

HUDSON, NH BOARD OF SELECTMEN

Minutes of the September 10, 2018 Meeting

1. CALL TO ORDER - by Chairman Coutu the meeting of September 10, 2018 at 7:00 p.m. in the Selectmen's Meeting Room at Town Hall.

2. PLEDGE OF ALLEGIANCE - led by Interim Public Director Jess Forrence.

3. ATTENDANCE

Board of Selectmen: Roger Coutu, David Morin, Marilyn McGrath, Angela Routsis, Normand Martin

Staff/Others: Steve Malizia, Town Administrator; Donna Graham, Executive Assistant; Fire Chief Rob Buxton; Jess Forrence, Interim Public Works Director; Richard Empey, Chairman Benson Park Committee

4. PUBLIC INPUT

Chairman Coutu asked is there anyone in the audience wish to address the Board on any issue which the Board has control of at this time please step forward now and state your name and address for the record. Seeing none.

We'll defer the nominations and appointments. The candidate is expected in so we'll defer until such time as he should show up.

5. RECOGNITIONS, NOMINATIONS & APPOINTMENTS

A. Interview

1) Zoning Board of Adjustment - (4 vacancies - 1 member term to expire 12/31/18; 1 alternate term to expire 12/31/19; 2 alternate terms to expire 12/31/2020)

Gary Daddario - My apologies there was more traffic than I thought. I was coming from Merrimack.

Chairman Coutu stated having read your application, it's obvious to me as is to all of us that you've had some experience with them and it peaked your interest in wanting to not only serve the community in which now you reside but you would like to serve on the very committee that you appeared before successfully I would add. Why don't you tell us a little bit about yourself besides what we have in front of us and what is it specifically that peaked your interest?

Gary Daddario stated I went to school for business management at Boston University. I was, of course, prior to law school. It was a bit of an alternative track for an attorney since most people do political science or something of that nature. I've always had a little bit of a flavor for being involved in business operations other than the strict practice of law. In the practice of law from 2003 to present, I have focused exclusively on condominiums. I represent condominium associations and that's where all my clients are and meeting their needs involves a pretty wide variety of tasks. I sometimes help them to run their meetings. Other times they need letters of opinion interpreting their documents, what they can and can't do, or how they do the things that they can do, amending their documents, dealing with contracts, and vendors, suing the people that they need to sue for whatever reason, and defending them when they get sued. There's a pretty wide variety of what I do but often times it centers around real estate and some form of aspect of their property and their rights or their neighbor's rights. I think the experience is somewhat relevant and I think that I'll be able to understand the issues and to look at them and analyze them in terms of what comes before the ZBA. It is true that my experience there is what brought me here.

Mr. Daddario explained we moved to Hudson just slightly over a year ago. People call different phases of life different things. This for us is our forever home now as people say. For that reason, I was willing to make the effort in terms of doing what we want to do with the property which involved seeking a variance. In this case, the variance was granted so that's great. That aside after I did a presentation for the ZBA. They suggested to me that I apply for open spots because they could use folks who kind of understood what was going on and knew how to deal with the issues, the Code, and properly addressing the Statute and things of that nature. It is sort of in my nature to serve on part of a community. I like to be part of a

community. Before having our own home, my wife and I did live in a condominium notwithstanding that that's what I do for a living. When we lived in the condominium, I was asked to serve on that board and I did serve on that board and eventually was asked to be the President of that board and I served as the President of that board. It was an uncompensated position much as volunteering for the town. Again my thought process is if I'm part of a community that I do want to be involved with the community and help with what I can in that respect. That combined with the ZBA's invitation brings me to you.

The inevitable question, Chairman Coutu asked do you represent at this time any condo association in the Town of Hudson. Gary Daddario indicated I do although there are but few. Each of them is completed in terms of their development. I would not expect them to need to seek relief from the ZBA although if they did, obviously I could recuse myself from that issue but it's not expected because typically I come in after the development. The developers usually start the whole process with their own legal counsel who represents them and helps them with their issues. I tend to come in the nature of my practice after the transition to the...Chairman Coutu stated typically once the condominium association is established. Mr. Daddario said yes. The developer has gotten the approvals, built out the project, finished the unit, sold them...Chairman Coutu said relinquishes his control...Mr. Daddario agreed and then it's time to turn it over and usually that's when I come in. Almost exclusively that's when I come in.

Chairman Coutu noted I served on a condo association as well many years ago in another part of New Hampshire - Woodstock to be precise. Any other questions or comments?

Selectman McGrath had a couple. Where are you licensed to practice? Gary stated licensed in both Massachusetts and New Hampshire. On a daily basis, I report to an office in Merrimack, New Hampshire. The firm at which I'm a partner and the firm is Marcus, Ricoh, Emmer & Brooks has the Merrimack, NH office and then a Braintree, MA office. Selectman McGrath noted you're familiar with New Hampshire Statutes and how to research them and understand them. I only have one other question. Is Shepherd's Hill one of the condominiums that you represent? That is a completed condominium sort to speak. They have sought relief from the Zoning Board. Just because it's completed doesn't mean that they can't come back for relief and if that would happen, I would expect that you would step down. Mr. Daddario said yes absolutely.

Chairman Coutu stated presently Mr. Daddario we have a full member's term which is a voting member available through December 31, 2018 and we have three alternate positions. I am willing to make a motion to ask you to serve as a full voting member in that capacity. Is that fine with you? Mr. Daddario said yes.

Motion by Selectman Routsis, seconded by Selectman Martin, to suspend the rules and nominate and appoint Gary Daddario as a member to the Zoning Board of Adjustment with a term to expire 12/31/18.

Just to be certain, Selectman McGrath stated this full member term will end December of 2018 which is this year and then you would have to reapply for the following term. Chairman Coutu believed is three years. So it would be a three year. This is the remainder of the full voting member term and typically unless you were to move or failed us in some way, you probably wouldn't get reappointed but that's 99 if not 100 percent of people who reapply we reappoint to the position. You'd be applying for the continuation of that full member's term. You won't get demoted to a non-voting member.

Vote: Motion carried 5-0.

6. CONSENT ITEMS

Chairman Coutu asked does any member of the Board wish to remove any item for separate consideration. Seeing none.

Motion by Selectman Routsis, seconded by Selectman Martin, to approve consent items A, B, C, D, E and F as noted or appropriate, carried 5-0.

A. Assessing Items

- 1) Current Use Lien Release: Map 111, Lot 70 - 26 Senter Farm Road, w/recommendation to approve

B. Water/Sewer Items

- 1) Sewer Abatement - S-UTL-19-01 - 60 Rangers Drive; S-UTL-19-02 - 10 Gloria Avenue, w/recommendation to approve

C. Licenses & Permits & Policies

- 1) Raffle Permit - Knights of Columbus Council 5162 Hudson

D. Donations - None

E. Acceptance of Minutes

- 1) Minutes of the August 28, 2018 Meeting

F. Calendar

- 09/11 7:00 am - 8:00 pm PRIMARY ELECTION
- 09/11 6:30 9/11 Ceremony
- 09/12 7:00 Planning Bd - Buxton CD Meeting Room
- 09/18 7:00 Municipal Utility Cte - BOS Meeting Room
- 09/20 7:00 Benson Park Cte - Cable Access Center
- 09/24 7:00 Sustainability Cte - Buxton CD Meeting Room
- 09/25 7:00 Board of Selectmen - BOS Meeting Room
- 09/26 7:00 Benson Landscape Cte - BOS Meeting Room
- 09/26 7:00 Planning Bd - Buxton CD Meeting Room
- 09/27 7:00 Zoning Bd of Adjustment - Buxton CD Meeting Room

7. OLD BUSINESS

A. Votes taken after Nonpublic Session on August 28, 2018

- 1) Motion by Selectman Martin, seconded by Selectman Morin, to promote Tim Greenwood to the position of Equipment Operator I, Grade XII, Step 7, at \$27.98 per hour effective September 2, 2018, carried 5-0.
- 2) Motion by Selectman Martin, seconded by Selectman Morin, to convert the part time position of IT Technician II to a full time IT Technician II at a rate of \$28.10 per hour effective September 2, 2018, failed 1 - 4 by roll call. Selectman Martin in favor.
- 3) Motion to adjourn at 9:29 p.m. by Selectman Martin, seconded by Selectman Routsis, carried 5-0.

8. NEW BUSINESS

A. Request to Post and Advertise for the Position of Public Works Department Parks Foreman

Chairman Coutu recognized Town Administrator Steve Malizia.

Steve Malizia stated during the budget deliberations of last October/November, the Board of Selectmen put an item into the budget for the position of Parks Foreman which would be a promotion for someone in the existing Highway/Public Works Department. The position of Parks Foreman will supervise all the grounds,

all the parks, all the cemeteries that the town controls and basically would be the foreman in charge of all of those activities. As such, we need to approve a job description and post and advertise for the position should the Board wish to fill it. Again it is budgeted in the Park Division that the Board put into the budget for this fiscal year. It's not an additional position. It was intended to be a promotion from one of the rank and file to this position.

Jess Forrence explained like Steve had said, we are looking within house if we can. We've got a couple of good candidates. This person will be in charge of cemeteries, parks, public right of way, sidewalks, anything to do with cleanup and not just the chemical side of things. The candidates do have a certification in treatment. Any time we do any type of fertilizing, weed kill, or anything like that in a public right of way you do have to be certified. Any of us can go out there and kill the grass in the sidewalk and our front yard we're fine doing it. As soon as you start doing public right of ways and so forth at the scale that we're going to do it, you need to meet State guidelines.

Chairman Coutu understood having had conversation with the Town Administrator relative to this position that you've reviewed the job description. Am I correct? Mr. Forrence stated yes I have. Chairman Coutu wanted to bring a couple of things to your attention. Under "job summary" the very first page, top of the page on job description, there's nothing mentioned in there about winter months whether its supervision or just a regular employee. Until it's on the next page, it shows up under #6 the second item down on the next page - "assists with all snow removal operations as needed". Should not something be said in the summary that goes beyond parks, cemeteries and maintenance of those areas, or am I misreading what a job summary is, or do I not have an understanding of what a job summary is? I thought I did.

Jess Forrence indicated through the summer this guy will be overseeing parks, cemeteries, and all the rest of this. When fall hits, once we do cleanups and so forth, the first sign of snow and all the rest of that, he becomes a truck driver. Slow times, he'll end up doing lawn mowers and anything else that needs to be kept up for the spring. If he asks me what he's going to be doing through the winter months, he might not be supervising people. We will be supervising him but he still has either a department records to keep up with, planning for the spring, all the rest of it. He will be pushing snow.

Chairman Coutu stated I understand all of that. Should we not necessarily have anything that says pushing snow or assisting with plowing but other duties are maybe assigned? There's a clear understanding that it isn't just that. Steve Malizia indicated the appropriate thing would be to put one more line on that that says "Perform other related duties as assigned" and that would cover that.

Under "knowledge, skills, and abilities", it is Chairman Coutu's understanding because of the nature of this work I think you touched upon it Mr. Forrence. The "skills, knowledge and abilities" should we not have in there certified to handle and dispense chemicals? He should be certified. He shouldn't even have the job until he's certified to handle chemicals. Mr. Forrence agreed. If you wanted to include that absolutely but in the...Mr. Malizia said in "Minimum Qualifications Required - Possess and maintain a NH commercial supervisory turn pest control (not for hire) as well as other licensing as it becomes necessary."

Chairman Coutu stated so we're going to add "other duties as assigned" under the job summary. Mr. Malizia indicated we put it under #11 so it's very explicit. That's typically where we put it.

Selectman Routsis asked is this an hourly or a salary position. Jess Forrence said hourly. Selectman Routsis asked are your other foreman hourly. Mr. Forrence said yes. Chairman Coutu thought not all union members are hourly but I think it's broken down. Steve Malizia said in this particular unit, these are hourly employees.

Selectman Morin asked if your other foreman is out is he going to fill in to cover both positions and then vice versa. Mr. Forrence said yes.

Motion by Selectman McGrath, seconded by Selectman Morin, to post for the Parks Foreman position in the Public Works Department as amended, carried 5-0.

Motion by Selectman Morin, seconded by Selectman McGrath, to approve the placement of the position of Parks Foreman in the Hudson Public Works Department Union on Grade XVI in the collective bargaining agreement between the Town of Hudson and the Hudson Public Works Department Union and to authorize the Town Administrator to sign the Memorandum of Agreement, carried 5-0.

Without objection, Chairman Coutu said I'll go back to nominations and appointments.

B. Acceptance of the 2017 SAFER Grant for Four Firefighter/AEMT's in the amount of \$642,964

Chairman Coutu recognized Fire Chief Rob Buxton.

As you recall, Steve Malizia indicated this was a warrant article that the voters approved. This will be offset by the SAFER Grant to help us bring these four Firefighter/AEMTs on and the Chief will talk about it.

Chief Buxton said as the Administrator stated, this topic came up during our last budget proposal last October. We put a warrant article together and a request to apply for a staffing grant through FEMA. In March, we received a positive vote from the public supporting the match portion of the grant. We filed our grant application in the spring and we were notified in August that we received the grant for the four firefighters. So tonight we're asking you to accept the grant and allow me to accept the grant and start moving through the process of the administration of the grant.

Motion by Selectman Martin, seconded by Selectman McGrath, to authorize the Fire Chief to accept the FY2017 Staffing for Adequate Fire and Emergency Response Grant in the amount of \$642,964 as recommended by the Fire Chief, carried 5-0.

C. Revenues and Expenditures

Chairman Coutu recognized Town Administrator Steve Malizia.

Steve Malizia explained the revenues and expenditures is basically you're two months into the fiscal year which is 17 percent. I don't have a lot to report right now because quite honestly it's very early in the year. However, things skew a little high because we do encumber. We encumbered the solid waste contract. We encumber legal. We encumber quite a few items. What it does is it shows you a higher rate. That's not to be alarmed. That just means we've made a commitment and we put it on the books.

D. Benson Park Restroom Bids

Chairman Coutu recognize Town Administrator Steve Malizia.

Steve Malizia stated Benson Park went out for bid for the bathrooms. As you recall, it was an approved warrant article. The voters approved this. The bids were received and opened on I believe August 17th. The Town Code requires you have an award or a rejection within 30 days of the receiving of or opening of bid. This will be the meeting before we would have a rejection. It is my understanding that the Benson Park Committee discussed/reviewed the bids at their last meeting on Thursday. It is my understanding that they're recommending that the bids get rejected. They are well in excess of what you have in the budget. It does not appear that we would be able to do this work for what you have remaining. Don't forget you've started and you've done the electrical so that took some of the warrant article money but there is just simply quite simply not enough money to award these bids.

Chairman Coutu stated the electrical portion was not in excess of what we anticipated. Mr. Malizia's understanding was it was not. Chairman Coutu asked if Selectman Morin wanted to speak to this before I ask Mr. Empey to step forward.

Selectman Morin indicated the Benson Committee had received an estimate I believe about \$65,000 in that area to do the bathroom which gave us the starting point to move forward. Correct? Richard Empey said no. The estimate that we had asked for last year as a basis to determine our warrant article amount was \$98,000. This was from a reputable local contractor. It was a formal estimate. It wasn't an off the cuff type

of thing. We felt we had an accurate figure. These bids that came back to us are the lowest one is 111 percent over what we had estimated. I think that we made a few mistakes when we put out the RFP that caused some of this. A couple of the items that I looked at is we gave them a fairly short completion time which was December 31st. In view of how busy contractors are these days, at the end of the building season I think that probably should have been a much longer timeframe for completion. I think everybody was booked up. They probably looked at this job and said we're going to have to go to outside management and outside subcontractors complete it causing their expense to be considerably higher than we expected and also I think for their trouble they probably said to themselves if we're going to do this, we're going to get paid well for the aggravation.

Chairman Coutu assumed that these numbers we have before us - the bids that he had before us - are as a result of a request for proposal, correct? Mr. Empey said that is correct. Chairman Coutu asked was a formal request for RFQ - request for a quote - put out? Mr. Empey said no. Chairman Coutu said there's the first mistake. It should have been formally advertised as seeking from major contractors not a local who I think your terminology was "off the cuff" gave us a number. When we go out for projects for bids of this magnitude, we formally put together an RFQ which is a request for a quote and now we have contractors giving us what they think the cost is. In the eventuality that we can't find anybody to do this for the money that we have, do you have an alternate plan other than or is it going to be portable toilets until we either go back to the drawing board and start over next year with another warrant article. What is the alternate plan at this point?

Richard Empey said first of all I think you misunderstood me. I said it was not an off the cuff estimate. We formally requested actually I believe it was three different contractors to estimate what it would cost. What's now quote, estimate, bid. A bid is a formal contract in my eyes. The quote, the estimate is an educated idea of what it's going to cost. We did get one. We had another one that probably wasn't as formal. Actually we had two that were formal written estimates. That's what we based it on. Going forward at this time, I think our best avenue is probably to change our completion date to probably June or July 1st of 2019 number one. Number two, reduce the number of facilities from four on each side to two with an attachment to the bid to tell us what a third on each side would be. We'd be reducing the magnitude of the job as well as extending the timeframe. At this point, I think our best avenue is to go out with another RFP through the guidance of the engineering firm that we hired to oversee this project with that long a timeframe and see what we come back with. At this point even if we did want to go forward with another RFP for additional funds, I don't think we have figures that are reliable to use. I'm hoping and I think it's reasonable to think that we can do better by making those changes that I've indicated and see what we get. If the cost of construction has escalated so badly since last year, I guess we'll probably have no choice but to go back to the voters and look for more money. At this time, I think we need to rebid it.

Chairman Coutu noted I heard you make this statement that you've hired an engineering firm. Mr. Empey said yes we did. Chairman Coutu stated hired - past tense. He's paid and done with...Mr. Empey said he's in our employ. This was all approved by the Board of Selectmen. Chairman Coutu asked what is his task right now. Mr. Empey said right now and this should happen very shortly is we should meet with him and the Town Engineer again and put together a plan for where we're going forward. At last Thursday's meeting as you know, we rejected the bids as we need to legally. We have to sit down and decide how we're going to go forward with this, what the RFP should request, and see what the professionals recommend we should do.

Before I vote to support going any further, Chairman Coutu wanted to have this engineering thing resolved. Has he sent us a bill at all the engineer? Has the engineering firm sent us a bill at all? Dick Empey was not aware that we've been billed. We might possibly be getting billed by ours as they use but I'm really not sure of that. I'd have to go back through and find out exactly where we stand with him. Chairman Coutu asked this money for the engineering firm is coming from where. Mr. Empey indicated it's coming out of the warrant article. Chairman Coutu noted the \$160,000 that is left may be even less than that after we pay the engineering firm. We didn't encumber any money for engineers. Steve Malizia indicated we would have done a purchase order which would have hit that expense. Mr. Empey said a purchase order was issued to SFC. Mr. Malizia said that would be in the encumbrance.

Selectman McGrath asked by reducing the scope of the work would you then have the adequate facilities going forward so that you wouldn't have to come back two years from now and want to add on more bathrooms because you don't have enough. Richard Empey's thoughts right now and again this will have to be worked between SFC, Elvis, and the Benson Park Committee. My thoughts right now is to change the facilities from four on each side to two on each side with a family room in the middle. I'd like to put an attachment on the RFP for an additional position on each side to bring it to three or at least put the plumbing in the floor for that third. We have to see what it will cost us. I know where you're going with this and this is part of my concern is how do we ensure that we haven't spent a lot of money and then need to spend a lot more money to go back and expand what we have. There is definitely room in the building for four positions on each side. If we put in two and don't spread them out, then we'll have that empty spot. The wise thing in my mind would also be to put the additional plumbing in the cement floor when the floor is put in. Therefore if we do decide to expand in the future, it would require taking the cap off the plumbing, install the facility, and the petitions and everything and it would be there at a quite minimum expense as opposed to cutting the floor and busting out the concrete and adding to the plumbing and all that. This is something that we have to work through and figure out exactly how we want to word that RFP. This is what I hope that SFC Engineering can help us with. None of us on the committee are builders and we don't have the expertise to determine what portion of that bid goes to what exact portion of the project. If we cut out two stalls on each side, I can't sit here and tell you we're going to take 40 percent of the cost out of the bathrooms or 20 percent, or 10 percent. This is what we have to work through and find out before we go out to bid the next time.

From my perspective, Selectman McGrath stated cutting it back by 50 percent on either side and the Benson Park Committee made the argument that they needed four bathrooms on each side. That's what the voters vote for. They voted to accept that recommendation and the cost that was associated with that. If there's going to be cost growth and we know that, we know that now just by the two bids that you've gotten. I think that you should go back before the voters and ask them for the additional money, do it all at once, get it done so that we're not faced with additional cost growth going forward. Prices continue to rise. They're not going to be going down. They're only going to rise and to me it makes more sense. You made the argument that you needed four bathrooms on either side. The voters accepted that. They voted for that. They thought that it was necessary based on the recommendations and that's what I think that we should do is seek additional funding.

Richard Empey asked to comment on that. Chairman Coutu said Selectmen have questions so let's go on with the questions.

Selectman Routsis had a question about because you mentioned reducing the bathrooms but adding a family restroom. Mr. Empey indicated the family room was already included. Selectman Routsis wasn't sure because it didn't look like it on here. That's why I was checking because I wanted to make sure that was part of the original RFP. My personal opinion is we gave two months to build the facility. I think these were just people putting in a bid to put in a bid. They're not realistic bids. If you overbid, you know you're not getting the job. That's what I think ended up happening because we gave a two month window to complete a pretty extensive job.

Chairman Coutu asked how many portable toilets do we have right now Mr. Empey. Mr. Empey said right now we have five in the park. In the spring and fall we maximize it seven units. We vary the number of units with the time of the year and the usage of the park.

Selectman Morin said first of all I want to say for the amount the bids came in, you can build a really nice house fully which is kind of ridiculous that we got a bathroom that we already have an existing building and we're going to pay that much. Dropping the stalls down, I don't think that's going to save you much money. You've got pipe and labor to put it in. I don't think that's where you're going to do the cost savings at all. When you look at this estimated cost estimate, it says \$32,400 for plumbing. Did that include coming from the outside or was that for the building itself? Richard Empey believed that is coming from a stub to be located within five feet of the building. That was what the contract said.

Selectman Morin asked what are the specialties - the vandal proof equipment and everything for the building or...Mr. Empey indicated that would include the locking and unlocking doors. Like it says signs, fixtures,

smaller components. One of the things - and I'm glad you mentioned the plumbing - that makes me feel that these bids are not realistic. I don't think the bidders thought they were realistic to be honest with you. That's my personal opinion. Mechanical plumbing. One was at \$32,900. The next guy was at \$77,000. It makes no sense. If you look through the different portions of the bids, one guy will be 100 percent or more above the other guy and then you turn around and the next item is the other way. You would think the bids one guy would be maybe 10 percent higher than the other guy and be consistent to come out with this higher bid but site work and demolition, one guy is at \$16,000 and the other guy is at \$5,000. There's no sense to it.

Selectman Morin said it if is correct, I'd like to make a motion.

Motion by Selectman Morin to send out another request for bids with the assistance of the Town Engineer and the Town Administrator and keep the building as originally specced and extend the time for construction.

Selectman Morin asked what it is usually a 30 day process. What's the time requirement you give the contractors to get back here? Steve Malizia stated I'm not sure on this particular one. Was it a 30 day window for them to bid? Mr. Empey believed it was a little less than 30 days. Selectman Morin said if we do the same timeframe that will give the Benson Committee a chance to come back to us and say they want to go again with a warrant article or we just drop it.

Richard Empey asked to take a minute and touch on what Ms. McGrath said about going out for additional money and everything. Essentially we've already done this in this first time around. We went to contractors, we got estimates of what the cost of this building was. We used that to formulate our RFP which we put out and you saw what we got back. It's ridiculous. I'm really concerned about going that route again with another warrant article because between the time that you formulate your warrant article and it goes to vote, comes back from the voters and everything, there's quite a timeframe there and look what happened to us this time. The timeframe changed the estimate for the value of the project. What if we go out and I get an estimate to do this over and they come back and they say we can do it for \$150,000. This is the consensus. It's an estimate. It's not a fixed bid. It's not a legal contract. We go nine months and the warrant article passes, we put out an RFP again, and it comes back and here we are all over again. The guy said \$150,000 and our quote comes back for \$250,000 and again we can't do it.

Selectman McGrath asked to jump in for just a second. Instead of asking for a cost plus bid, ask for a firm fixed bid so that there's no cost growth. If they bid a certain cost and you contract with them for that amount of money and it's a firm fixed bid, then there is no cost growth. If it's a cost plus or if there isn't any wording in the bid package regulating that, then you could have cost growth. Richard Empey asked you're asking for a legal, binding bid to do the job. Selectman McGrath said you ask them for a firm fixed price so that if you accept that bid and it comes to accept the bid, the contract would be that there is no cost growth. It's a firm fixed price. If they go over that cost, they eat it. Mr. Empey stated it's very interesting that you say this. I'm 100 percent on board with you. Last summer when we started this process, that's the direction I wanted to go. I wanted to get a firm price, a legal binding from a contractor and then we'd have a fixed price to put on the warrant article to ask the people to pay for it. I was told that we couldn't do it that way so we ended up going the route we went this time.

Selectman McGrath explained the company that I worked with for a good number of years, that's part of my job was preparing bids for defense contractors/companies or the US government. The US government would either tell us it could be a cost plus contract, firm fixed price contract, a fee included contract, and I forget what the acronyms were? Mr. Malizia said EPFF, FFP. Selectman McGrath said FFP was the firm fixed price. CPFF was cost plus incentive fee. So there's different bids that you can provide or have provided but if you don't want any cost growth which we don't, at least this board member doesn't, you'd ask for a firm fixed price and what they provide as a firm fixed price, they understand that the parameters are that if there is any cost growth, they have to eat it. The town isn't going to because they're held to the price that they provide for us to do the job to get the job done.

Chairman Coutu stated we live in different times. The President has just stated that he's prepared to assess another \$20 billion in tariffs on Chinese goods coming into the country. I think any contractor who would

bid on this on a fixed bid price would be absolutely insane and I don't think you'll find anybody who will. You won't get any bids. That's my personal opinion. If that's what you're going to go out for, I think you're going to waste your time doing the advertising and we're going to get nothing for bids. We will have paid for more ads and no one is going to come in for a bid. I don't think anybody is prepared in the contracting business today based on articles that I've read about the cost of construction, the increase in the cost of construction because of tariffs are going to want to guarantee a fixed bid on something that is not going to take place until now at the earliest April of next year would be the earliest they could probably start construction depending on the magnitude of the weather that we're going to get. It's supposed to be a mild winter but even so it would be April before they'd even be able to start. I don't think they're going to go and spend money six months out and buy stuff to do this project. I'd hate to see us spinning wheels and getting absolutely nowhere on this. You can ask for it and if the Board supports you going out for a bid for the fixed price and we get bids and good for the Town of Hudson. I think it's going to be a waste of taxpayer money to advertise it and think you're going to get it. I've seen stranger things happen. That's my opinion.

Just because I don't know and I don't do bids, Selectman Routsis asked are you able to put in - you've seen more of them than I ever will - are you able to put in it we're looking for X pricing or fixed pricing? Steve Malizia said maybe I'm missing something but I thought the two bids we received that's the price. There is no deviation from that price. The only deviation was we had asked for a couple of options I want to call this. Unless this Board or someone radically changes what you're doing, that's the number. Selectman Routsis thought where price is telling someone now and can you give us your pricing for next summer...Mr. Malizia thought what Mr. Empey was trying to say was when they formulated the RFP to go out for the proposals, they had talked to a reputable contractor to say give us your estimate of what this is. They gave us an estimate. When we went out to the bid presumably these Chinese tariffs are in there and who knows what else is in these bids. I would expect this is the firm fixed price bid. This is the bid they're going to do it for. I'm not aware that it's any kind of cost incentive or cost plus. Here's the number.

Selectman McGrath asked to point out something about that. Let me use an example and not to pick on any particular project but we just had a recent project within the last year or so where there was some construction of a town facility and there was cost growth because when they started to do the work, they found some asbestos and some other items within the building that they needed to correct. That added cost because that was outside of the scope of the bid that they provided that they found additional things.

If I may, Steve Malizia indicated if I was a contractor and I was going to do a bid I would jack it up because I don't know what I'm going to find. So your next bid is going to be \$300,000 cuz now you're telling me I got all the risk and if something at all changes - okay. I'm not going to give you a \$200,000 bid. I'm going to give you a \$250,000 bid. I realize these are not apples to apples. My understanding was this is a firm fixed price bid. These two companies this is their bid to do the work that we scoped out unless something changed.

On the other project Chairman Coutu said if I'm thinking of the same one you're thinking of, we didn't exceed the amount of money that was allocated there. Selectman McGrath said no I'm not saying that but there was cost growth. They were doing the job and the department head had to come back in and talk to us and get our approval to allow continuance of the additional work. I don't remember all of the details of it but they had to come back before us. The same thing will happen here if they find something now. If we accepted these and there isn't terminology within the contract of this is the price for doing the work that you've agreed to.

Selectman Morin said most projects run into problems no matter what you're doing. It doesn't matter. You're going to have overruns, or you're going to have changes, or things like that. I have to agree with the Chairman. I don't think we're going to get anybody because of that reason because things change. I've been looking over this estimate again while we've been talking. I'll tell you looking at the numbers for what we already have there, these guys are way out especially the one that gave us the bids. This is a pretty fair estimate knowing what I know. I mean I'm not a builder or anything but I'll tell you what, those estimates are crazy. We might as well just build a whole new house down there and use it for other things too with the amount of money they're asking for.

Instead of reducing the scope, Selectman McGrath stated why not request bids for a total of four bathrooms plus the family area and then bids for whatever it is that you need - 4 and 4 plus the family area and see what you get back and give them additional time to complete the work and see what comes back then. Maybe there is going to be a big difference. I go back to the argument that the committee came before us and before the voters saying that this is what was needed. They approved that. The voters were generous and said okay we'll give you the money for that. It wasn't a small amount of money. Again because we've seen it before not just from Benson's Park but others where all of a sudden if you change things then you need to come back. It doesn't make any sense. You're ending up spending more money than would need to be spent.

Chairman Coutu asked to read Selectman Morin's motion.

Motion by Selectman Morin to send out another request for bids with the assistance of the Town Engineer and the Town Administrator and keep the building as originally specced and extend the time for construction.

Chairman Coutu said your motion is to go out to bid for the original plan. Selectman Morin said the original plan but go out to rebid with the extended time to make the construction. Again if they allow the 30 days, that's going to give them time to come back with the next set of bids and then we can make a decision from there whether we go to a warrant article or we just drop it. If the bids come in again at this much for this as they did the first time, I don't know if we're going to get that past with everything else we got going on this year. If they have the extended period of time for construction, that may help out.

Chairman Coutu asked what do mean by extended period of time. Selectman Morin said until July of next year. See they only let them until December 31st of this year. So the extended construction period. Chairman Coutu indicated this here bid is only good to December 31st of this year. Selectman Routsis noted they had to have it done and completed the construction. Steve Malizia said they wanted the task to be done. If you extend the task period, somebody can say I'm going to schedule this work for next April. It will take me a month and half to do. I'll therefore line my people up when there's no job up as opposed to okay we're going to do it now. We're going to drop everything else and I'm going to make a bid profit on this because guess what you've only given me X amount of time. That's kind of the theory. If we see what we get the next time, then you'll know. Was that a big factor or was that not a big factor?

Chairman Coutu said if it comes in over what we have allocated...Mr. Malizia said we'll have a different conversation.

Motion by Selectman Morin, seconded by Selectman Martin, to send out another request for bids with the assistance of the Town Engineer and the Town Administrator and keep the building as originally specced and extend the time for construction.

Steve Malizia noted at some point you need to make a motion to reject the other bids so you can do that as a separate motion. You haven't done that yet.

Chairman Coutu asked to defer your motion.

Motion by Selectman Morin, seconded by Selectman Martin, to reject the bids received on August 17, 2018 for the construction of the Benson Park Restroom Facility, carried 5-0.

Motion by Selectman Morin, seconded by Selectman Martin, to give the Benson Park Committee the authority to send out the RFP with the assistance of the Town Engineer and the Town Administrator as originally specced out with extended time to do the construction.

Chairman Coutu said the construction would have to begin before the end of the fiscal year. Steve Malizia said no technically you could encumber it for a year. Chairman Coutu said so we could give it two years. Mr. Malizia said yes you could. I wouldn't recommend doing it but if for some reason if the work doesn't get completed you could go and...Chairman Coutu said honestly I don't think I could support the motion because I think that we should just...let me ask this. Selectman Morin seeing you've been the more active of the two

of us attending the meetings because I work Thursday nights. The bids come back in and they're at the same or higher than what we presently have. What's the alternate plan?

Selectman Morin stated this Board needs to decide do we let them write a warrant article to get the further funds or do we just drop the project and stay with the port-o-potties.

Selectman Routsis indicated Mr. Empey has been trying to say something about the motion.

Richard Empey would like to ask Dave to consider changing that motion slightly and make it three on each side with an attachment for the fourth. In doing this what that's going to do is it's going to allow us to see what the cost of each individual unit is costing us. The reason for that being if this doesn't come back successfully, something that we can afford, we'll have that little figure in the bank of what each individual stall is costing us. It doesn't affect the outcome but it gives a little bit of a fact in there to work with if we need it.

Selectman Morin asked the Fire Chief you just did that. If you know what an average stall was per in the fire station. Chief Morin said I don't unfortunately. I'm sorry. Selectman Morin didn't think a stall is that much of a project. I really don't. I would not change it. Chairman Coutu agreed. I don't think that leaving one stall out is going to give us the cost of a stall. A stall today may be \$30,000 and six months from now it could be \$42,000. I doesn't really tell us much of anything. We should go out - geez I'm going to have a hard time supporting this. I would just assume go back to the voters and just say hey look we underestimated and we need more money.

Vote: Motion carried 4-1. Chairman Coutu in opposition.

Chairman Coutu noted we'll go back to the drawing board and see what comes back and we'll take it from there. Thank you Mr. Empey. You're going to work with the engineer to get this done. The Town Administrator will pick up the ball from here.

Before I go on to other business and remarks, Chairman Coutu asked is there anything else that anybody on the Board wanted to bring up. No. We have nothing.

9. OTHER BUSINESS/REMARKS BY THE SELECTMEN

Selectman Routsis - I actually do not have anything this evening.

Selectman Martin - I don't have anything either Mr. Chairman.

Selectman Morin - Come out and vote tomorrow and the 9/11 Memorial Service will take place at 6:30 at Benson.

Selectman McGrath - I have one thing. I attended the Road Agent's retirement party a couple of weeks ago and I was remiss in my remarks at the last meeting. He should have been congratulated and thanked for his many years of service to the town. He did an outstanding job and he should have been recognized for that. For that, I thank him for all of his service and all of the hard work that he did for Hudson. That's all that I have.

Selectman Coutu - I think we all echo those comments. First of all I have a few things. I want to congratulate Molly Donahue from the Hills Garrison School for her art form being chosen for the April 2019 fire and life safety calendar. I looked at the drawing intently this afternoon. Her teacher is Diane Giuffrida. Congratulations Molly. Outstanding job representing the Town of Hudson.

I want to remind our citizens that a week from Tuesday, a week from tomorrow, the Police Department blood drive will be at the community center from noon to 7. I had always had questions about whether or not I know for a couple of years I was not able to donate any blood. I've been cleared by my doctor. I believe I'm going to be going this will be the first time in my life I ever donate blood.

I want to congratulate the Alvirne High School Broncos football team winning their opening game. They lost their second game but not without a fight. I think this is the year guys. Hang in there. Go for a playoff position because you can do it. This is the year for Alvirne High School football Broncos. I'm proud of them. I hope the band continues to raah them on.

I want to congratulate our new Town Planner. He was in your office this morning when I went in for his morning meeting - Brian Groth. I think Brian is eager and his palette has been wetted as a result of taking a tour of the town with you and the Zoning Administrator. He's got a little bit of a feel for the town but a long way to go. I expect some great things from him.

As Selectman Morin alluded to, tomorrow is the State Primary day in the State of New Hampshire. We will be working at the polls. I hope that you will make Hudson proud and go out and vote. Don't pass up the Primaries. Don't pass up the general election. Don't pass up municipal elections. These are all important. It's a privilege to be able to vote in a free country and we should take advantage of that.

10. NONPUBLIC SESSION

Motion by Selectman Martin, seconded by Selectman Routsis, to enter nonpublic session pursuant to RSA 91-A:3 II (b) The hiring of any person as a public employee, carried 5-0 by roll call.

Chairman Coutu wanted to remind everybody that the 9/11 Memorial dedication is at 6:30 p.m. tomorrow evening rain or shine. I expect all the members of the Board will be there barring any unforeseen circumstances. I hope we can see the general public there.

Chairman Coutu stated we'll enter Nonpublic Session at 8:15 p.m., thus ending the televised portion of the meeting. Any votes taken upon entering open session will be listed on the Board's next agenda. The public is asked to leave the room.

Chairman Coutu entered open session at 8:20 p.m.

Motion by Selectman Morin, seconded by Selectman Martin, to hire Jason Krupa for the position of Truck Driver/Laborer at \$18.38 per hour, Grade VIII, Step Minimum, in accordance with the Hudson Public Works Department Union, AFCME Local 1801, effective September 16, 2018, carried 5-0.

Motion by Selectman Morin, seconded by Selectman Routsis, to hire Charles Keraghan for the position of Truck Driver/Laborer at \$18.38 per hour, Grade VIII, Step Minimum, in accordance with the Hudson Public Works Department Union, AFCME Local 1801, effective September 30, 2018, carried 5-0.

Motion by Selectman Routsis, seconded by Selectman Martin, to hire Joshua Frumkin for the position of Firefighter/EMT in the Fire Department at the contracted salary of \$16.11 per hour (step 1) effective September 30, 2018. This assignment will be a non-exempt position in accordance with the International Association of Firefighters Local #3154 as per the union contract, carried 5-0.

Motion by Selectman Martin, seconded by Selectman Routsis, to hire Corey Girard for the position of Firefighter/AEMT in the Fire Department at the contracted salary of \$20.15 per hour (step 1) effective September 30, 2018. This assignment will be a non-exempt position in accordance with the International Association of Firefighters Local #3154 as per the union contract, carried 5-0.

Motion by Selectman Morin, seconded by Selectman Martin, to hire Eric Hackett for the position of Firefighter/AEMT in the Fire Department at the contracted salary of \$20.15 per hour (step 1) effective September 30, 2018. This assignment will be a non-exempt position in accordance with the International Association of Firefighters Local #3154 as per the union contract, carried 5-0.

Motion by Selectman Martin, seconded by Selectman Routsis, to hire Dylan Raymond for the position of Firefighter/AEMT in the Fire Department at the contracted salary of \$20.15 per hour (step 1) effective September 30, 2018. This assignment will be a non-exempt position in accordance with the International Association of Firefighters Local #3154 as per the union contract, carried 5-0.

Discussion relative to the Town Administrator's contract. Performance evaluation form passed out to the Board with instructions to evaluate the Town Administrator, place it in a sealed envelope, and place it in the Chairman's mailbox.

Discussion relative to the timeliness of matters. Board will not do anything by consensus and will all be done by motions with reasonable deadlines.

11. ADJOURNMENT

Motion to adjourn at 8:30 p.m. by Selectman Martin, seconded by Selectman Routsis, carried 5-0.

Recorded by HCTV and transcribed by Donna Graham, Executive Assistant.

Roger E. Coutu, Chairman

David S. Morin, Vice-Chairman

Marilyn E. McGrath, Selectman

Angela Routsis, Selectman

Normand G. Martin, Selectman