the Board of

Selectmen appointed Chairman Massey, Tom Sommers and him as the negotiating team to Pennichuck, for a successor operations and maintenance agreement. As part of the discussions, they were also able to put the wholesale water for a bulk water contract on the table and successfully negotiate a more favorable deal for the Town. Regarding the operations and maintenance, they met with Pennichuck and included many more tasks into the planned column, which is for a basic fixed fee, as opposed to unplanned, which the Town was being billed for time and materials. The negotiating team felt that the Town received value for that component of that contract. On the wholesale water side, they have an agreement to procure up to 2 million gallons of additional capacity, which as the Town grows, in the peak summer months, that becomes a valuable commodity. They negotiated that at no additional fee. In the previous contract, there was a step series of fees for every ½ million increment of water. They also put together a mechanism to bill back to Pennichuck at a more favorable rate for the Town of Hudson, increasing the Town's revenue stream for water sold. Prior to this agreement, basically, they were looking at selling it to them for what it cost to produce. Now, they are looking to sell it to them for a more realistic cost. That should yield over \$100k of additional revenue. They also have a wheeling contract in place, which would allow the Town to wheel their water to Litchfield and/or Pelham/Windham systems and the Town will receive a premium to do that. This agreement has been vetted through the attorney, who checked the legalese. Mr. Sommers said the Town will also be getting a wholesale rate for the water that is purchased, which is a biggie. Mr. Malizia said they are paying \$1.71; now, it will be in the \$1.11 range, so they negotiated in the range of a 60¢ reduction in the charge per 100 cubic feet. Mr. Sommers said Pennichuck will have to bring that to the PUC for approval, but they have to have a technical basis for that, which they did produce.

Selectman MacLean referred to the second page of the agreement, #2, that says, "The initial term of this agreement shall be five years. However, at the Town's election, the initial term may be extended to 10 years." She asked if, within the first five years, they could elect to make it 10 years, or if that had to be decided right now. Mr. Malizia said there is a component in there for radio read upgrades for the meter systems. They are going to defer that until they figure out the proper software needed to install the radios to make them work properly. Basically, if they exercise the option for 10 years, they will be doing it in conjunction with the radio read, which will give them a more favorable amortization of the cost of the radio—so, yes, in a year, they can do it.

Selectman Maddox thanked the negotiating team, who did a lot of work in order to save the taxpayers/water users a considerable amount of money over the life of the contract. He thanked the three members for a job well done, for digging through all of the details and giving the Town a great plan with Pennichuck. Chairman Massey cautioned that they will look at what they can do relative to water rates, but they've only recently started building a capital reserve fund for this utility and they are not yet at the level where capital improvements are going to be self-sustaining, so it may turn out that they may be better off not lowering the rate, but using the delta between what it is going to cost under the new contract to start funding some of the capital improvements. Three consultants have said they need to do a lot of work to upgrade the system and some of that has been done through the bonding process, but hopefully, with this change in the cost of doing business with Pennichuck, they may be able to fund some of the capital projects out of the current rate. Selectman Maddox said his comments did not mean to imply he thought his bill was going to go down. He thought that the money saved totally is not a vast increase over the next 10 years. If they track what it would have been for a year against what it is going to be, they will find it's going to be a significant amount of money. Chairman Massey said if they had to continue with the retail water rate paid to Pennichuck, the Town would have almost certainly been looking at a probable rate increase. Mr. Malizia said, to put it in context, both the Town and Pennichuck took over their respective portions of the company from Consumers back in 1998. Since that time, neither the Town nor Pennichuck have raised the rates. In fact, the Town lowered theirs by 10%. Pennichuck has recently filed a rate increase for 24% for their portion. The Town isn't going to be anything near that. Their goal was to hold the line and keep expenses as tight as possible, taking into account the bond that was just passed for the improvements. Clearly, the Town's goal is to do the best they can for the rate structure. There is no guarantee there will never be a rate increase, but it certainly won't be at the magnitude that Pennichuck is going in for.

Chairman Massey thanked Selectman Maddox for his kind words, but felt that yeomen's work was done by both the Town Administrator and Town Engineer to gather the data that made it possible to make the case to Pennichuck, especially on converting a lot of what is currently done under unplanned read expensive maintenance to scheduled read normal maintenance and the cost is known in advance and equally important he acknowledged the tremendous cooperation and friendly negotiations they had with Pennichuck. This agreement is the result of two entities, with different interests, that came together. Between the two, this is a win-win agreement for both Pennichuck and the Town. He thanked Tom, Steve and Steve Densberger from Pennichuck for making this possible.

Motion by Selectman MacLean, seconded by Selectman Stewart, to enter into the Operations and Maintenance Agreement with Pennichuck Water Service Corporation for the operations and maintenance of the Town's water system, and also to enter into the Wholesale Water Supply Contract with Pennichuck, carried 4-0.

8. NEW BUSINESS

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A. Donation of \$312 from 3rd Grade at Hills Garrison School to the Animal Control Division of the Police Department

Capt. Brough said the third grade class worked very hard to raise the money, and it was up to them to decide where they wanted to donate it. They made and sold dog biscuits, with the proceeds going to Animal Control. Chairman Massey said it was great to see community activities come together like this. Certainly for the Animal Control Division, this is going to be a welcomed addition to their program. He thanked the school children who made this happen.

Motion by Selectman MacLean, seconded by Selectman Stewart, to accept this generous donation on behalf of the Animal Control Division and the Police Department, with the Board's thanks and appreciation, carried 4-0.

B. Request for authorization by the Fire Department to apply for Hillsborough County Incentive Fund Grant

Deputy Fire Chief Charlie Chalk said over the past several years, they have been asked by Hillsborough County to put in an application for the grant, which is a work-in-progress program for children. They have been able to do new programs and expansions of existing programs. This year they are requesting a smaller amount than they usually ask for in past years for an expansion of their risk watch program. Risk watch is an all-hazard curriculum. They are requesting funding for building up some kits—a hands on type of material. They have the books and the schools are using the Risk Watch curriculum. To make it work for the children is to create something they can actually touch, see and feel. In each of the eight disciplines that are in the Risk Watch program, they are going to create a kit. For example, water safety, where they would have life jackets that the children could actually put on. This is a good way to change the behavior of the children.

Motion by Selectman MacLean, seconded by Selectman Stewart, to authorize the Fire Department to apply for the Hillsborough County Incentive Fund Grant, carried 4-0.

C. Sewer Rate, FY 2005-2006

Town Engineer Tom Sommers said for the past two years, they have dropped the rate. This year, they are recommending that it remain steady because the revenues are starting to equal out with the expenditures. There is some surplus revenue, but that is being used to fund future capital expenditures they know are coming, such as providing more capacity at the Nashua Waste Water Treatment plant. The rate is still low, state-wide.

Motion by Selectman MacLean, seconded by Selectman Stewart, to uphold the recommendation of the Sewer Utility Committee that there will be no change in the sewer utility rates for FY 2005-2006, carried 4-0.

D. Water Utility—SCADA (Supervisory Control and Data Acquisition System), Phase II

Town Engineer Tom Sommers said last year when he came before the Board, a contractor (Accurate Instrument Services) was selected to do Phase I, with the intention of following up with Phase II. The first part of the work has been done very satisfactorily and it's in full operation. The nerve center is at the Pennichuck Water Works treatment plant. The guy is way over Tom's head in terms of knowledge, so he can't answer too many detailed questions about it. A good part of the Town's system is upgraded, and now they have to finish the job, which this will do. This had been planned and is budgeted.

Selectman Maddox asked why Compass Point was included, since major renovations are planned for that site. Mr. Sommers said he would hold off on Compass Point and will incorporate that into whatever station they have so that work would be taken out of this. He will talk to them about this. Selectman Maddox asked if the equipment would be put in place as part of the total package of that site. Mr. Sommers said yes, you would, but they would use this same person to do that. He will look at it and in terms of contracting with him that would reduce something else in Compass Point. Selectman Maddox asked if the number would then change. Mr. Sommers said it would change, but it would be included back again when they do Compass Point, or an alternative to Compass Point, wherever they are going. He thought the motion should include a "not to exceed" amount.

Chairman Massey said, in a previous incarnation, he was intimately involved with SCADA systems and they are not to be undertaken lightly. Just because you know programming doesn't mean you are going to know this, because in this type of an operation, you need to not only know software, but you need to know how hardware can be managed and controlled by software, so you have to have both the software and hardware background. It's not a skill you find floating freely around the world.

Motion by Selectman MacLean, seconded by Selectman Stewart, to approve the second phase of SCADA in an amount not to exceed \$40,440 from 5593-411, as outlined in Tom Sommers' memo dated 7/6/05 Water Utility—SCADA Phase II, carried 4-0.

Chairman Massey said they also have to address the maintenance contract. Mr. Sommers said he's not sure if they should go with the maintenance contract because he's not sure how much they will really need it. They may choose to ask this person to work with them on a time and materials basis, if something happens. He'd like to see how everything goes this first year because he didn't think it would be that much in maintenance, especially in the first couple of years. He prefers to play it by ear. He has grown to have quite a bit of confidence in this contractor. They have a good working relationship and he thinks he will be willing to work within that. He's done some other 'fix-its' for them, through Pennichuck Water Works contract at very reasonable rates that did not come to this amount (\$4,560. Selectman MacLean said their paperwork states that the maintenance agreement would start 90 days after the work is completed. She asked if Mr. Sommers changes his mind, if they would still have up to 90 days to accept the maintenance contract. Mr. Sommers thought they probably would have more time than that. His

feeling is to hold off and see how they go for the first couple of years. He thinks they can come up with a maintenance contract at a later date. He works for Pennichuck on a consistent basis and would come in and take care of things for the Town. Chairman Massey wanted the Board to keep a couple things in mind. If this happened, it would have been a guaranteed cost of software maintenance. It wouldn't have included any major requirements. Just like the other software packages in Town, they pay a software maintenance fee for them. He accepts the Town Engineer's comments that they really need to understand what they are getting into because this is customized software to begin with, so it's a different beast than buying off-the-shelf software with the standard list price for annual maintenance contracts. He didn't think they needed to take any action on the maintenance contract at this time.

(Start Tape 2-A)

9. OTHER BUSINESS/REMARKS BY THE SELECTMEN

Kathleen MacLean said the Joint School Board/Budget/Selectmen is planning their first meeting since she has been liaison, for August 2 at 7:00 in the Selectmen's Meeting Room. She has been approached by people who would like to discuss a joint effort with the Conservation Commission/Open Space about the Town Forest, the school forestry program, things like that. That's all she knows, but that is why the meeting is being held, so people can throw around some ideas. Between now and August 2, she hoped to touch base with anybody who is interested in attending the meeting and to consider this an invitation to anyone who is interested to attend on August 2.

Rick Maddox said this Saturday, another boot drive is scheduled, so people should keep their change ready. The last boot drive was successful, and it looks like the weather will cooperate again this time. Chairman Massey said he suspects Firefighter Benton would not like to hear the tinkle of coins in the boot, but the soft flutter of paper. Selectman Maddox was sure Firefighter Benton would take both.

Selectman Maddox said last Saturday, he accompanied a group of people out to the Town Forest, as part of their on-going walks through the various Town-owned/conservation land in Hudson. The last time, the Telegraph went out with a photographer and a reporter, so they got good coverage. He had known the general location of the Town Forest, but on Saturday, he got the tour. He thinks they brought him out to the Selectmen's burial ground. They went through some paths that hadn't been walked in a long time, but it was very interesting. Some of the e-mails that Selectman MacLean was talking about, as they were sitting out there in the woods, they talked about discussing a plan. There are several groups working on that. He thinks they need to find one cohesive plan for the Town land/conservation, whether it be done through the Conservation Commission/Open Space or the Joint Committee, they have a world-renowned forestry program at Alvirne that certainly should be utilized to manage the conservation lands in Town. They should have a multi-year plan instead of, "let's go buy something; this is what we are thinking of doing." It would be really nice to have a plan and this is one of the things this is going to try to bring together—a whole bunch of different groups with different disciplines and different ideas and see if they can make it into a Town-wide program, utilizing the resources in and outside Town to give them conservation land/Town property, on-going/multi-year. He will be at the meeting and he thanks all of the people who got e-mails rocketing, after sweltering on Saturday.

Lastly, Selectman Maddox said he was resigning from the Lower Merrimack River Advisory Council because they meet on the fourth Thursday and with his schedule, it's becoming problematic. He believes the resignation is submitted through the State. If someone watching wants to be involved, this is a great group. It's part of a four-town group—Merrimack, Litchfield, Nashua and Hudson—that is focused on the river. They look at plans that are going to be affecting the watershed around the river, the river's uses, etc. If anyone "out there" is interested—a fisherman, a boater--it's a good group of people that are kind of tied in with NRPC. They will be advertising for that position shortly, but he's not sure how it works, since it came from the State. He'll hope to have all that information by the next meeting. If not, they can check out the NRPC web site for further information. Chairman Massey thanked Selectman Maddox for his service.

Terry Stewart said she didn't have anything.

Ken Massey said he had two updates. For the first one (update on Benson's), he will again call on his previous incarnation. When he used to manage software projects, he lived by the rule that for most software projects, and for that matter, hardware projects, you estimate or forecast or budget the time and money that it is going to take to do the project, and most people in his world at the time would have considered, given the nature of the beast when he was doing this type of work, a plus or minus 10% date and/or dollar amount to be good project management. Having said that, the first time you miss a project date that was outside that plus or minus 10%, or the cost estimate, it was just acknowledged that that was the vagaries of our business. But the iron-clad rule of thumb he operated on from that point on was when you missed the second date, then the only date, or the dollars that was going to cost for the project that was going to be done, was it will be done when it's done and it will cost what it costs because nobody has any credibility in you after the second missed thing. On Benson's, the Town is still waiting to hear a response back from the State relative to the Town's concerns and issues on the quit claim deed that the Selectmen have been working on since he came on the Board 2-1/2 years ago, and before that. As late as last week, he was informed that they are working very diligently; they understand the Town's concerns—but the Town hasn't gotten anything back from them. At this point, he believes the only date that the Selectmen can count on for getting an answer back from the State on Benson's is, "we will get it when we get it." No other date means anything any more. Selectman Stewart said this was kind of like the Big Dig. Chairman Massey said exactly, because it goes on and on and on, but he will continue to press for an answer and, hopefully, they will get an answer. It is with the Department of Justice right now, who understands the Town's issues, as far as Chairman Massey knows. Ms.

Mayville assured him they are working hard to get an answer—but all of the dates they’ve said they are going to come back with an answer... the Town is still waiting for an answer... so, it will be done when it’s done.

The second item is the third bridge over the Merrimack. He was happy to inform the Board that Commissioner Murray, Senator Clegg and he are probably going to get together either next week or the week after to initiate the conversation on what it would take to start the process of getting the design and construction of that third bridge over the Merrimack, so—stay tuned. He has it on good word from Senator Clegg, who has talked to Commissioner Murray this week, that she is looking forward to the meeting. He has given Bob several dates that he can do it and he thinks they ought to be able to move forward on it now. They will also include a member of the Hudson component of the District Delegation to the District Court.

Motion by Selectman Maddox, seconded by Selectman Stewart, for a recess at 8:10 p.m., carried 4-0. The meeting resumed at 8:15 p.m.

10. NONPUBLIC SESSION

..... *Motion by Selectman Maddox, seconded by Selectman Stewart, to enter Nonpublic Session under 91-A:3 II (b) The hiring of any person as a public employee; and (d) Consideration of the acquisition, sale or lease of real or personal property which if discussed in public would likely benefit a party whose interests are adverse to those of the general community, carried 4-0 by roll call vote.*

..... Nonpublic Session was entered into at 8:17 p.m. and was terminated at 8:55 p.m.

Motion by Selectman Maddox, seconded by Selectman Stewart, to seal the Minutes of the Nonpublic Session carried 4-0.

Motion by Selectman Stewart, seconded by Selectman Maddox, to hire Colleen Jefferson as part-time telecommunication technician in the Police Department, effective July 24, 2005, at an hourly rate of \$14.87, in accordance with Police Union Local 3657, carried 4-0.

Motion by Selectman Stewart, seconded by Selectman MacLean, to hire Matthew Brownrigg as an on-call, substitute counselor for the 2005 Recreation Department staff at an hourly rate of \$8, carried 4-0.

11. ADJOURNMENT

Motion by Selectman Stewart, seconded by Selectman MacLean, to adjourn at 8:57 p.m. carried 4-0.

Recorded and Transcribed by Priscilla Boisvert, Executive Assistant

HUDSON, NH BOARD OF SELECTMEN

Kenneth J. Massey, Chairman

Teresa Stewart, Vice-Chairman

William P. Cole, Selectman

Kathleen R. MacLean, Selectman

Richard J. Maddox, Selectman