

HUDSON, NH BOARD OF SELECTMEN
Minutes of the July 8, 2003 Meeting

1. **CALL TO ORDER** by Chairman William P. Cole at 7:30 p.m. in the Selectmen's Meeting Room at Town Hall.
2. **PLEDGE OF ALLEGIANCE** was led by Selectman Kenneth J. Massey
3. **ATTENDANCE**

Selectmen: William P. Cole, Kenneth J. Massey, Shawn N. Jasper and Ann Seabury. Terry Stewart was absent.

Staff/Others: Stephen A. Malizia, Town Administrator; Priscilla Boisvert, Executive Assistant; Deputy Fire Chief Gary Rodgers; Andrew Singelakis and Steve Williams from NRPC; Jim Battis and Tim Quinn from the Conservation Commission; Mike Speltz from the Society for the Protection of NH Forests; Tom Sommers, Town Engineer; Duane King; Howard Dilworth, Jr; Lisa Sasser, Architectural Historian, with Arron Sturgis and John Butler; Julie Hanson, SUN; Anne Lundregan, TEL.

4. **PUBLIC INPUT**

Howard Dilworth, Jr., 15 Sycamore Street, spoke against authorizing NRPC to apply for CMAQ funding for transit service to Hudson. In August 1999, he came before the Selectmen to address the issue of additional funding for Nashua Transit System--the folks that couldn't answer questions as to what service they provided for the money Hudson gave them and who were turning away Hudson residents, while blaming the Town for not giving them enough money to operate. The discussion that evening also contained letters from then-Town Planner Mike Reynolds and Nashua Community Development Director, Roger Hawk, that spoke to the need to expand the bus service into Hudson. From then to now, he wasn't aware of an outpouring of support for the expansion of this service. The last time this was before the Board, the Town was going to have to buy a bus and pay to subsidize the service. Chapter 5 of the Master Plan update, currently being put together by NRPC, shows that if Hudson is lucky enough to get a CMAQ grant, the Town would have to do a 50% match, good for only three years. The 1st year would cost \$37,500; the 2nd, \$71,500; and the 3rd, \$111,000. He wondered how the Town would pay for this and questioned the wisdom of starting a service that may be reduced or eliminated in the future. He wondered what would happen if this approved, but the money isn't available at a later date or if the Transit System raises its rates and Hudson has no input in the process. The CIP has been completed for the next year, and this item is not on the list. This is a sizeable amount of money for a significant change in an existing program. To introduce it into the operating budget through a back door approach is wrong; it should go on the warrant.

5. **NOMINATIONS AND APPOINTMENTS**

Benson's Committee

Historical Society member position: Esther McGraw's name was submitted by the Hudson Historical Society as their Representative to the Committee, due to the resignation of Laurie Jasper.

Motion by Selectman Massey, seconded by Selectman Seabury, to acknowledge Esther McGraw's resignation as a Citizen Member and appoint her to the Historical Society's member position on the Benson's committee, carried 4-0.

Two citizen member positions currently vacant:

Kenneth Matthews will be invited to the July 29th meeting for an interview.

Laurie Jasper has been serving on the committee since its inception as the Historical Society representative and was now seeking appointment as a citizen member.

Motion by Selectman Massey, seconded by Selectman Seabury, to appoint Laurie Jasper as Citizen Member to the Benson's Committee carried 4-0.

6. **CONSENT ITEMS**

Motion by Selectman Massey, seconded by Selectman Seabury, to accept Consent Items A-E, as appropriate, carried 4-0.

A. Assessing Items

- 1) Veteran's Tax Credit Applications (21 Barbara Lane, 137 Barbara Lane), w/recommendation to grant.
- 2) Application for Elderly Exemption (12 Sullivan Road) to grant, w/recommendation to grant.
- 3) 2002 Abatement Applications (8 Hampshire, 16 Flagstone, 29 Flagstone, w/recommendation to approve.
- 4) 2002 Abatement Application Withdrawal (215 Lowell Road), w/recommendation to accept the withdrawal.
- 5) 2002 Abatement Applications (25 and 29 Cross Street, 1, 3, 5 Tiger Road/88 Barretts Hill Road/2 through 26 Tiger Road (Even Numbers), 18 Roosevelt Avenue), w/recommendation to deny.

B. Sewer Utility Item

Request for Sewer Flow Allocation, River Ridge–Webster St, w/recommendation for approval by the Town Engineer.

C. Licenses and Permits

- 1) Permit request by the Hudson Seniors to hold a raffle to benefit their building fund, with ticket sales running July through October 11, 2003. Prizes to be theme baskets.
- 2) Permit request by St. John's Women's Guild to raffle off a queen size quilt on Nov. 1, 2003, with ticket sales running July till November 1, at the Church Hall to benefit the Scholarship program.
- 3) Request for a Hawker/Peddler Permit by Jesse Magnuson to sell ice cream at locations around Hudson.

D. Acceptance of Minutes

Minutes of the June 24, 2003 Meeting

E. Committee Announcements

07/09 7:00 Planning Board in CD Meeting Room
 07/10 6:30 Recreation Committee at the Recreation Center
 07/10 7:00 Sewer Utility Committee in BOS Meeting Room
 07/10 7:30 ZBA in CD Meeting Room
 07/14 6:30 School Board in BOS Meeting Room
 07/14 7:30 Conservation Commission in CD Meeting Room
 07/15 7:30 Library Trustees in Annex
 07/21 7:30 Conservation Commission in CD Meeting Room
 07/23 6:00 Benson's Committee in BOS Meeting Room
 07/23 7:00 Planning Board in CD Meeting Room
 07/24 7:30 ZBA in CD Meeting Room
 07/28 6:30 School Board in BOS Meeting Room
 07/29 7:30 BOS in BOS Meeting Room
 08/04 7:00 Friends of Hudson's Natural Resources in BOS Meeting Room
 08/05 7:30 Library Building Committee in Annex
 08/06 9:00 a.m. Highway Safety Committee in CD Meeting Room
 08/06 7:00 Planning Board Workshop in CD Meeting Room
 08/11 6:30 School Board in BOS Meeting Room
 08/12 7:30 BOS in BOS Meeting Room
 08/13 7:00 Planning Board in CD Meeting Room
 08/14 6:30 Recreation Committee @ Rec Center
 08/14 7:00 Sewer Utility Committee in BOS Meeting Room
 08/14 7:30 ZBA in CD Meeting Room
 08/15-17 Old Home Days at the Hills House on Route 102
 08/18 7:30 Conservation Commission in CD Meeting Room
 08/19 7:30 Library Trustees in Annex
 08/21 7:30 Budget Committee
 08/25 6:30 School Board in BOS Meeting Room
 08/26 7:30 BOS in BOS Meeting Room
 08/27 7:00 Planning Board in CD Meeting Room
 08/28 7:30 ZBA in CD Meeting Room

7. OLD BUSINESS

A. Historic Structures Report (Benson's—Haselton Barn; RR Depot; Office Building)

Chairman Cole recognized Lisa Sasser, Historical Architect, who introduced her colleagues, Arron Sturgis of Preservation Timber Framing, the principal investigator for the Haselton Barn project, and John Butler, who completed the architectural documentation, CAD drawings and photographs for the Haselton Barn HSR. Chairman Cole said the Selectmen received copies of the three reports and the Director of Community Development had additional copies made for the Benson's Committee and staff.

Ms. Sasser said it has been a pleasure to work on these extraordinary buildings. The Town has some tremendously significant resources in these three buildings, which can be preserved in a manner that will allow them to be used for many years to the benefit of the Town. She thanked members of the Benson's Committee, especially Laurie Jasper, Esther McGraw and Duane King. Duane did excellent research on the B&M RR depot, a building of particular significance to the Town, illustrating its link to the Benson's property.

Continuing, Ms. Sasser said the work they have done in investigating the structures has presented a reasonably complete picture of their structural condition and allowed them to put together a series of cost estimates for a program of phased treatments. The most urgently needed is stabilization for all of the structures to protect them from further loss or deterioration for a period of three to five years, or until funding a final plan for their ultimate treatment and use. The reports contain detailed and itemized stabilization recommendations for each of the structures. Collectively, the cost to stabilize all of the buildings is \$62,500. There is a fairly large component of the stabilization work which can be undertaken by volunteers, which could reduce the ultimate cost, but items such as removal and stabilization of the

cupola should be undertaken by trained preservation specialists.

Selectman Jasper said he was impressed by the excellent work done on the reports and thinks the Town got more than its money's worth. The pictures are excellent, and the detail work is impressive. The Town now needs to put a plan together to implement the stabilization as soon as possible. Selectman Seabury dittoed Selectman Jasper's comments.

Chairman Cole asked what the plan was for meeting with the Benson's Committee to start putting together a plan. Ms. Sasser said she'd be available to speak with the committee. Chairman Cole asked Lisa to contact Keith Bowen, the Chairman of the Committee, or arrangements can be made through Betsy Hahn. The Chairman agreed with the previous Selectmen, that stabilization was key. Ms. Sasser said a lot can be done relatively quickly, but some items will require significant funding and planning.

Mr. Sturgis said the cupola is in considerable disrepair and is a safety issue and something they should consider doing something about before snowfall. During the investigation, it was apparent that repairs have been made to support the cupola, but it was only a temporary fix. Work needs to be done to maintain the weather-tightness of the barn, as well, because if the cupola continues to deteriorate, considerable amount of weather will get into the barn. A lot of the stabilization can be done by volunteers. The cupola is a liability issue and should be left to an experienced crew. He recommended that the cupola be removed and stored until it can be preserved and replaced on the roof of the repaired barn. Mr. Sturgis said the report was generated by the three of them as a cooperative effort and they agree that the three buildings are a very important resource. The Haselton Barn is a rarity and whoever built it was very forward-thinking. It is an original and, although it was worked hard during its time, it still has amazing resources in it.

Selectman Massey asked if the cupola could be stabilized without stabilizing the barn and how much it would cost to restore the cupola. Mr. Sturgis said the cupola should be removed from the barn roof, and the hole covered. Lisa said to remove, repair and replace the cupola in kind is \$27,000; with the added structural support, about \$30,000 to repair it and reinstate it in place. Selectman Massey said there is \$150,000 plus interest in the Benson's Capital Reserve Fund, which can only be used for the purchase of the land, but there is also \$50,000 in the General Fund. Town Administrator Malizia said that, effective July 1, there is \$253,000 that was appropriated at the last Town Meeting.

Selectman Jasper said there is plenty of money available for stabilization, but a project of this magnitude is beyond the charge of the Benson's Committee. Although the Town doesn't own the land, they should get the cupola down and put it someplace where it can be repaired. Chairman Cole said Board members should re-read the HSRs and to make a note of what they feel are the priorities, and get those comments to him to bring to the Benson's Committee. He would then bring the Committee's response back to the Board. They may be looking at an RFP, depending on what projects they want to consider doing. Selectman Jasper said the Benson's Committee isn't meeting until the 23; the Board wouldn't be able to meet on this until August. Chairman Cole said the Board meets on July 29. Selectman Jasper said that is narrowing the window of time significantly. The Committee has gotten off track because they are supposed to be working on a site plan and he didn't think they have done that. The Board needs to take this and run with it tonight.

Mr. Sturgis said the key element is stabilization of the cupola, not necessarily to spend \$30,000 to refurbish it. There are a number of people who have the expertise to remove the cupola and there probably is room to store it in the barn. Lisa said the Benson's Committee discussed the possibility of storing it in one of the DPW bays, which could be worked on during the winter. Selectman Jasper didn't think that was feasible because the garage is used all the time. Selectman Massey thinks they should put together an RFP to have the cupola taken down and stabilized and ask the Benson's Committee if they would be willing to undertake this effort. If so, to come to the Board on July 29 with an outline of how they would proceed. If the Committee felt this was beyond their scope, the Selectmen could do the RFP.

Selectman Seabury agreed with Selectman Jasper, that this project was beyond the Committee's purview. If the cupola is in dire need of repair, it should be taken care of right away. She suggested storing the cupola in the shed by the skate park. Selectman Jasper felt that if the cupola will fit inside the barn, that would be the logical place to put it, and it could be worked on in good weather. The Benson's Committee does not have the technical knowledge to put together an RFP, but Lisa either has the knowledge or has access to it. Lisa said she'd be open to discussing that. Selectman Jasper thought that discussion should take place between the Town Administrator and Lisa so they could have something for the next BOS meeting.

Mr. Malizia asked what the price would be to move the cupola and seal the hole in the roof. Lisa said the cost is estimated at \$6,000. Mr. Malizia said for items under \$10,000 it wasn't necessary to do an RFP. He thought that if Lisa knew of someone to recommend in that price range, the Board could act on that.

Chairman Cole said, as the Board's liaison to the Benson's Committee, he detected a negative overtone with regard to what the Committee can and can't do. Their charge is to develop a site plan for Benson's, but he never thought that was specific to begin with--and you don't need a committee to spend money on a site plan. The Committee is doing a number of things, which don't fall within the scope of developing a site plan, but they are making progress in other areas--something no one else was doing. As a courtesy to the Committee members, who are putting in long hours and a lot of hard work, the Board should give them the opportunity to talk with Betsy at their meeting on July 23.

(Start Tape 1, Second Side)

The Benson's Committee is working very hard on many projects, all of which may not be in their league, but at least they are trying. Selectman Jasper said his intention was not to disrespecting the Benson's Committee, but the Committee may come back to the Board on the 29th to say they were not concerned about the cupola. He didn't have any problem with running the numbers by the Committee, but the Board needs to develop them before their next meeting. He is concerned that the Benson's Committee doesn't seem to be working on a

site plan. He disagreed with the Chairman that you can't just tell an engineer to develop a site plan for Benson's; a site plan details what the Committee wants to occur on that site—the uses, the trails, etc. His wife told him it was because they didn't have any engineering help and nobody has given them any guidance. It's time the Board authorizes an engineering firm to assist them. He thinks the proposal ought to be put together, run it by the Benson's Committee on the 23rd and back to the Board on the 29th. This work has got to be done, regardless of what the committee says.

Motion by Selectman Jasper, seconded by Selectman Massey, that the Town Administrator work with Lisa Sasser to obtain a price for removing and storing the cupola and stabilizing and sealing the hole in the barn roof carried 4-0.

Selectman Massey said that still leaves the issue of a comprehensive plan for the complete stabilization of all three buildings. He hoped Lisa and the Town Administrator could put together an outline of the RFP so they could put it out to bid this summer, because they are getting toward the end of the building season and it may be difficult to find qualified people. Mr. Malizia said he will be on vacation for the next two weeks, so he hoped the Board wasn't looking for the whole plan for the 29th. Selectman Massey and Selectman Jasper agreed it would be ok for the following meeting. Chairman Cole said a layman could look at the reports and come up with a rough estimate of what is needed to accomplish stabilization, preservation, restoration and rehabilitation. Lisa said in each of the reports there is a section that details each of the treatments, unit costs and a source for the cost estimating data and, in some instances, there are references to preservation briefs that give additional information on how to implement the work.

Selectman Massey asked if they would be able to just hand the three documents to qualified bidders and ask them to bid on it. He wondered if a contractor, familiar with this type of work, would be able to make a valid estimate. Lisa said about 75% of the work could be handled by most general contractors, based on the information contained in the stabilization references. Some portions of the work, such as the dismantling and salvage of the clay tile roof on the office building, should be performed by people with specialized preservation experience, as well as some of the interior selective demolition in the office and kitchen. It would be possible to detail out which sections of the work require specialized experience. Mr. Sturgis said they tried to create documents that could be used as a manual and guideline for the lay person to create an RFP. Information could be culled out so most preservation contractors could bid the project. Selectman Massey said they have enough information to put out an RFP. Chairman Cole asked who "they" were. Selectman Massey said the Board of Selectmen, if the Benson's Committee decides they don't want to take on the task.

Chairman Cole asked about costs to the barn. Lisa said \$103,000 was stabilization and preservation together. The actual estimate for stabilization on the barn is \$26,500, with the total stabilization estimate for all three structures at \$62,500. \$30,000 for the cupola includes restoration, repair and reinstatement. Selectman Massey said for those items, they need to do an RFP, but they don't need one just to take the cupola off and seal up the hole. Selectman Jasper said they should get a consultant to manage the stabilization project--coordination, bids, project oversight, etc., from start to finish. If they leave it to staff, something else in Town that should get done, won't. Perhaps Lisa could help them with that, too. No one on the Benson's Committee has the time or the expertise to take this on, and the committee can't deal with a project of this magnitude--although he didn't have a problem running it by them. He thought Lisa and the Town Administrator could talk about someone managing of the stabilization. Lisa said she would put together some recommendations.

Selectman Jasper said they should inform the State about what they are planning, and forward them copies of the three reports. Chairman Cole asked him to specify what it was they are planning. Selectman Jasper said they are going to get the cupola off the barn and repair the hole. They are planning to get proposals together to accomplish, in total, the \$62,500 worth of stabilization on the buildings. Chairman Cole asked who was going to put the proposal together. Selectman Jasper said Lisa would have some ideas for the Benson's Committee for their next meeting as to who could take this on. The Committee might want to do it but, unless someone has some credentials, he would oppose that.

As a Committee member, Chairman Cole said they would like to have the challenge framed, with the expertise of Lisa and her associates, including Betsy Hahn, and then make a logical leap of faith as to what has to be done. It might require a consultant to manage it, or they may have to put together an RFP from the specs in the reports, or they may need professional help. The reason they don't have a site plan is because they didn't have any money until last Tuesday. That's why the charge to the Committee always confused him. Selectman Jasper said the money has been available for at least a year and a half. The total was \$200,000--they spent some of it; \$150,000 was deposited with the Trustees; and \$50,000 was in this year's operating budget. Selectman Massey said Capital Reserve Fund money can only be used to purchase the land and a portion of the \$50,000 has to be used because there is not enough money in the Capital Reserve Fund to come up with the money for the State. Selectman Jasper said that still left money available.

Chairman Cole asked if they were agreed that Lisa would do some research as a courtesy, with regard to a contract for stabilizing the three buildings. Lisa said she would put together some recommendations to discuss with the Benson's Committee on potential contracting mechanisms for accomplishing the stabilization of all three of the buildings, with initial emphasis on the cupola. Selectman Massey preferred using Clerk of the Works instead of consultant--someone other than Town staff--who would be responsible for seeing the project through to completion.

Selectman Massey asked Selectman Jasper if the General Court entertained a law to allow towns and cities to automatically move the money from the Current Use Fund directly into the Conservation Fund. Selectman Jasper said that is filed for the next session and will not be going through the process until January.

B. Combined Dispatch Report

Motion by Selectman Jasper, seconded by Selectman Seabury, to defer this item until 29 July, per request of Selectman Stewart, carried 4-0.

C. Town Hall Cleaning Contract

Town Administrator Steve Malizia said at the last BOS meeting, he put forth a proposal to hire a part-time person to clean and maintain Town Hall, in lieu of awarding a bid to a contractor. They would get more hours and a better cleaned and maintained building, at a lower cost—more bang for the buck. Five hours a day, 25 hours a week, would cost about \$20,000--or \$5,000 less than budgeted. In response to a question Selectman Massey had asked at the last meeting, (if this position was ever removed), a comprehensive search of the Minutes did not reveal that a vote was taken to get rid of the position. When a contractor was first hired in 1996, it was to be for a four-month period, but there is no record that it went before the Board after the four months were up. Subsequently, every year the former Town Administrator would come in with a contract and the Board would go from there.

Selectman Jasper said the Board decided to go to a contractor *instead* of hiring a custodian, so this shouldn't cause problems, but when you have someone in-house during business hours, it is impossible to clean the carpets. Mr. Malizia said he was thinking of someone working from 6:00 – 11:00 a.m., Monday through Friday, so they can do the vacuuming, clean the bathrooms, etc., before the employees arrive and then do light cleaning/maintenance tasks after 8:00 a.m. They can actually afford to have someone here six hours a day, or 30 hours a week, so it would be easy enough for that person to come in four hours on a weekend to shampoo the carpets monthly or quarterly, and still be under budget. The carpets are not being shampooed that frequently now. The custodian would also do snow removal (during odd hours, if necessary, for which he will be paid over and above his 25 hours per week), which Mr. Malizia has taken into account in order to stay within budget.

Selectman Jasper said someone could come in and shampoo the carpets after hours, so they could dry overnight. Mr. Malizia said it could be a flexible schedule. During the day when people are here, they need things done, things go on the fritz, boxes need to go to or from storage, etc. The current contractor's rate is \$15 per hour, which is very costly just to move a box. This proposal is for a part-time custodian, unlike the previous full time position. He'd like to see how this works out because he believes it is the better deal for the Town.

Selectman Jasper asked if this position was moved to the police station or morphed someplace else. Mr. Malizia said no, Jake Reed was still here when Dan Clark was hired for HPD and there is no record that the position was morphed. Mr. Clark currently cleans the Fire Admin building on overtime; the part-time custodian could do it on straight time. Selectman Massey asked about the salary, saying he didn't want to be adding a new position, but there is no documentation showing the position went away. Mr. Malizia said the position pays \$14.14/hr. and that this proposal is a much better deal for the Town. Selectman Jasper said there have been cases where the Board specifically *un-funded* a position. In this case, the money just went from a full-time person to a contract person, so he didn't have a problem filling the position. Selectman Massey specified that the part-time job should be posted for 25 hours a week, 6-11 a.m., w/additional hours at the Town Administrator's discretion. Mr. Malizia read the proposed ad that he drafted.

Motion by Selectman Jasper, seconded by Selectman Massey, to authorize the Town Administrator to post for the position of part-time Custodian (Labor Grade X, Step 1) for the purpose of providing cleaning and maintenance services for Town Hall carried 4-0.

D. PMA – Driveway and Historical Gates

Chairman Cole recognized Town Engineer Tom Sommers, who said he hoped action would be taken to allow the PMA portion of the Lowell Road project (historic gates and driveway) to move ahead. The price estimates from two contractors were \$220,000 and \$148,000, so they then entered into discussions with the Highway Department to see if they could do the work and came up with a price of \$115,000. The agreement with PMA has an estimated price of \$75,000 but there is no provision that the work *won't* be done if the price is higher. Test pits were dug and there was no indication of asbestos. Utilizing the Highway Department for most of the work and the Townwide Paving contract for the paving, he and Gary will work closely with Kevin and Jess to get this project done.

He still hasn't received the wetlands permit, but he received a call from PMA, who talked to the wetlands bureau, who said it should be issued by the end of this week. Given the area of disturbance and the new federal regs, he drafted a storm water management plan that goes with the notice of intent, which will need to be signed by a Town official. He thought PMA had a contract with the previous consultant to do the layout, but they didn't, so they will have to fit that into the \$115,000 budget. He met with PMA Administrator Dan Lamb to go over a number of technical details that is outlined in a letter he has drafted, in terms of refining the agreement. Either PMA or the Town can amend the agreement, if the other side agrees to it. One of his amendments is to extend the work time from August to September. He is also more specific in terms of the work the Town intends to complete this year, such as bringing the driveway up to base pavement and finishing next July or August because there should be a year between base to finish. They propose to do a different amount of work on the existing driveway, more than originally proposed, in exchange for the Town not plant about a dozen trees as they are really not needed. The Town is also asking that bituminous curbing be used (instead of granite) because the Town has the machinery to do that work. It is hoped that they execute the deed on or about August, which is a necessary document for the State to have in order to do the widening portion of their work. Also, the Town received a letter from DOT regarding the historic gates, in which they gave four options. Mr. Sommers recommended going with the least expensive option of \$80,000, with the Town's remaining portion being \$14,044.

Selectman Massey said he has seen the plan and believes this is a win-win situation for the Town and PMA, adding that he thought Mr.

Sommers did a great job. This will alleviate a traffic problem. Traffic will enter the property at the traffic light at Executive Drive and there will be a spur over to the existing driveway where the arch is. The arch won't have to be erected at the same height because the Fire Department would use the signalized entrance, which will reduce the cost of relocating the gates. Selectman Jasper said, in their discussions with PMA, they made it clear the Town would not pay for the spur. The agreement said that the Town hired SEA Consultants to design and prepare plans, but in the new one it says PMA has already paid SEA. Mr. Sommers said they paid for revisions to the plan, in concert with previous Town staff. Selectman Jasper said the letter from DTC dated 9/17/01 says the deed was executed and is being recorded at the Hillsborough Registry of Deeds. Mr. Sommers said his understanding is that it was not executed, which was PMA's insurance of making sure the driveway gets done. As a compromise, he is recommending that if the Town is showing action, PMA will execute the deed. Selectman Jasper asked if there was a signed copy of the agreement on file. Mr. Sommers said yes. Selectman Jasper said it was always his clear understanding that if they wished the spur to be constructed, they would do so. Mr. Sommers said if they continue in that mode, they won't get there. Selectman Jasper said as long as they agree to the trees and the curbing, it's probably ok, but he's not happy with the process.

Mr. Sommers said until the signals are operational at Executive Drive, they cannot access from that point, so there will be Jersey barriers there for a time. The road won't be opened until DOT says it can be. Selectman Massey said he would not support this without having the barriers there. Until the State puts a left turn lane southbound on Lowell Road, trying to make a left turn would be a serious safety issue. The Jersey barriers should stay at the entrance of the new roadway until the State reinstates the traffic light and makes the left turn lane that is indicated on their plan.

Chairman Cole asked for a sequence of events--asbestos removal, road widening by the State, driveway construction, gate relocation, etc. Mr. Sommers said the asbestos removal, road widening and the gates are under the control of DOT. He is looking for a vote that says the Town recommends an option relative to the gates that they can take to the Governor and Council. With respect to the work the Town does, possibly next week, they want to do the survey layout. If they get the necessary permit, they can start clearing and setting the erosion protection measures, go into clearing and grubbing procedures and, hopefully, be finished by September. At that point, they get to base course paving; do some cleanup; loam and seed; come back in the spring to put the finish course down and do some cleanup, including taking out the erosion protection measures. They will be inspecting their sedimentation program throughout the entire period. Selectman Cole asked when they could anticipate having the deed. Mr. Sommers hoped by August 31.

Motion by Selectman Massey, seconded by Selectman Seabury, to direct the Highway Department to construct the PMA driveway, in accordance with the July 2002 plan, as amended by the Town Engineer, at an estimated cost of \$115,000 carried 4-0.

Motion by Selectman Massey, seconded by Selectman Seabury, to authorize the Town Engineer to complete negotiations with PMA in accordance with the draft amendment dated July 2, 2003, and to authorize the Board Chairman to sign said amendment when finalized carried 4-0.

(Tape 2, Second Side)

Motion by Selectman Massey, seconded by Selectman Jasper, relative to the relocation of the PMA gate, to recommend to NHDOT that the State proceed with the disassembled moving option outlined in NHDOT's June 6, 2003 letter to the Board of Selectmen, at a total cost estimated at \$80,710 of which the Town of Hudson's share is estimated at \$37,664.

Selectman Massey wanted it to be made clear that the new driveway is going to be constructed with the spur on to the driveway where the current gate is located, and the arch does not need to be higher than it currently is because there is no need for the Fire Department to use that entrance. Chairman Cole said that caveat was contained in the option.

Vote: Motion carried unanimously.

Mr. Sommers said the NOI for the storm water management plan has to be signed by a Town official.

Motion by Selectman Jasper, seconded by Selectman Massey, (re. Storm Water Management Plan), to authorize the Board of Selectmen Chairman to sign the NPDES construction notice of intent for this project carried 4-0.

Selectman Jasper asked the Chairman to send letters of thanks, on behalf of the Board, to Governor Benson, Senator Gregg and Congressman Bass for their intervention and assistance in making this change happen.

Motion by Selectman Jasper, seconded by Selectman Massey, for a recess at 9:00 carried 3-1. Selectman Seabury was opposed. The meeting was gavelled back to order at 9:10 p.m.

8. NEW BUSINESS

A. Public Hearing relative to the acceptance of a \$12,004.81 grant awarded by the NH Office of Emergency Management for the Fire Department to reformat and update the Hudson Emergency Management Plan

Chairman Cole recognized Deputy Fire Chief Gary Rodgers, who said recently, the Federal Emergency Management Office required a new

emergency plan format, and came up with the aforementioned amount of money they would grant the Town to work on a new Emergency Management Plan and will work with the Town in putting it together.

Chairman Cole opened the Public Hearing at 9:13 p.m. There being no speakers, he closed the hearing at 9:14 p.m.

Motion by Selectman Massey, seconded by Selectman Seabury, to accept the grant.

Selectman Jasper said normally grant applications are routed through the Board for authorization and asked if this one was. Chairman Cole said no, because of time constraints. The Chief sent a letter to the State to say it was being accepted, subject to tonight's vote. Selectman Jasper said he'd like to hear more of the details concerning the time constraints imposed by the State. Chairman Cole said the State needed an answer "not later than." Selectman Jasper wondered if it was the Town that waited until the last minute. Chairman Cole didn't that the Town procrastinated. He authorized the Chief to go forward with whatever assurances the State needed so this money wouldn't be lost.

Selectman Jasper said the Town requested a grant of \$27,000 but is getting only \$12,000. They've been hearing how the Fire Department has to have to cut back on programs because of a lack of funding for overtime. Apparently, this is going to cost \$27,000 but the Town will receive less than half of that, and will have to make up a \$15,000 deficit. Deputy Chief Rodgers said this would get the grant started and would show them where to go with it. Chairman Cole said the Town does not have to make up the delta between what was applied for and what will be received. The money will be sufficient to reformat the Town's existing plan, adding several segments, such as Terrorism, etc., and supports the entire community, School District, etc. It does not concern just the Fire Department. Selectman Jasper said that explanation contradicts the evidence in front of them. Either it wasn't going to cost as much as the Town said, or the Town isn't going to do what they said they would do, but that's what they would be committing to do, according to the documentation in their packet. Chairman Cole said NRPC is going to be doing the bulk of reformatting the plan and the price tag is in the \$11,000 plus range. At the time the \$27,000 figure was put forth, there may have been some additional items that the Town's Emergency Preparedness element was hoping to do, but he's not aware of a requirement for making up the delta.

Selectman Massey said it appears the difference is in the cost of training, which is \$15,000. He asked what budget the money for the training would come from. The State apparently likes the plan, but won't pay for training. Chairman Cole said the Emergency Preparedness training has been on-going for the last several years. Selectman Massey asked if the training was in the 2004 budget. Deputy Chief Rodgers said the training is not just for the Fire Department. It's for all the department heads, so each person knows what function they have to accomplish, in case of an emergency. Some of the cost was potential overtime, meals, etc. Selectman Massey asked where the money was going to come from. Deputy Chief Rodgers said money is in the Emergency Management budget for ongoing training. The grant money was to be used to help offset that. Selectman Massey said if all they are going to do is update the plan and not train everybody in Town that is responsible for implementing the plan, there is no need to do an updated plan. Selectman Jasper agreed. Chairman Cole said they are bringing in people to train them. Selectman Massey asked where the money was coming from. Chairman Cole said from a variety of places, that there is no cost involved if employees are on duty. Selectman Massey said if the \$27,000 was awarded, monies currently in training budgets could be used for other things, but they didn't get the \$15,000 for training.

Chairman Cole said the motion was to accept a \$12,000 grant. Selectman Massey said he will support the motion, with the clear understanding that the training will happen and no one will come back from any of the departments in the future, saying they didn't have the money in the training budget because it had to be used for other purposes. Chairman Cole said emergency preparedness capability to train is based on resources and assets available. It may be scaled down from what the Director of Emergency Preparedness would like to have in any given year, or it may be enhanced. Last year, they received a grant of \$5,000 from the State to assist in the emergency exercise. If the money is available, the Town can do more. If it's not available, they do less. There isn't a locked in plan. The Town has been very flexible with the resources and assets its had in training Town and School District personnel. What they are trying to do now is to bring the plan in line with local and state guidelines. There will be training involved in that, but no one knows exactly what it will entail or cost. Selectman Massey said he is supporting the motion with the clear understanding that whatever training has to be done, will be done.

Selectman Jasper said another concern is a department head signing on behalf of the Chairman and the Chairman cannot sign until he is so authorized by the Board. Chairman Cole said he felt there was a need to move this forward--and he serves at the will of the Board. Selectman Jasper asked for a timeline, when they were approved and had to be accepted by. Chairman Cole asked Chief Rodgers to ask Chief Carpentino to send an email to the Board to recap the chronology, including dates when Chairman Cole authorized him to sign on his behalf.

Vote: Motion carried 3-1. Selectman Jasper was opposed.

B. Public Hearing re. acceptance of a 1986 Toyota pickup truck to the Fire Department valued at \$1,285

Deputy Fire Chief Gary Rodgers said Richard Allison was a member of the Call Force in the late 60's. He recently passed away and his widow, Claire, would like to donate this truck for training purposes.

Chairman Cole opened the Public Hearing at 9:29 p.m. and closed it at 9:30, as there were no speakers.

Motion by Selectman Massey, seconded by Selectman Jasper, to accept with the Board's appreciation carried 4-0.

-

The Selectmen do not want to see a budget request in the future for a replacement vehicle.

(Start Tape 3, Side A)

C. Request for authorization by NRPC to submit grant applications for CMAQ funds on behalf of the Town

1) Hudson Transit Application

Chairman Cole recognized Andrew Singelakis and Stephen Williams from NRPC. Mr. Singelakis said they were in the process of soliciting applications from the towns for the Congestion Mitigation Air Quality program and Transportation Enhancement, both of which are funded by NH DOT. Congestion mitigation is for air quality improvements in the area. With regard to the transit service, NRPC is in the process of completing a transit plan for the region. They are trying to give the larger towns in the region, with a need for transit services, the option of putting together an application for the CMAQ program. They are working closely with the Community Development Directors in Milford, Hudson and Merrimack. Whether or not to go forward with this is strictly up to the towns. They are proposing to extend the current service, on a trial basis—congestion mitigation funds can be used for a three year period for operating on an 80-20 split—as an alternative to try to reduce congestion. They are looking at three morning trips between 6:30-9:30 and three evening trips, 2:30-5:30 M-F, along 3A from the Hudson Mall to BAE in South Hudson, connecting to the Nashua Transit System in downtown Nashua. For the times they are not operating, 9:30 am- 2:30 pm, they would operate on demand response anywhere in the Town of Hudson to pick somebody up and take them to any other point within the Town of Hudson. It is likely that the State will kick in 10% for the purchase of a vehicle, so the Town would only have to put in 10% because it is a 80-20 match. This results in a total of \$333,000 for three years for the grant for operating, \$75,000 for the vehicle. The match and the operating is \$66,600. The match for the vehicle is \$7,500 for a total of \$74,000. If this gets approved, it will be implemented in FY 2007. NRPC would be remiss if they didn't present this opportunity to the towns.

Selectman Massey asked if there was sufficient demand to warrant having this service. Mr. Singelakis said according to the Transit System, most of the requests for service have been from Hudson. They have a pilot project that goes from the Nashua town line to Milford and the demand has exceeded expectations. Selectman Massey asked what the drop-dead date was for a commitment from the Town. Mr. Singelakis said the Board would have to submit a letter for the application and would know by Town Meeting whether or not the application was successful. Funds would have to be available by the time the service starts in 2007. Selectman Massey said \$75,000 would be an up-front cost for the bus. Mr. Singelakis said that is the cost of the vehicle and the match for that would be \$7,500 so the total match for the Town for the entire thing, including the vehicle and operating costs, would be \$74,100. Selectman Massey said he understands the Town would be required to expend \$81,600. Mr. Singelakis said in talking with the DOT, whenever there is a capital cost, such as a vehicle, the State will contribute 10%, so \$74,100 is the actual amount that would need to be raised. Selectman Massey asked if the \$111,000 was the grant money for a year. Mr. Singelakis said that would be the total cost; the match for it altogether would end up being \$66,600, or \$22,000 per year. Selectman Massey asked if, at the end of three years, the Town is required to continue the program and assume the full cost, or drop the program. Mr. Singelakis said Hudson would not be required to continue the program if it wasn't successful but if the Town did decide to go forward with it, there would be 50% matching funds available from the Federal Government through the Nashua Transit System. Selectman Massey said they would be looking at a cost of about \$56,000. Mr. Singelakis said that was correct. Selectman Massey asked what the current life of the vehicles are. Mr. Williams said about 10 years and the \$111,000 includes vehicle maintenance, operations, insurance, the whole thing.

Chairman Cole asked what they would be committing to, if the Board approved this tonight. Mr. Singelakis said the expectation is that it would be on the ballot. Chairman Cole asked if Hudson would be under any obligation to accept the grant, if it was awarded, as a result of tonight's action. Mr. Singelakis said if there wasn't a firm commitment, they shouldn't go forward with it.

Selectman Massey asked what cost the Town would incur before it went to the ballot. Mr. Singelakis wasn't aware of any. Selectman Massey said, if approved, the first cost the Town would see is the cost of the bus in July, plus the operating costs for a total of \$74,100. Mr. Singelakis said the grant wouldn't be available until 2007. Selectman Massey wondered if the Town could even encumber an obligation three years out.

Motion by Selectman Massey to approve funding application for Hudson Transit Application did not garner a second. Therefore, the motion failed.

2) Hudson Downtown Signal Coordination Application

Steve Williams said under the same program, other types of projects that are also eligible are projects that result in traffic improvements and, as a result of those traffic improvements, reduce congestion and pollutants going into the air. Hudson has one of the most congested locations in the region in the center of town, where the three state highways come together, so NRPC felt that there might be some opportunities to seek funding to improve that traffic situation. Working with the Town Engineer, they put together the application. They are proposing a two-phase project, with 80% from Federal Funds and 20% from CAP fees. In the first phase, there would be a concept development/preliminary engineering study aimed at identifying alternative concepts for decreasing congestion around the intersections of 102, 111 and 3A. They have identified three concepts at the staff level they thought warranted consideration. The first was based on the town-wide traffic study they were before the Board for earlier this year. That would involve improvements to the signalization at three intersections that are already signalized—Ferry Street and Library Street; Library Street and Derry Street; Derry Street and Ferry Street. They would also propose that new

signals be installed at Library Street and Central Street and Chase Street and Central Street for a total of five intersections. They also propose that, in addition to the installation of the two new signals, all five signals be equipped with controllers capable of being inter-connected and coordinated to operate in a coordinated fashion and connected to the Town Engineer's Office for remote computer control of the overall system. The Town Engineer prepared a cost estimate for this proposal that was used to develop the cost estimate for the project, which would be about \$80,000 (\$50,000 for planning and \$30,000 for design and engineering). An estimated construction cost of \$500,000 would include the signal hardware, improved controllers, interconnection, computers and software for a total project cost of \$580,000. At the 80-20 match, that works out to a CMAQ funding request of \$464,000 and non-Federal match of \$116,000 which the Community Development Director and Town Engineer believe would be eligible for CAP funds. They also thought there were a couple of other concepts that might be considered in the study identified as Phase I of this project. There is some possibility that the situation could be improved by changing the Derry Street-Chase Street-Library Street into a one-way couplet. There might be some advantages in terms of the ways the intersections would operate. The other possibility worth studying would be a roundabout at the Library Common. Whichever concept ends up being recommended out of the preliminary engineering study, the public participation and decision making process, the project would then move into construction in 2007.

If the Selectmen commit to the application this evening, the State would want to know by the time the project actually commences that there is a commitment of matching funds at the disposal of the Town. They are hoping to move forward with the study portion of the project by the next fiscal year.

Selectman Massey asked where the \$80,000 would come from, if the CMAQ grant isn't available until 2007. Mr. Williams said they would ask the State to allow the Town to use matching funds to pay for the study. If matching funds were used for the study prior to the grant funds being available for construction, the project could move forward more quickly. Selectman Massey asked when they would know if the grant was approved. Mr. Williams said sometime between March and May, 2004. Selectman Massey asked the Town Administrator if the money was available in the CAP funds. Mr. Malizia wouldn't commit to that without looking at the balance, and he can't predict that it will be available in 2007. Selectman Massey asked if the money could be encumbered. Mr. Malizia said that money doesn't go away, it rolls over. Possibly, something could be put into the books to commit the money to that project. Selectman Massey asked if the Town could commit a project three years out and if the Town can designate an amount of money in the CAP funds for a future project. Mr. Malizia said yes, they do non-lapsing warrant articles all the time. Selectman Jasper thinks this is a good thing to do, even if they had to put a warrant article forward for the \$116,000. For the application, they have to indicate which way they are going to go.

Mr. Singelakis said they plan to submit the application by the end of the month. It has to be at DOT three months later. Selectman Jasper said they have monies encumbered for 102/Robinson Road intersection and a substantial amount of money committed to the Lowell Road widening, so they have to figure out what is not committed already. Mr. Singelakis suggested submitting the application and deal with the amounts later. Selectman Jasper said #13 should be changed to, "Either developer contributions or Town funding, or a combination of both," which would cover the bases.

Mr. Malizia asked if coordination in Hudson would tie in with Nashua. Mr. Williams said they are working with staff in Nashua on the issues relevant to the East Hollis and Bridge Street corridors, dealing with traffic issues on that side of the bridge.

Motion by Selectman Jasper, seconded by Selectman Massey, to approve the grant application for Hudson Downtown Signal Coordination Application for Congestion Mitigation Air Quality funding.

Selectman Massey said this is a critical need, especially at the corner of Chase and Central and at the corner of Library and Central, which are two of the highest accident locations in Town. He thinks they should also ask the Highway Safety Committee for their recommendation on making Chase Street one way south and Library Street one way north, as part of this project.

Selectman Seabury asked if CMAQ funds were a given. Mr. Singelakis thinks the Town has a good shot of getting the funds, but he can't guarantee it. The Town will know the results before they commit the \$80,000.

(Start Tape 3, Second Side)

NRPC will finalize the application and send it to DOT. It will then go before the CMAQ committee, which consists of all the Regional Planning Directors and Councilor Ray Burton. The Town should know by early next year. Chairman Cole said Town Meeting is early next year, too. They would have to get the funds for the study because the bulk of the money doesn't come into play until FY 2007, which is the construction phase. Mr. Singelakis conceded that the Town might not have enough time to know for sure by the time it goes to the ballot. However, they might want to do the analysis anyway. Chairman Cole thought that position was too cavalier for him. Selectman Seabury agreed, saying they should also let the Planning Board know they may be taking their money.

Vote: Motion carried 3-1. Chairman Cole was opposed.

D. Status by NRPC of Benson's Transportation Enhancement Act (TEA) Grant

Mr. Singelakis said this is another transportation enhancement program for upgrading and renovating the railroad depot. A component of transportation enhancement allows for preservation of historic transportation facilities, so this would be eligible under that program. He thinks this application has a good chance for approval because it is different and there is a plan in place. The total project cost is \$273,000

and would require a local match of \$54,714.

Motion by Selectman Jasper, seconded by Selectman Seabury, to approve Transportation Enhancement funding application supporting the relocation and restoration of the B & M Railroad Depot and the Town's match will be 25%.

Selectman Massey said this is an excellent opportunity that they should take advantage of, since this fits into what they are planning to do anyway. Chairman Cole said, coincidentally, the numbers in the HSR match up to the numbers in the grant; the match for the Town also equals the amount this item shows on the CIP for this year, and it is also a rough estimate of what the Town put forward as part of the \$253,000 warrant article. Selectman Jasper asked, if the Town increased the match to 25%, if there was a greater likelihood they would receive the grant. Mr. Singelakis said yes.

Vote: Motion carried 4-0.

E. Request to purchase Town-owned Land, Map 2/Lot 20

Town Administrator Steve Malizia said the Board considered and rejected another request for this parcel on May 13.

Motion by Selectman Jasper, seconded by Selectman Seabury, that the Town retain ownership of the parcel located at the corner of Winslow Farm Road and Joan Avenue.

Selectman Massey suggested that for the next year, the Town Administrator refer anyone asking for this property to tonight's motion. Selectman Seabury said to tell people the land isn't available. Mr. Malizia said he could send a letter, saying the Board has voted to retain ownership of this land.

Vote: Motion carried 4-0.

Mr. Malizia asked if the Board was going to formalize something for future requests. Selectman Massey said, until further notice, when a request is received to purchase Town land, a letter is sent to them saying the Board of Selectmen has voted not to make this property available for sale. Selectman Jasper suggested they do it until the first of April, when there will be a new Board, and make a blanket motion that they are not going to sell any of the land they have, so they don't have to even deal with this. If there is a piece the Board wants to get rid of, they can put it out to bid.

Motion by Selectman Jasper that it is the policy of the Board of Selectmen that no Town parcels of land shall be sold unless action is taken by the Board to put any parcel out to bid and the Town Administrator shall inform anyone inquiring of any parcel of land of that policy.

Chairman Cole asked the Recorder to read back the motion. When she questioned the wording, Chairman Cole said the point is that the Selectmen are not entertaining any inquiries regarding the sale of Town land. Selectman Jasper said the only exception would be if the Selectmen initiated the sale of a parcel of land they wanted to get rid of. Following a brief discussion, Selectman Jasper withdrew his proposed motion and said he'd come back to the next meeting with a better thought-out motion, since it was going to become Town policy.

F. Ingersoll Property Conservation Easement Closing Documents

Chairman Cole recognized Jim Battis and Tim Quinn of the Hudson Conservation Commission and Mike Speltz of the Society for the Protection of New Hampshire Forests. Mr. Battis said he sent several documents to the Town over the last few weeks, including the proposed conservation easement, documents supporting the LCHIP application, the stewardship plan for the land and an LCHIP baseline survey form. He wasn't sure what documents the Board had because they had been through several iterations, the latest of which were technical changes. They have been reviewed by Atty. Jay Hodes, who has approved them. In the conservation easement, some corrections involve boundary survey information and the LCHIP people suggested adding a clause that would allow them to survey and remark the boundaries, in the event that the property owner did not properly maintain the boundaries. On Page 3 of the Conservation Stewardship Plan, under Land Owner Contact, it states, "The Assessor will annotate each property record on which the Town of Hudson holds a conservation easement, with a flag to notify the Community Development Department whenever a change of ownership occurs." Mr. Battis said whenever the Conservation Commission searched the records to find out what property the Town has easements on, the information is spotty. He thinks this would be a valuable tasking for the Assessor, which is part of the stewardship plan, which is part of the LCHIP application. It's a plan that can be changed at any time and that statement could be withdrawn, although he didn't know what the LCHIP people would think about that. His recommendation was that the Board of Selectmen assign that task to the Assessor, if appropriate. In the LCHIP documents, there is reference to the fact that the Town of Hudson endorses the Land Trust Standards and Practices. He requested that the Board vote to state that the Town of Hudson is in substantial compliance with those standards and practices.

Selectman Massey said his understanding is that the Conservation Commission is tasked by statute to identify all conservation easements in Town. Mr. Battis said the RSAs state that the Conservation Commission keep an index of all open spaces, natural, aesthetic and ecological areas within the city or town, with the plan of obtaining information pertinent to the property utilization--on *areas of interest for conservation open space preservation*, not on specific properties. Selectman Massey said there is no single place in Town to find all of the

properties that have conservation easements on them because there is no formal mechanism to input that information into a data base when a site plan is approved with a conservation easement. The only way to know where the easements are is to research every title of every property in Town. He can see them going forward from today to record easements, but it's impossible to expect the Assessor to do that research.

Secondly, Selectman Massey said where it says the Town is *substantially* in compliance with the Land Trust Standards and Practices, he asked what the Town was not doing that they would be taking on as an additional responsibility. Mr. Battis guessed it would be Stewardship, Standard 14, on Page 9, with easement monitoring. They can't monitor properties if they don't know which ones have easements on them. He was hoping that if the Board considered assigning the task to the Assessor, the Town would come into compliance. That would be the major failing the Town has right now. He'd like to see that corrected.

Selectman Massey said on Page 2, it says, "The Board of Directors must assume legal responsibility and accountability for the affairs of the organization." He asked who, in this context, the Board of Directors would be. Mr. Battis said the Board of Selectmen. In other towns, Conservation Commissions have voted to accept the standards, but he felt it was the Town accepting the standards, not the Conservation Commission.

Selectman Massey said relative to the email he sent to Messrs. Battis and Speltz, which he cc'd to the Board, Page 6, Item C on the Conservation Easement document, relative to the electric lines and the gas transmission lines, Mr. Battis' response indicated that had been corrected in an updated draft. Mr. Speltz confirmed that was correct. Selectman Jasper had problems with the request to adopt the Statement of Land Trust Standards and Practices--although not for this specific parcel--something they knowingly aren't in compliance with and won't be any time soon. To come into compliance, the Conservation Commission will have to implement the plan to identify all the areas.

(Start Tape 4, Side A)

Mr. Speltz thought the Board should consider the Land Trust Alliance Standards and Practices because they are good and something the Town ought to do, and the LCHIP grant is conditioned upon the Town either adopting them, or stating their intention to adopt them. The standards are not written for municipalities, but for land trusts. However, because there is no good set of standards and practices for municipalities, LCHIP has glogged onto these. There are 15 practices, the first half of which has absolutely nothing to do with municipalities and the reason they omitted them. If the Board feels they are way out of compliance, they could talk about the intent to adopt them, working toward coming into compliance over the coming years. The Conservation Commission in Londonderry voted to adopt the practices and they laid out a plan that will take a year to implement in order to come into compliance. LCHIP wants to be assured that, when they award funds to a municipality, they are going to act as good stewards.

Selectman Massey said there are significant numbers of individual lots in Town that have conservation easements on them that they don't know about and there is a lot of stuff in the document only for a land trust—which the Board isn't.

Motion by Selectman Jasper, seconded by Selectman Massey, to adopt the Statement of Land Trust Standards and Practices as the guiding practices of the Town of Hudson in its stewardship of the Ingersoll Land and that the Town, through its Conservation Commission, intends to comply with the standards and practices for all applicable Town property with a conservation easement.

Selectman Jasper said the only way they are going to come into compliance is through the Conservation Commission, so this throws the task to them to come up with a way of identifying the properties, but it takes care of the Ingersoll Land and gives them hope for the future.

Chairman Cole asked if adopting this motion puts them in good stead with LCHIP. Mr. Speltz believed they would be satisfied with it. Chairman Cole asked Mr. Battis what chance the Conservation Commission would have in accomplishing the latter part of the motion. Mr. Battis said it would entail a warrant article for deed search, which the Conservation Commission may come up with for the next Town Meeting because their members and the groups they might call on to assist them don't have the skill or manpower to do it. Chairman Cole said the Commission may look at some of the other guidelines, too, because there may be some hidden traps that might not only cost money, but a major headache to try to implement. The search of easements on existing properties may just be the tip of the iceberg. Selectman Seabury said sometimes there are law students available to help with this type of a project. Mr. Malizia said the Conservation Commission has a fund which they are authorized to spend from.

Vote: Motion carried 4-0.

Mr. Battis said the Selectmen might approve the acceptance by the Conservation Commission of the LCHIP grant and the acquisition of the conservation easement on the Ingersoll Family Trust property, Map 40/Lot 10, per RSA 36 A:4, using the appropriated funds and grants for that purchase. Selectman Jasper said they can't because the voters passed Article 24 which authorizes the *Board of Selectmen* to purchase development rights on behalf of the Town.

Chairman Cole said he had five motions, one of which they've already taken care of. He put forward the next one.

Motion by Selectman Jasper, seconded by Selectman Massey, to approve the Purchase and Sales agreement for the Ingersoll Family Conservation Easement and to authorize Chairman William Cole to sign said agreement.

Chairman Cole said Mr. Battis prefaced his remarks by saying he didn't know what copies the Board had, so he didn't know if he was

looking at THE Purchase and Sales Agreement and THE Conservation Easement. Mr. Malizia said that was the latest document he received. Mr. Speltz said the P & S should come directly from Atty. Hodes.

- Selectman Massey said he wanted to be clear that the easement deed they had was not the latest copy. Chairman Cole asked if he was talking about technical changes that have to do with bounds. Selectman Massey said, among other things, it states there are two easements on that property—an electric easement and a gas transmission line. The gas transmission line isn't there now, so he wondered if there were any other changes of that nature in the final document. If the only thing they've done is delete that reference, it was not a problem. Selectman Jasper said the motion was to authorize the Chairman to sign the P & S, and the next motion would be to authorize the Chairman to sign the easement. Mr. Malizia said he did his best to sort out the big pile of documents he received. Chairman Cole asked if there were some issues with the conservation easement that would not allow the Board to address it this evening. Mr. Speltz said the chief different between the current version and the one the Board has is where they called an electric line a gas line; that has been corrected. The other changes are in the metes and bounds.

- Vote: Motion carried 4-0.

Motion by Selectman Jasper, seconded by Selectman Massey, to accept the Ingersoll Family Conservation Easement, and to authorize Chairman William Cole to sign said Conservation Easement, as corrected, carried 4-0.

- Mr. Battis said in the stewardship plan, the reference to the Assessor maintaining records can be modified. Chairman Cole said the Board already assigned that mission to the Conservation Commission. He asked if this plan could be revised and modified, as required, without asking permission from anyone. Mr. Speltz said that was correct, but a copy must be provided to LCHIP. The intent is to convince LCHIP there is a plan that they are going forward with. The reason for the Assessor's involvement is because when a property changes hands, it is the Assessor that finds out and he will be able to tell the new property owner about the easement. Selectman Jasper, said in this case, it applies only to one piece of property, so that's not a problem. On Page 3, it says the Town Code Enforcement Officer shall conduct inspection of the property, but he thought it should be the Conservation Commission. The Code Enforcement Officer will change over the years and not have institutional memory, where the Conservation Commission will. Mr. Battis said the Code Enforcement Officer is who walked the property with LCHIP for the Musquash property, so he seemed like the logical choice. Selectman Jasper said just because it was done in one instance doesn't mean it is the best thing to be doing. Chairman Cole said they don't even know what the potential violations might be on the property and the Code Enforcement Officer has the skill, over and above the Commission. Selectman Massey said there is a plan going through the planning process right now that abuts the Musquash area and one of the current stipulations on the site plan is that the owners of the property will provide a 200' conservation easement for the purposes of pedestrian traffic. The property is located in such a place that it would be very attractive to motorized vehicles. He thinks the Code Enforcement Officer would be the correct official. Selectman Seabury said it sounds like a case for the police. Selectman Massey didn't think the Conservation Commission would be up to speed on code enforcement issues.

- Selectman Jasper said anybody could bring an issue to the Code Enforcement Officer, who then enforces it. They have to be careful of what they add to staff's workload and put on one person. The Code Enforcement Officer is looking at a lot of specific land use things, many of which don't apply here. The Conservation Commission is going to be more attuned to these types of changes, or things that may be going on in the woods or meadows than the Code Enforcement Officer may be, although he didn't mind including him in the mix. Selectman Massey said Selectman Jasper's reasoning convinced him that it should be the Conservation Commission. Selectman Jasper suggested including language that the Code Enforcement Officer or the Conservation Commission or its designated members will conduct the inspection. Chairman Cole said it's a once a year thing. Taking a walk in the woods won't kill Rob. Selectman Jasper said when looking at a piece of property, you need a base line to compare it to and you have to be familiar with the land. You have to be able to know if something was different from the way it was the previous year. Chairman Cole said the continuity of the Conservation Commission won't always be the same, either.

(Start Tape 4, Second Side)

Selectman Massey said they are talking about a management and enforcement document. Regarding enforcement, short of regular police patrol, there is no way to ensure that the management practices are being observed. Formal monitoring of the property should be a Conservation Commission function. The majority of the enforcement issues are going to be somebody using the land the way it wasn't intended. Enforcement in the context is not a zoning or code enforcement issue. It's a police issue. Mr. Battis said the land owner is going to be the Society for the Protection of NH Forests, who probably will do a lot more monitoring of the easement than the Town could possibly do. Mr. Speltz said they certainly hope to be good stewards. What the Town owns is an easement, not the land, so the Society will manage the land. The Town will have to manage the easement, which means monitoring and enforcement, which means checking to see that the Society is abiding by the terms of the easement. He doesn't anticipate a problem.

- Selectman Jasper offered an amendment to Page 3, to the third sentence, so it would read, "The Town Code Enforcement Officer and/or members of the Conservation Commission will conduct the inspection of the property." Selectman Massey said then they ought to then have that same language under the Land Owner Contact, second to last paragraph, third sentence: "The Code Enforcement Officer and/or members of the Conservation Commission will establish contact with the new owner to personally deliver the easement copy." Selectman Jasper agreed to that.

Motion by Selectman Jasper, seconded by Selectman Seabury, to adopt the Conservation Easement Stewardship Plan, as amended, with the provision that on Page 3 the third sentence in Paragraph 1 be amended to read, "The Town Code Enforcement Officer and/or members of the Conservation Commission will conduct the inspection of the property," and the third sentence under Landowner Contact

to read, "The Town Code Enforcement Officer and/or member(s) of the Conservation Commission will establish contact with the new owner to personally deliver the easement copy, discuss its contents and answer any questions the owner may have." and further, said plan may be further amended at the Board of Selectmen's discretion carried 4-0.

Motion by Selectman Seabury, seconded by Selectman Massey, to approve the LCHIP Grant Project Agreement, and authorize the Board Chairman to sign said Agreement.

Selectman Jasper said that the document should be corrected to properly reflect Hillsborough County.

Vote: Motion carried 4-0.

Mr. Speltz said they were dealing with a Trust, five siblings with two of them appointed as Trustees. The family's tax advisors are re-thinking that arrangement, so the final documents may indicate five signatures instead of two. Mr. Battis praised the work done by the Highway Department during a cleanup of the Ingersoll property, as part of the process of applying for the LCHIP grant. Selectman Seabury hopes Kevin is keeping a good record of all the stuff he does.

Motion by Selectman Jasper, seconded by Selectman Massey, for a recess at 10:10 carried 4-0. The meeting was gavelled back to order at 10:15 p.m.

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

A. **Challenge by Selectman Jasper**

Selectman Jasper said nobody wants to hear this, but he is going to have his say. Relative to his removal from the Fire Department on May 13, the Town violated the Right to Know Law and his rights. In an effort to put an end to everything, he made an offer that if the Board acknowledged they violated the Right to Know Law by discussing his fate, thus overturning the decision, he would retire from the Hudson Fire Department--but the Board did not acknowledge that mistakes were made. There is a difference to him, which he wasn't going to go into. His only choice is to pursue the matter in court because the Board clearly violated the law. The Town Attorney said, "The Right to Know Law is founded on the principle that openness in the conduct of public business is essential to a democratic society. Toward that end, the Right to Know Law serves to ensure both the greatest possible public access to the actions, discussions and records of all public bodies and their accountability to the people." The law specifically outlines what can be considered in Nonpublic Session and states, "The dismissal, promotion, or compensation of any public employee, or the disciplining of such employee, or the investigation of any charges against him, unless that employee affected has a right to a meeting and requests that the meeting be open, in which case the request shall be granted." The Board couldn't deny that he had a right to a meeting. Thus, they didn't have any option at that time than to close the public hearing and go into Nonpublic. It's not one of the options. On May 27, the Chairman termed it a deliberation, and the Board has the right to have that in nonpublic. Selectman Jasper said there is no exemption under the Right to Know Law for a Board to go into deliberative sessions. The Board does not have the right to hide its deliberations and discussions and ultimate actions and reasons for those actions from the public. The Board, by the very nature of the Right to Know Law has to make its decision in full public view—and the Board didn't. Selectman Jasper said if he goes to court, he *will* be successful. He will ask the judge to overturn the decision upon which that error was made. That leaves them in a situation where they had a public hearing, but didn't come to the decision, so they start over again with a new public hearing. At that time, he will ask the members to recuse themselves. The Board members' decision is a matter of record, so the Board can't have another hearing. If all the members recuse themselves, a court will appoint five former Selectmen to sit in their five seats, and they end up back at Square One. Maybe he'll be fired; maybe he won't. He was offering a way to end this. He issued a challenge. He is going to court pro se, himself, and his expense is going to be \$125. He's not going to have an attorney, nor the assistance of an attorney in preparing his documents, and he didn't think the Town ought to be spending money on this. The Town should put the facts on the table before the judge, with no attorney involved, but with one Board member going pro se. He feels so strongly about this, he is willing to challenge any one of the Board that, if he loses, he will resign as a Selectman. He asked if any of the other Selectmen were willing to put the same kind of weight behind their conviction that they were right to do what they did. He said the Board has this one opportunity to admit their error and close the rest of it, not saying he didn't deserve to be fired; not saying he did; just saying they shouldn't have done that and it's over. He retires. He's done. No more expense for the Town. No more of this. That's where he will leave it.

B. **Collective Bargaining Units**

Chairman Cole said they are going to be negotiating three labor contracts for the upcoming year. On June 26, he, the Town Administrator, the Fire Chief and the Labor Relations Consultant met with IAFF Local #3154 for their initial, ground-rules meeting. The proposal from the IAFF was received yesterday. The next session, scheduled for July 28, is for questions and clarification. The Board needs to set parameters and construct any possible counter-proposal. It was decided to hold the negotiations session on July 31 at 7:00 p.m. The next meeting of the negotiating team is August 8.

Selectman Jasper said if the union is represented by the same legal firm as in the past, there would be a conflict because the Fire Chief has also been represented by that firm. Selectman Massey agreed, saying that was a serious conflict of interest on the part of the law firm. Chairman Cole said Mr. Wardwell should relay those concerns to the IAFF's attorneys. If it is decided there is a conflict, can ask for a substitute for the Chief, or demand a new law firm. He asked the Town Administrator to convey the message to Mr. Wardwell. Selectman

Jasper said another issue is they've never had a member of a union be part of a negotiating team, and the Assistant Fire Chief just became part of a union.

Chairman Cole asked Priscilla to post a public notice for the session on July 31 and he will get a copy of the proposal to Board members. Letters have been received from the Public Works and Admin and Support unions, informing the Town of their intent to enter into negotiations. Mr. Wardwell will coordinate initial negotiations. Selectman Seabury is the representative for Admin & Support and Selectman Massey, the Highway Department's.

10. NONPUBLIC SESSION

Motion by Selectman Jasper, seconded by Selectman Massey, to enter Nonpublic Session under RSA 91-A: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 1) has a right to a meeting; 2) requests that the meeting be open, in which case the request shall be granted and (d) real estate issues carried 4-0 by roll call vote.

-
Nonpublic Session was entered into at 11:32 p.m. and was terminated at 12:00 midnight.

11. ADJOURNMENT

Motion by Selectman Jasper, seconded by Selectman Massey, to adjourn at 12:04 a.m. carried unanimously.

Recorded and Transcribed by Priscilla Boisvert
Executive Assistant to the Board of Selectmen

HUDSON BOARD OF SELECTMEN

William P. Cole, Chairman

Teresa Stewart, Vice-Chairman

Shawn N. Jasper, Selectman

Kenneth J. Massey, Selectman

Ann Seabury, Selectman