

HUDSON, NH BOARD OF SELECTMEN  
July 13, 2010

1. CALL TO ORDER by Chairman Massey the meeting of July 13, 2010 at 7:00 p.m. in the Selectmen's Meeting Room at Town Hall.
2. PLEDGE OF ALLEGIANCE, led by Selectman Nadeau.
3. ATTENDANCE

Board of Selectmen: Roger Coutu, Ken Massey, Shawn Jasper, Rick Maddox and Ben Nadeau

Staff/Others: Steve Malizia, Town Administrator; Donna Graham, Executive Assistant; Chief Jason Lavoie; Town Engineer Gary Webster; Recreation Director David Yates; Linda Kipnes; Chairman of Energy Cte; Tim Quinn, Chairman of Conservation Commission; and Bernie Manor

4. PUBLIC INPUT

Chairman Massey asked if anyone in the audience wished to address the Board on any issue at this time? Seeing none, he went to the next item.

5. NOMINATIONS & APPOINTMENTS - None

6. CONSENT ITEMS

Chairman Massey asked if Board member wish to remove any item for separate consideration.

Selectman Maddox asked to remove Consent Item A. 4).

*Motion by Selectman Coutu, seconded by Selectman Jasper, to approve consent items A, 1, 2, 3, 5, 6, and 7, B, C, D, and E, as noted or appropriate, carried 5-0.*

Selectman Maddox asked for an explanation from the Town Administrator as to my dog ate my tax bill so I shouldn't have to pay the penalties and interest.

Town Administrator Steve Malizia said about a week or so ago, the Board received a letter from a property owner here that apparently is a divorce situation. This property owner lived in the house. The tax bills and all the notices were going to the spouse in Massachusetts. There's no mortgage on the property, so there's no bank involved. From what he understood, the spouse that was the responsible party, the party in Massachusetts, ignored it and didn't pay it. The first that this property owner claims that she heard about it sent a letter to the Board asking for a waiver of the interest. Not the taxes, the interest.

Selectman Maddox was looking for some clarification. Inasmuch that he knows that this was the Tax Collector's bailiwick but we wait until we almost lien the property before we notify someone other than an address that nothing has come back from?

Selectman Coutu was going to suggest if you recall at the last meeting, he had raised the issue about the letter that they had received. Chairman Massey had said that it had been resolved and he was very satisfied with that. He thought that the letter, and he didn't know if they recollected the letter Selectman Maddox, was very convincing. He had hoped that they would reach this kind of a resolution and when he assured him that the matter had been resolved, he assumed that this was the route that he was going to be taking. To be clear, Chairman Massey said that was the avenue that the Town Clerk was recommending. He thought based on what he saw in the letter and having talked to the Town Clerk, it seemed like a reasonable solution to the problem.

Selectman Nadeau said this has been going on with the same property owner since he's been on the Board. This goes back to 2006 or 2007 was the first time he saw it. He thought this would have been resolved way before now also.

Selectman Maddox said he was looking to see that there is a better policy in place something other than wait until it gets to this point. Are other people going to be notified? Again, he understood that people get behind. Someone didn't do as they said they were going to do. It's ultimately the homeowner's responsibility to pay their taxes. To just simply say I didn't get a bill if that's going to be the excuse, they

better expect a lot of very nicely written letters. Chairman Massey thought as he understood it the homeowner was listed as the out of state party and not the person that was occupying the property. When he looked at the letter and then talked to the Town Clerk and she suggested to him that the correct thing was to forgive the interest.

Selectman Coutu asked that the Chairman's conversations with the Town Clerk were you assured at any point that with this action being taking this evening that the net taxes would be paid on the property? Chairman Massey said yes absolutely. The taxes will be paid. The only thing that she's requesting at this point was the abatement of the interest and penalties. The taxes themselves she has agreed to pay.

Selectman Jasper probably should have asked a few more questions earlier on this. He knows the notice was going to the ex-husband out of State and he was supposed to be paying the taxes. He assumed that was part of a divorce decree and he would be responsible for that. It would seem that he would be in violation of that decree if he didn't pay it. He wasn't sure why the Town should be the ones...he could see perhaps some of the interest goes from 12 to 18 percent and there's penalties and what not. There's a lot of taxes that were essentially money that they didn't pay that they didn't have to essentially borrow from the Town and now at no cost. He's not really thrilled about that. If she didn't notify the Town that the bill should be sent to her, and if he was responsible, and that was their agreement, then he's the one getting off. Maybe there's some more questions to ask.

Chairman Massey thought after having read the letter, everything kind of triggers in his mind now. Over the last 2 years the Assessor's office has been making due diligence to identify if there are multiple owners. When you go to do the tax deed if there's an owner that has not been notified, they can rightly claim they didn't know they had a tax bill due. As a result you can't on that year do the tax deed. Starting with the 2009 tax year, all owners that they know about have been identified. He believed this was one of those cases where the owner of record was only listed as the out of state person. Because they were not properly notified for the other person, they weren't going to be in a position to do the tax deeding.

Selectman Jasper said that was fine. He certainly agreed with that. There's a big difference between not doing the tax deeding and forgiving the interest just because they weren't notified. He thought perhaps at this point he'd like to see the Board defer it and have a discussion perhaps with the Town Clerk or with legal counsel. He's just a little reticent. Chairman Massey asked if that was the consensus. Selectman Coutu said he had no objection to deferring.

*Motion by Selectman Maddox, seconded by Selectman Jasper, to defer Consent Item 6. A. 4., Abatement Application for Map 237, Lot 1, until the July 27, 2010 meeting, carried 5-0.*

A. Assessing Items

- 1) Multiple Exemption Applications - Disabled Exemption - Map 246, Lot 002; Re-Qualifications - Elderly and Disabled Exemptions - Map 110, Lot 030; Map 138, Lot 027; Map 247, Lot 118; Map 162, Lot 047, Sub 001; Map 138, Lot 020; Map 183, Lot 110; Map 174, Lot 126; Map 147, Lot 017, Sub 034; Map 174, Lot 183; Map 177, Lot 005, Sub 122; Map 165, Lot 139; Map 158, Lot 035; Map 182, Lot 021; Map 162, Lot 045; Map 148, Lot 068; Map 218, Lot 004; Map 165, Lot 021; Map 185, Lot 045; Map 191, Lot 163; Map 182, Lot 196; Map 246, Lot 002, w/recommendation to approve.
- 2) Disabled and Regular Veteran Exemption Application - Map 182, Lot 198; Map 246, Lot 002, w/recommendation to approve.
- 3) Abatement Application - Map 186, Lot 20-4, w/recommendation to deny.
- 4) Abatement Application - Map 237, Lot 1, w/recommendation to approve.
- 5) 2008/2009 Tax Appeal Settlement - Map 100, Lot 6; Map 167, Lot 29; Map 167, Lot 30, w/recommendation to approve.
- 6) 2009 Abatement Application - Map 100, Lot 9, w/recommendation to deny.
- 7) 2009 Abatement Application - Map 165, Lot 151, w/recommendation to deny.

B. Water/Sewer Items

- 1) Sewer Abatement, S-UTL-10-09, 142 Lowell Road #14-16, M/L 204-073-000, w/recommendation to approve
- 2) Sewer Allocation - request for flow allocation, 122 Lowell Road, Map 204, Lot 009, w/recommendation to approve

- 3) Water Abatements, W-UTL-10-11, Hudson School District, 1 Memorial Drive, Acct. #3506777903; W-UTL-10-15, NH Public Golf, 55 Marsh Road, Acct. #3506137102; W-UTL-10-16, 210 Pheasant Run, Acct. #3506133902, w/recommendation to approve.

C. Licenses & Permits

- 1) Outdoor Gathering Permit - Hudson Historical Society -Hudson Old Home Days, August 12-15
- 2) Request to Solicit Funds by Hudson-Litchfield Youth Football & Cheer, Inc.
- 3) Raffle Permit by Hannah Dustin Quilt Guild
- 4) Raffle Permit by Jeff Roome Sports Foundation

D. Acceptance of Minutes

- 1) Board of Selectmen Workshop Minutes of July 6, 2010

E. Calendar

07/14 7:00 Benson Park - Landscape Subcommittee - BOS Meeting Room  
07/14 7:00 Planning Board - Community Development Meeting Room  
07/15 7:00 Benson Park Committee - BOS Meeting Room  
~~07/15 7:00 Budget Committee - Community Development Meeting Room - cancelled no mtg in July~~  
~~07/19~~ 07/26 7:00 Energy Committee - Community Development Meeting Room - changed date  
07/20 7:00 Cable Utility Committee - BOS Meeting Room  
07/21 7:00 Council on Aging - Community Development Meeting Room  
07/21 7:00 Library Board of Trustees - BOS Meeting Room  
07/22 7:30 Zoning Board of Adjustment - Community Development Meeting Room  
07/26 7:00 Recycle Committee - BOS Meeting Room  
07/27 7:00 Board of Selectmen - BOS Meeting Room  
07/28 7:00 Benson Park - Landscape Subcommittee - BOS Meeting Room  
07/28 7:00 Planning Board - Community Development Meeting Room  
07/29 3:00 Trustees of the Trust Fund - Community Development Meeting Room

7. OLD BUSINESS

A. Vote taken after Nonpublic Session on July 6, 2010

- 1) Motion by Selectman Coutu, seconded by Selectman Maddox to terminate Donald Williams from employment with the Hudson Fire Department as a Call Firefighter effective June 23, 2010, carried 5-0.
- 2) Motion to adjourn at 8:50 p.m. by Selectman Coutu, seconded by Selectman Nadeau, carried 5-0.

8. NEW BUSINESS

A. Hudson Train Depot - Restoration Consultant

Chairman Massey recognized Town Engineer Gary Webster and Bernie Manor.

Mr. Webster stated that tonight they've been in the process of going through consultants and they finally come up with a consultant. They sent it to NHDOT and they approved it. Now the person on board what he's trying to do is get his contract approved. They're still waiting for a few things. He just received an e-mail from DOT today. There's a couple of things they want to break down. The contract in whole is still the same. What he was trying to do was approve the consultant and not sign the contract until they got approved from NHDOT. He was hoping that might have happened today, but it didn't. There's a couple of things that they're still dealing with them. It's been a long process. Since March they started this procedure. They're getting there. The idea once they get DOT's final approval, they can sign the contract and get Warren Street on Board to start designing the foundation and get going out there so that they can move that station on the foundation this year.

Chairman Massey said that they weren't ready to authorize the Board to sign the contract. Mr. Webster said no. DOT has the final say. He's just asking for approval not to sign the contract but to approve Warren Street as the consultant. When we get the final approval in the next few days, then possibly the Chairman or the Selectmen can sign the contract.

For clarification, Chairman Massey asked if the amount that they're talking about of \$24,350 be the same number. Mr. Webster said yes.

Selectman Maddox said it says "reimbursable expenses are included in the above fee and will be billed as incurred". Then it goes on to say reimbursable are whatever. Is it included in that fixed price? Mr. Webster said the design is in one column and the construction administration is for the inspection. Those people come down to come down and go on the site. That's part of that cost is that construction administration, which DOT is making them mandatory out. They were trying to do a lot of this themselves so they could cut that cost down. They are still working on that but dealing with DOT now because of the ERROL money and so forth, they want 32 hours a week out there on an inspection. Bernie is going to be the full-time clerk of the works out there and hopefully we'll negotiate with them so that only inspections they need out there is after the foundation and whatever. They're trying but DOT is making them do it. They want inspections all the time. That's why the construction administrator has to be in there and the total contract is \$24,350. That's every engineer that they have there, they have their construction administrator in that price.

If Chairman Massey might just follow up with Selectman Maddox. In the letter that you received from Robert Hudson from the DOT, it indicates that there's a profit margin allowed for costs plus fixed fee and a separate margin for lump sum contract. Is this contract going to be a lump sum contract? Are they going to bill us for everything and regardless of how much they spend, they're only going to get the \$24,000. Mr. Webster said that was correct. Chairman Massey said it doesn't matter whether they charge \$2.00 for a trip or \$10.00 for 20 trips, the total because they're going to be bidding a lump sum contract is going to be the \$24,350. That's actually what the Town is going to pay if they approve this.

Mr. Manor said the construction administration costs are in the contract because they have to have them go over the goal is enough to charge and nothing more than what they have to. Hopefully that number is going to be less. Mr. Webster said it will not exceed that as far as Phase I of the contract. He shouldn't say that. Chairman Massey said that wasn't a lump sum contract. That's a cost plus. Mr. Webster said right.

Selectman Maddox was just looking for that answer as to which way is this train going. Has our attorney reviewed this would be his question. Again, he saw in there they kind of say 2 different things on the same page. Just looking to make sure that if that's their fixed price, that's what their purchase order will say - a fixed price of \$24,000. Mr. Manor said as he understood, the design part of it is fixed. The contract administration is what they can get it down to. Chairman Massey said if you look at that it says the contract amount is \$15,700 for the design fee and the admin. fee is not to exceed.

*Motion by Selectman Jasper, seconded by Selectman Coutu, to approve the hiring of Warren Street Architect for the train station relocation and authorize the Chairman to sign the contract on approval by the Department of Transportation. Contract amount not to exceed \$24,350 for design fee and construction administration fee. The Phase I design fee is \$15,700 and construction administration fee "not to exceed" \$8,650, for a total cost of \$24,350, carried 5-0.*

Chairman Massey said he hoped that they were going to continue to see progress on this. Again, first of all thank you Bernie for all you're doing on this project. Mr. Manor said he was leaning heavily on Gary. Chairman Massey said he understood, but he's still doing a lot of work.

B. Staff Liaison to Benson Park Committee Update

Chairman Massey recognized Recreation Director Dave Yates.

Mr. Yates said it's been over 90 days since he took over as Benson liaison. So he's here tonight for his review. He has created two documents for the Board. One is the daily log that he kept as they were moving on with the project, and also the purchase order log. The purchase order log does not include the money that was approved for the Highway Department and for the fencing. This is just the everyday items that were spent out there.

Selectman Coutu said if the Chairman recalled, he had suggested at the time they had a discussion about finding someone within our municipal structure to serve as the liaison to the Benson project. He had recommended Mr. Yates. He can say he's had ongoing conversations with Mr. Yates from the outset and asked Mr. Yates if he felt in any way impaired as a result of having to take on this additional task. He has assured him throughout that that has not been the case. He's been able to adjust and manage his schedule accordingly. Having reviewed the hours and having had a conversation with Mr. Yates most recently relative to this particular document, it's obvious to Selectman Coutu, and he pointed out to him as well, that there's

obviously other things that he did that may seem miniscule but did occupy some of his time. Selectman Coutu can say first hand Mr. Chairman, and he hoped that he's received the same type of comments and so has our Benson liaison he would hope, that he has worked well in this capacity. It hasn't been overwhelming or too demanding on his part. He wanted to express his sincere appreciation for coordinating the things and working well with the Benson Committee from what he can see. Again, he's heard many favorable comments from members within the Benson Park Committee. At the same time, he's heard Selectman Jasper at several meetings suggest that why don't we get a hold of Dave and we'll have him coordinate this. He did so without flailing his hand or getting upset. So he knows he's happy and he's happy when he's happy. Thank you.

Mr. Yates thought he spoke to Selectman Jasper more in the last 3 months than he has in his previous 12 years.

Selectman Jasper thought that things have worked out very well. Obviously by the time log, there was a lot of time that was put in the couple of months moving up to the opening but since the park has opened, it's lessened quite a bit. Dave is still providing a great service to the Committee, ultimately to the town's people in coordinating the things that need to be done. He really put together what had to be put together to get the park open. It couldn't have happened as smoothly without his efforts. He continues to make sure that things go along smoothly. It's worked out very well and he thought that Dave has really come to appreciate the potential of the park for the future recreation needs of the Town as he's become intimately familiar with that park. Probably much more than he ever thought he would.

As Selectman Maddox tracks his number here, it's looking like its averaging 14 hours a month. You stopped counting hours after May 24<sup>th</sup>. Two days a month is what it's looking on paper. He would hope that as he's moving forward, you're looking at using this park as part of our recreation overview. Whether some of the summer program gets kind of rolled into some of the trails and some of the other items that are going to hopefully be at Benson's that you'll have that ability to kind of as the Rec. Director looking at those avenues for future expansion he guessed would be the word. His final question to Mr. Yates as the liaison accountable person, is anybody doing kind of numbers as to what the head counts are on any kind of basis? Mr. Yates doesn't. He goes through pretty much through daily and he sees people in there. Unless they have somebody there all day watching - there's always people in the park when he goes there. There's never a time when he goes through and he doesn't see 10 to 20 people on some days. He's only in there 5 or 10 minutes of the day, but it's always used and there's always several cars in the parking lot.

Back to your first question, Mr. Yates said they do have as part of the summer program they do have a date planned where it's going to be Benson Park day. They're going to do a fishing derby in the morning. The kids can bring their bikes that day. They're going to do tours with the councilors of the different paths. Maybe do some kind of a scavenger hunt or something where they identify what was where. They haven't figured all that out yet, but he thought that was in August some time. They do have a Benson Park day planned.

First of all Dave, Chairman Massey said it was a new task assigned to him. He thought the Board was appreciative of him stepping up to the bar. The question he had for the Board was do you want to have Dave come back in another 90 days with another update or are you satisfied with the way its going and we just go on our merry way. Selectman Maddox thought he's done a good job of documenting some of the things that are going on. He thought that as those 3 months will be coming up on the grand opening so why not keep this up so that we have kind of a running of what it's taking to do. Again, somebody is going to have to put this together as far as budget numbers. What are the things that are needed? What kind of time it takes? Again, he did quick math here at 14 hours a month. Is that something that is going to be continuing on? How is this going to track? Again, he thought it would be to our benefit to be able to look at something on paper to be able to have some hard facts.

Selectman Coutu concurred. Inasmuch as it certainly doesn't affect his winter activity at all, the park will be primarily closed from November 1<sup>st</sup> through the end of March probably. There might be some activity, but he didn't think they're going to have the numbers of people going through. They may if they're going to open the park and they're going to have snowshoeing and things like that. We may have visitors, but he didn't see the demand there for his scrutiny as we do in the summer time. He thought it behooves us to review it again in the fall, maybe around October, but have Dave available in the event - he thought the grand opening coordination was going to have to have a focal point. Dave would serve in that capacity well. It will be the end of the summer program. It will be over by then. He'll have a full month to work on coordinating and making sure that everything was set up for the proper dignitaries that were coming. He concurred with Selectman Maddox on that point.

Mr. Yates wanted to publicly thank Susan Kaempf too. She did a lot of the administrative phone calls. Susan is a very big help too. It wasn't just him. She's a big help. Thank you.

C. Hudson Energy Committee - Collaboration with Energy Technical Assistance and Planning Program

Chairman Massey recognized the Chairman of the Green Team Linda Kipnes. Good evening.

Ms. Kipnes did put together a packet for everybody. The letter explains a little bit about what the ETAP program is. This flyer which she thought everybody got with the frequently asked questions will explain. ETAP has a relatively limited amount of money and they are hoping to be able to help many towns in the State. What they will be doing is helping us with organizational issues rather than actual energy audits or anything like that. What she is hoping as she said in the letter, they have a new tool to monitor energy use. They have been inputting data into the EPA portfolio manager. They're a little behind but they're trying to catch up. They have a new tool which will monitor energy use in the Town buildings. One of the things that she's requesting from the Board is a signature on a release form to allow PSNH and National Grid to supply that data to them automatically so the data will get downloaded from the utility companies into this tool which will monitor and track the usage in the Town buildings.

Ms. Kipnes is also hoping is that they will give us some kind of frame work or help them develop some kind of framework for developing our long-term action plan for priorities for energy usage in the Town buildings. Once they know which buildings are the most efficient or least efficient, they can come up with some ideas of what they can do to alleviate things or make things better. They do not do any of that work, she didn't believe, nor do they have grant money to actually do replacement sort of projects. What they can mostly help them with was a framework and a plan.

Selectman Maddox knows that Ms. Kipnes has been before them a number of times for various energy audits. Is anyone tracking the benefits of all of that monies and effort that you've put into it? He knows that we've replaced the air conditioning units at the police station with energy efficient units; the boiler at the Community Center; we changed all the light bulbs. Again, we've done all of this and spent a lot of money, is anybody tracking the savings that...Ms. Kipnes said they are behind in entering the data. The way they are tracking it will be by looking at the energy bills for each building and seeing what they're paying each month for electricity and gas. They are behind in entering that data. They're hoping to get caught up fairly soon and then this tool that the ETAP will make available will also as well as just tracking it be able to make graphs and charts of how things are progressing or where they're getting better. They can take the data from EPA that we will have already entered. They will keep up month by month. We have data from before the lights were replaced. We're hoping we can compare that with the following year in each of the buildings to see what improvements have been made.

Selectman Maddox had a follow up question. The latest incantation, the ETAP, will take the data that you are entering in for the EPA, roll that into their software and give us some sort of indication of how much savings there has been. Ms. Kipnes said yes. Selectman Maddox asked if there was a line item there to say you've expended \$180,000. Your return on investment has been X. Ms. Kipnes said she has not seen the software so she didn't know what it is able to do. She's not sure that it's actually up and running yet. She's assuming it is, but she hasn't seen it. She didn't know if the data comes automatically from the utility companies, then we won't actually have to go in and enter data. She's been told that there are a number of different reports that they can ask for, or graphs, or charts, or something. She didn't know specifically what they all are.

Chairman Massey said he would expect Selectman Maddox that they would only track kilowatt usage be cause the price from year to year would differ. The only thing that would be constant is the number of kilowatts that you're consuming. That would be what you would want to measure. Selectman Maddox said he'd like to measure how much money they've spent versus how much money they have theoretically saved and see if, again, the numbers that they were shown - he remembered the PSNH people came in when they gave the Board it would be a payback in certain buildings in 2 months and some 3 years. If those figures are in fact true, because he thought it was only fair to be able to say they're using good data rather than just somebody saying its going to be a 3 year payback. He knows there's going to be fluctuations in pricing, but again there should be some way of being able to say dollars how much we've saved.

Selectman Jasper said they didn't save any money on the electrical because they continue to pay what they were paying and that paid for the fixtures. We've had this conversation before. We can't really...Selectman Maddox said but at some point it paid off. Selectman Jasper said it's a contract and he didn't remember if it was a 3 year or 5 year contract and then after that we get the savings. Ms. Kipnes believed it was building

by building. Once it was paid off for a particular building, then the price would go back to whatever the actual price for actual usage was. Several of the buildings should now have reached the point where they are beyond the payments we were making. As she said, they're a little behind entering their data in the EPA, but when they get it in and when they get it into here, they will be able to see what those numbers are. She will get whatever reports she is able to get, and she will suggest to them whatever you would like to see. They want to make it as useful as possible. If you have ideas of things you want to see, she can request those kinds of reports. She assumed they can do anything with the data to make (inaudible).

Chairman Massey had one question for Ms. Kipnes. What's the down side if you don't have the Town sign the ETAP agreement? Selectman Coutu said status quo. Ms. Kipnes said right. From their point of view, the members of the Green Team are enthusiastic and energy oriented but not technically proficient in this area. She's hoping that these people will provide them that focus so that they can focus their energy where it is best needed. Chairman Massey said the important things for the community out there to know is it doesn't cost the Town anything to work with ETAP and they can leave it at any time they choose. Ms. Kipnes said that was correct. They are offering them whatever technical assistance and planning assistance they would like and can make use of. She hoped to be able and this software tool which is the inventory month by month comparison of energy usage in the town buildings. All of that she thought would be useful. If it isn't useful, then they just stop coordinating with them. Each regional planning commission across the State is also working as part of the ETAP. So she's working with Jill Longval. She met with her and with somebody from CLF Ventures.

*Motion by Selectman Coutu, seconded by Selectman Maddox, to continue supporting the Energy Committee working with the ETAP Program to identify potential energy savings for the Town, and further to authorize the Chairman to sign the ETAP for New Hampshire Communities Utility Data Release.*

If possible, Selectman Maddox asked if Ms. Kipnes could send the Board a copy of what they're getting now from the EPA program. You could just send it to Steve electronically and rather than burning paper, we will send it electronically. Selectman Coutu suggested to the Chairman that one of the things that he's become aware of when they did an energy study in his business and they made some changes was that PSNH will provide data, especially when you've made the effort to exercise energy saving habits. We did here when Linda and her crew came in and suggested that we make the conversions in all of our municipal buildings that they'd realize savings. PSNH will provide the data from day one of the previous year and the current year whenever the change was made and they can tell us what the difference is on the wattage. They will make that available to anyone who requested it at no charge. So we can see if there's a savings in wattage. Now they have a history of what we've been using. We're paying the full rate but if we were using 1,000 watts last year in this building and this year we're only using 800, we know we're saving 200 watts. That might be readily available. Thank you.

Ms. Kipnes asked if the Board would like her to get that data from PSNH and forward it to you all. Selectman Coutu said she could either call or the Town Administrator or whoever handles the bills or KC can call them and ask them to provide the data. Mr. Malizia said its audit time and she'd probably got a zillion things on her plate. Selectman Coutu asked Ms. Kipnes if she could make the call. Ms. Kipnes said that was fine. There are 2 utility data releases. She included one in the Board's packet. She needs one for PSNH and one for National Grid. Chairman Massey said she could pick them up tomorrow. Ms. Kipnes said she did not put account numbers on the back but she did have them from when they did the other audit, and she will put them on the back. Thank you.

*Vote: Motion carried 5-0.*

D. Donation of \$500 from Jane and Glenn Bowles for expenses relating to any Hudson pond

Chairman Massey said he was going to take this up by giving everyone a brief explanation and then they can go forward. The Ottarnic Pond Association and the Robinson Pond Association got together and got a grant from the Lake Host Program to purchase the Diver Assisted Suction Harvester and the cost of hiring the divers for this year. The total cost of that program was \$16,000. Chairman Massey recognized Tim Quinn from the Conservation Commission. The Lake Host Program provided \$5,000. The Conservation Commission is funding \$7,000 from their conservation fund. There's \$1,000 that's been transferred to the Ottarnic Pond fund that they just established a few weeks ago. Finally thanks to the generous donation by members of both Ottarnic Pond and Robinson Pond Associations, the additional \$3,000 to make up the \$16,000 is how it is going to be paid for. So tonight we have on the agenda two donations but two more came in one yesterday and one today. He would like to accept those because they need this money to pay

for the work which is going to occur starting at the end of this week the 17<sup>th</sup>. That's the context for what this donation money is.

Motion by Selectman Coutu, seconded by Selectman Nadeau, to accept the donation of \$500.00 from Jane and Glenn Bowles to be placed in the Hudson Ponds Donation Account for expenses relating to any Hudson pond with the Board's thanks and appreciation, carried 5-0.

E. Donation of \$1,500 from Paul Gangi for expenses relating to any Hudson pond

Motion by Selectman Coutu, seconded by Selectman Nadeau, to accept the donation of \$1,500.00 from Paul Gangi to be placed in the Hudson Ponds Donation Account for expenses relating to any Hudson pond with the Board's thanks and appreciation.

Selectman Maddox said that both of the letters say something about for the use of the mitigation of invasive weeds. Is this pond fund only for that purpose? Mr. Quinn said no. It's a general fund. Chairman Massey said it was for general funds. This money is being targeted in all of the folks that are donating specifically understood that it was going to be used to pay for the divers that are working on the DASH Unit. The checks themselves only say Hudson Ponds Donation Account. Selectman Maddox said it was going to go in and go out right away. It doesn't make a difference. Two years from now if it was still there, there would be confusion but if it's going to go right out. Chairman Massey said yes it will go right out.

Vote: Motion carried 5-0.

E. 1. Donation of \$500.00 from David Fredenburg for expenses relating to the DASH Unit

Chairman Massey said he had a conversation with Mr. Quinn before the meeting. The check is for \$500 and it says, "donation towards DASH purchase". He's going to do is accept the motion to accept this for the DASH purchase and the \$500 that this was really intended for will come out of the conservation fund. Basically it's a zero sum. The Conservation Commission still will only be paying \$7,000. They'd just be paying \$6,500 for the DASH Unit and the divers. They'd be putting \$500 in that pond fund, which would then be spent for the Hudson ponds.

Motion by Selectman Maddox, seconded by Selectman Coutu, to accept the donation of \$500 from David Fredenburg towards the purchase of the DASH Unit with the Town's expressed thanks and appreciation, carried 5-0.

For the record Tim, Chairman Massey asked if he'd like to add any comments. Mr. Quinn said they postponed it a week because they didn't have the funding. Because of the funding not arriving until this week, they actually moved the DASH harvesting out on Ottarnic Pond to begin on the 19<sup>th</sup> of the month. That will be a 2-day effort after which time they will evaluate what they have they there. That's going to be 9 days total. Then they're going to do Robinson Pond as a maybe. If the invasive specie killing has been done with the chemicals and there's nothing there to harvest, then we won't need the DASH Unit on Robinson Pond, and they're hoping that happens. Just in case, they're backing it up. Thank you for your support.

Selectman Coutu said he knows how much Tim is committed to every project he tackles, especially when it comes to conservation issues as it affects our town. He wanted Tim to know that it certainly doesn't go unnoticed. We appreciate you and all the members of the Conservation Commission for all that you do for the Town and know that he does watch their meetings. Mr. Quinn said good then you know how good the people are who are there. It's an excellent committee. They're excellent to work with. There's no friction and everybody seems to get focused rather quickly on the subject. It's a great committee.

Chairman Massey would certainly recognize first of all the DASH Unit required a diver and an assistant on the surface. The Ottarnic Pond Association and the Robinson Pond Association have actually had volunteers go up to the State and get trained on being able to assist on this function. We have a lot of volunteers out there that are spending their time and effort to make this program work and we should thank them quite a bit. Again, to have all these people come forward with the donations, and they're substantial donations in his mind he thought again is a recognition that they see these ponds as being important to the Town and they're willing to support it. For those folks especially, thank you for those contributions. Mr. Quinn said both those Associations - the Robinson Pond and Ottarnic Pond Associations have done a lot of work and they've done well. They've been very supportive and we've been supportive of them.



- E. 2. Donation of \$500.00 from Margery F. Harris for expenses relating to Hudson ponds

Motion by Selectman Coutu, seconded by Selectman Nadeau, to accept the donation of \$500 from Margery F. Harris to be placed in the Hudson Ponds Donation Account for expenses relating to Hudson ponds with the Board's thanks and appreciation, carried 5-0.

- F. Donation of \$785.00 from The Telegraph Publishing Company to the Hudson Police Department D.A.R.E. Program

Chairman Massey recognized Police Chief Jason Lavoie.

Good evening Mr. Chairman. Thank you very much. Chief Lavoie said that this has been an ongoing endeavor with The Telegraph where they host a motor mania day with a bunch of different show type vehicles, trucks, and motorcycles. They spend the day down there and people go down and show off their vehicles. They asked the Hudson Police Department to go down there with a couple of their vehicles and as part of that, they always ask to be able to contribute some proceeds to the DARE program. This is just one of those many things that we really need the help from outside companies and business to contribute to these programs in order for them to make them successful. In this case for the kids - school aged children in our community. He asked the Board to support the acceptance of this donation from The Telegraph that is gratefully appreciated.

Motion by Selectman Jasper, seconded by Selectman Maddox, to accept the donation of \$785.00 from proceeds of registration fees and a 50-50 raffle from participants at the Telegraph Motor Mania in accordance with the Chief's Memo dated July 2, 2010 with the Board's thanks and appreciation, carried 5-0.

- G. Transportation Technical Advisory Committee (TTAC) Appointment

Chairman Massey recognized Town Administrator Steve Malizia.

Mr. Malizia said the National Regional Planning Commission is seeking the appointment or reappointment of the Town of Hudson's member to the Transportation Technical Advisory Committee. Currently Mr. John Cashell, our Town Planner, has served on that Committee. It meets during the day. It's pretty much a staff person type position. NRPC has asked us to either appoint or reappoint Mr. Cashell to a term that runs from October 1, 2010 through September 30, 2012 and he would represent the Town of Hudson's interests on this Committee of NRPC.

Motion by Selectman Maddox, seconded by Selectman Nadeau, to appoint Town Planner John Cashell as the Town of Hudson's representative to the Nashua Regional Planning Commission's Transportation Technical Advisory Committee (TTAC) for a two (2) year term to run from October 1, 2010 through September 30, 2012, carried 4-1. Selectman Coutu in opposition.

- H. Order to Correct Hazardous Building Conditions - 6 Charbonneau Street

Chairman Massey recognized the Town Administrator Steve Malizia.

Mr. Malizia stated that they have a proposed order to correct a hazardous building condition for 6 Charbonneau Street prepared by Attorney LeFevre recommended by the Town Zoning Administrator/Code Enforcement Officer Mr. Oleksak. Apparently the property has been abandoned, has not been maintained, is not secured, presents an unsanitary condition, fire hazard, and hazard to the public health, safety and welfare. We know where the owners are so we don't have to go through a series of newspaper advertisements. We can notice the owners directly. They would have their say in court should they choose to. Should they not choose to, we'll take whatever necessary action to secure and/or mitigate the hazard and place a lien on the property.

Selectman Maddox said this was the second one of these that they have now done. He hoped that there was some sort of person, not Mr. One, who always does this stuff that keeps track of this. What is the status of the first one which is probably 3 months ago? Has the lien been put on the property for work that has been done to this date? How is that going to be tracked? If we're going to get into the habit of doing a number of these because he guessed they're going to become more prevalent, he thought there should be some sort of policy put together that tracks all of the expenses, tracks the status, and puts someone - not Mr. One - but a person, a name, to own this project so we don't have in 2 years the confusion of who owes what, how did this happen, what is the status. He didn't have a problem. He drove by and looked at it. He didn't

see the great danger but he didn't get out of his vehicle. He pulled up to the end of the curb. If we're going to start doing these, he certainly hoped that there was something more than just putting this before us, some sort of tracking Mr. Chairman.

Selectman Nadeau said that this particular house the kids hang out there in the neighborhood. The house is destroyed inside from the vandals. It's in rough shape. There's a few more in town that are worse than this one. The one on Central Street he was surprised they haven't done anything with that one yet at the corner of Central and Burnham Road. There's huge holes in the roof; the building is falling down. The same thing on the corner of 111 and Hamlet Street. He hoped that these other ones get on the same list that they're working on so that they can start getting rid of some of these hazardous buildings in the town.

Mr. Malizia said that was the Zoning Administrator's purview. He knows he's working on them one at a time. He tries to because it does take time. You do have to track things. You do have to do all this paperwork. The one that we did over here had to be noticed 4 weeks in a row, he believed, through a publication before you could do anything. Why? Because the owners are deceased and there are no heirs. It's pretty simple.

Chairman Massey thought what the question that Selectman Maddox was asking was we've already expended money on that. Mr. Malizia said yes they have. When it comes time for somebody to contest the lien, we need to have all the documentation. Mr. Malizia said of course they will. Our attorney will place the lien. We're going to put it in his office. We'll probably keep it here too. He's kept track here of all the advertisements for example. Once we have all the paperwork, we put it in 2 places. He'll have it and we'll have it.

Just tagging on to what Selectman Nadeau said, Selectman Jasper said there are buildings that are in worse shape. He understood that it takes time but he thought that at least the Zoning Administrator/Building Inspector ought to give the Board a list of buildings that he's planning on working on even if it takes one at a time. He mentioned the one on Greeley Street that's a mess. There's abandoned vehicles and the roof is falling in on part of it. He's concerned how they seem to be picking and choosing and ignoring others. That's the perception from his part so he would be a lot more comfortable if he knew there was a list and they were just going to go down the list and work on these buildings rather than having the appearance of playing favorites if you will.

Chairman Massey said he'd have the Building Inspector duly note the ones that were brought up tonight to be added to his list. To that end Mr. Chairman, Selectman Maddox asked where are we getting the money to do this. Again, he's just asking the question. Some sort of procedure needs to be in place. Mr. Malizia said that's why we don't know what this is. He's assuming that they'll have to come back to this body and identify what this is and how much this would cost, whatever this is. Right now they're spending advertisement through their legal budget but we haven't taken a hammer, we haven't taken...Selectman Maddox agreed. All he's saying is (inaudible people talking over one another)...if we're looking at now 5 buildings and some of them have to be demolished because they can't find anybody there at public hazard, where is that money going to come from? Again, he thought some sort of written procedure from the Community Development of how these are going to be selected, what is the criteria, and how are they going to do these? This is going to continue with the list that Selectman Nadeau starts and Selectman Jasper finishes, we should be better prepared for those costs and those procedures.

Selectman Jasper thought that you probably have to figure that some of the owners will decide to mitigate the problems themselves rather than have a lien placed on them. The one without any heirs would be the exception to that. The rest of them probably have owners who don't have any particular plans for the property at this time so they're letting them go to hell because they're figuring the value is in the land. But if they think that we're going to start doing work ourselves and lien their property and the interest will add up, he would assume that most of these will probably be self correcting after the notices are made. We'll have to see but as the Town Administrator says, this Board will determine where the money will come from and what we actually decide to do. You can't just sit here and say where's the money going to come from and expect the administrator to have an answer because that's our job. It's not his.

Mr. Malizia said the bigger question was what do we have to do. We may not have to do anything on some of them. Just taking them to court may stimulate them to at least mitigate to our satisfaction. Beyond that if it were to be any costs that we would have to do, this Board would have to approve that. It's the step by step.

*Motion by Selectman Coutu, seconded by Selectman Jasper, to approve the Order to Correct Hazardous Building Conditions for 6 Charbonneau Street as prepared by Town Attorney LeFevre and recommended by Town Zoning Administrator William Oleksak and to authorize Chairman Massey to sign said order.*

Selectman Coutu suggested that they don't let the comment made by Selectman Maddox go by the wayside. He would like to have the Zoning Administrator provide us at each step of the furtherance of action on any of these properties that we have some sort of a report come back to us from him so that we do have documentation and a track record and we'll know as we do in the code violations, he'll notify them that he went out, it's ongoing, and he tells the Board when its resolved. He'd like to have a similar list as recommended by Selectman Maddox. Chairman Massey said it was duly noted.

Vote: Motion carried 5-0.

I. Budget to Actuals

Chairman Massey said that this was the preliminary year end budget to actuals which has not yet audited by the auditors which won't happen until early August. Mr. Malizia said that they were not final either. In order to get something here to give them an idea of where they're ending up for example, the last 4 days of payroll for the fiscal year is not in here. The last 1 or 2 manifests of FY2010 expenses were not in here. Again, he didn't want to alarm them. They're not big, big numbers for those manifests, but they're not in here. They have the majority. He thought the trash bill was in here and the last legal bill. As is the practice of the Board at the first meeting, we try to get the budget to actuals to them. So he wanted to give them an idea of how they look. Basically Mr. Malizia thought they looked okay. That's a simple answer. The kinds of things they figured they were going to end up the way they ended up. Motor vehicle revenue is down. We didn't spend the overlay. Interest was a complete disappointment this year. Ambulance he thought there was one more month of revenue to book. So that should be where they're at. If you look, they did not book the surplus. The auditors booked that \$600,000 use of fund balance so when you see a short fall, that will actually go the other way because they book that. We don't. It's something they do during the audit. That's the way they do it.

Selectman Jasper said maybe Mr. Malizia answered his question but he didn't understand it. He's looking at warrant articles - operating transfer to Library which had no budget. Mr. Malizia said it shouldn't be under the warrant articles. That's just where it gets listed. It's the accounting to get the money from us to the Library. There's an offset down here in the Library going into the Library. When the auditors come, they'll do each fund separate. That's what Selectman Jasper didn't understand. There's \$887,000 for the Library. They expended \$804,000, and then we see up here another \$867,000. Mr. Malizia said we sent them some number of money. What Selectman Jasper was saying is the way this looks like it was \$1.7 million. It's looking at \$1.7 million here. Mr. Malizia said it's not. Money is transferring back and forth from one fund to the other. With the exception of the two warrant articles, one was the replacement of the ambulance and the other was the Benson property. Those we under expended. The rest of it when the accounting and the audit and everything else is done between the funds and they're all reconciled, that won't be there.

If Mr. Malizia directed their attention a little further up where it says General Fund Appropriation subtotal, the 506, that will be affected by the last payroll, the last couple of manifests. Hopefully that should be in the \$200,000 something dollar range positive. In other words, we under expended taking into account that we did extra paving. We did the earned payouts out of that. He's trying to impress upon them was that it wasn't final but there where they thought they would be, which is they'll be adding to the surplus this year.

Selectman Jasper's other concern is the revenue on the water fund. There's 2 areas of concern. Maybe some of it is a timing issue where our water usage charges \$155,000 under. Mr. Malizia said people use less water. We do the best we can based on historical trend data. If they don't use it...Selectman Jasper said it was plausible because it's only 8 percent. What doesn't seem plausible is water sales to Pennichuck of only \$15,000 given that...Mr. Malizia said they had a very large credit from last year. He could spend hours explaining how the billing between us works. But to succinctly state it, they had a credit because they use less from us. So there was a billing in the previous year that did it as an estimate. When we reconciled it last year, there was a very large credit, he thought \$80,000, carried into this year. So it mitigates or reduces our sale number to Pennichuck.

Selectman Jasper said so the bottom line is that the Water Utility ran a \$300,000 deficit this year. Mr. Malizia said that our revenue was under by \$300,000. Selectman Jasper said it may not be a \$300,000 deficit but if he recalled, the actual expenditures were pretty...Mr. Malizia said they were about \$110,000 - \$111,000. Selectman Jasper said they have a problem brewing with the Water Utility. When you say brewing, Mr. Malizia said they have about a \$2 million fund - they have a very (inaudible) fund balance. Selectman Jasper said that fund balance should be use for future capital projects and not to support the ongoing basis. If we're now in a deficit situation that we're not selling enough water to support the system, then we need to look at a rate increase. If we're looking at \$100,000 - \$200,000 operating deficit, then we need to look at the rates.

Chairman Massey would like one clarification. When the auditors true up all of these accounts, are they going to make any adjustment to the sales to Pennichuck? We'd actually see an increase in the amount of money we got. Mr. Malizia said they will see more money into the Pennichuck account because it's a trailing indicator. We don't have all the data there. He believed there were 3 bills that still need to get billed to Pennichuck. So that number

will be mitigated somewhat probably to the tune of \$10,000 to \$12,000 - about another \$30,000 somewhat dollars will be added to that sale from a timing perspective. The other big thing was the interest. Only \$31,000 shortfall. That's just like the General Fund just like the Sewer Fund. Now next year we put less of that into the budget. We understand that. That's the new reality. When this budget was prepared probably 2 years ago given that you had a million something dollars or whatever we had in the bank, we would have expected to make a pretty good chunk of interest. It didn't happen - \$131,000. What we have to do is plan accordingly. We'll have to look at the expenses as they've been doing for the last 12 years, figure out where we can trim, and see what else we can do.

Selectman Jasper said our water supply was only \$10,000 under budget and yet our revenues on water were \$155,000 under budget. That's a little troubling. If you're selling less water, why those expenses on the supply side? He's assuming that a good part of that is water we're buying from Pennichuck. Mr. Malizia said they do buy water from Pennichuck. Selectman Jasper said it's in that line and of course we're selling less water but we're not buying less water. He knows we did some work on the wells which caused a month or so. But he's not understanding all that's going on with those wells. Chairman Massey said the point was well taken. We need to take a look at up to and including budget time as to whether or not a rate increase is really warranted. They're good points that you're raising Selectman Jasper. He thought they're going to have to look at them as very serious. Especially in light of the fact that that \$120,000 is interest. We're not going to see that next year either. That's a revenue number that's going to put us square behind the hole to begin with. We're going to have to look at that this year for sure.

On that looking at the number of gallons we've drawn out of the wells, and Selectman Jasper hasn't really been able to figure it out, it doesn't seem to make rhyme or no reason over a period of time. Then he looks at how much water we're drawing from Pennichuck, you look at it and say well are they drawing less water out of our wells so that they can sell us more water. That's been a concern that he's had over these last 6, 7 months looking at how much we're drawing versus historically how much we did when months when we've had less water sales, you would think that we wouldn't have to buy anything from Pennichuck because our total volume is down, but we're drawing so much less out of the wells. He's concerned about that. He doesn't like that trend that he's seeing and there may be an explanation there. Again when you look at the raw data there it says Pennichuck really doesn't have any interest in making sure we maximize our draw down from our wells because in fact they have sales to us. That's a concern. Chairman Massey said it was something to look into.

To that end Mr. Chairman, Selectman Maddox thought maybe some of that was everybody comes home at 5 p.m. and turns on the sprinklers or whatever and there's more draw than capacity out of the wells production, and its coming over the bridge. Selectman Jasper said that's what the tanks were for. Selectman Maddox's point was going to be that this was the kind of discussion we should be having when the water utility comes in for their workshop in preparation for budget season. Maybe they hearing this or getting a copy of some of this discussion to them, they can be prepared to answer some of those questions. He didn't disagree. He looked at that too but again, if you start adding up those numbers in your head, you get squirrely very quickly. If they can take some analysis of why we're buying more and selling less.

Selectman Coutu addressed a point made by Selectman Jasper. With regard to the Water Committee, you serve us well on that Committee and he's sure they'll get the message loud and clear the next time he meets with them. What concerns him Mr. Malizia is from a layman's perspective, and he's going to stay with the water thing, he has another concern but he's going to stay with water. From a layman's perspective when he looks at the interest on the water checking \$120,000, it would appear to him that based on these figures that not only did they not receive interest, they paid \$11,876 in service fees for the checking account. We lost. We have a negative. Mr. Malizia said that was correct. That's what that says. You're better off taking the money and putting it in a mattress. Selectman Coutu said not only are they not getting the \$120,000, we're paying \$11,870 in service charges to the bank. Mr. Malizia said bank charges, returned check fees, and all kinds of things go through there. Selectman Coutu said they actually lost \$131,000 on what we anticipated \$120,000 on that anticipation. Obviously there's no line item for checking account fees. Mr. Malizia said it nets out through the interest on the water checking. That's on checking. Selectman Coutu asked if there was at least a quarter of a percent on balances on the checking account. Don't we have that kind of an account at the bank? Mr. Malizia said he'd have to speak to the Treasurer who's in charge of doing all of that. She invests pretty conservatively. He assumed she's getting something but it's pretty minimal. He didn't want to speak for her. Selectman Coutu said according to this its zero. He just wanted to clarify that.

Selectman Coutu thought that this may seem miniscule, but he asked it before and he's going to go back to that same topic which is the animal control. If you remembered at one point when they discussed budget to actuals, he had said it appeared to him that either a lot of dogs are not getting licensed or things are happening. It was pointed to him that the bulk of them would be taking place in April. Well here we are with a report that assumes that we're done with the bulk of the dog registrations. We're at the June 2010 preliminary figures. The very first line item it was estimated that we were going to take in \$16,000 in animal control fines and fees, and we only took in \$9,000. There was a shortfall there of \$6,500. When you go down halfway down the page, 4450 - animal control licenses, we took in \$1,368 less than what was anticipated for a total of \$8,000. That \$8,000 to him equates to the part-time employee who works there. He thought that was significant when you look at the cost of animal control for the Town of Hudson. We might want to take a very close look at that budget carefully. There were a lot of things that

stood out but in light of the fact that you say that these are preliminary figures of participating an audit, it's been fine tuned.

Chairman Massey said that they actually have raised \$15,632 in animal control licenses. Selectman Coutu said against the anticipated revenue of \$17,000. He would assume that that \$17,000 was based on the previous years' revenue. That would be the only guideline that they would have to come up with that number. He can understand and he didn't know how much we charge for dog licenses. He could divide that by the \$1,300. Selectman Nadeau said \$7.50. Selectman Coutu said so divide that into \$1,368, that means that many people got rid of that many dogs this year. Chairman Massey said no. On July 1<sup>st</sup> we sent a letter to all 800 dogs on the list, and they have until June 30<sup>th</sup> to pay or they get hit with a \$25 penalty. Selectman Jasper said we signed it on July 1. Chairman Massey said June 1<sup>st</sup>. They have until June 30<sup>th</sup> to license their dog. If they don't at that point, they then get a summons to the court and he thought it was a \$25 fine. What you may be missing here right now are the June late payment folks. It's still something that they should look at.

Selectman Maddox said this was an arduous and sometimes painful process throughout the year. In his 6 years as a selectman, this last year was the only one they really reviewed this monthly. He knows that he's personally driven the Town Administrator some bonkers some nights with his requests. He thought that their diligence has paid off. We came in as close as you could possible come he thought in a municipal budget and still walk away. He wanted to thank KC and Steve to be able to say that, again, they've asked them to pull numbers together. They had a deep concern about registrations and your track loads. They could see where they were. Again, they can make intelligent decisions rather than his first couple of years they waited until May 15<sup>th</sup> and then it was scramble time. This was not the year to be doing that. Hopefully the year will get better. He thought it was a practice that although sometimes an ordeal has paid off. Thank you.

Mr. Malizia said it was a default budget. It was a difficult year. It was the first and only time he could recall SB2 community being under a default budget. He thought that everybody pulled together and did their best. We're fortunate that we turned out the way we turned out. Being conservative in general works pretty well for this town.

9. OTHER BUSINESS/REMARKS BY THE SELECTMEN

Selectman Nadeau - Had nothing this evening.

Selectman Coutu - Had nothing this evening.

Selectman Jasper - Had nothing this evening.

Selectman Maddox - He'd like to make it unanimous but he's not. Some good news. Community Development is working towards the Industrial property, and there is a very good chance that there will be significant monies coming forward for the asbestos mitigation.

Chairman Massey said that was a good topic for him to come in then because he believed that there's either been some misunderstanding, or miscommunication, or maybe he's not been on the boat. There's been clear cutting occurring on that property. The motion to approve the engineering work which was made by Selectman Jasper specifically said it was for brush cutting and being able to get in on the property. Not only is there clear cutting going on, there's stumps being removed. When he sees a swath of land that's probably maybe 30 or 40 feet wide and over 100 feet long, that's clear cutting. All the trees are down. Selectman Nadeau said they weren't trees. Chairman Massey asked the Board to take a look of some of the pictures that he had and tell him that those aren't trees. Selectman Nadeau said they were Poplar, which is scrub brush. They're tall, lanky, thin and if you want to call them trees, you can call them trees but the biggest one when he was out there was probably 12 inches. What they're doing is they're going out. The problem was that Maynard and Paquette couldn't get out there to do their site work and their assessment with that. The stumps that were pulled were the ones that were in the entrance way and they were piled up on each side of the entrance as you come in.

Maybe its Chairman Massey's misunderstanding but on the basis of what Selectman Jasper did, have you been out there? Have you seen the property? Selectman Jasper said he has not but looking at the pictures, he would...Selectman Nadeau said that this property was cleared about 8 years ago. The Poplars that are all down the line of pines that you see up here (identifying trees on photograph) and back this way is where the asbestos is. This way forward there's no asbestos over here. That's from the plans that they got from DES. This is the other end of the field down that end. This stump and this stuff here is as you come in off the site where they were gaining access to it. There was no asbestos around this area. There were some stumps pulled as you come in and piled up on both sides of the entrance way. They are now starting to clean up. You can see some of the piles of brush.

Chairman Massey said he guessed the point Board was is that what they understood to be brush cutting. If it is, then that's fine. But he was astonished when he drove by their today and saw how extensive the clearing is. The time when he and Selectman Maddox walked it, it was heavily wooded.

Selectman Jasper said he would have to agree with the Chairman. He considered brush things up to 2 or 3 inches. Selectman Nadeau said 6 inches. Selectman Jasper said he could go maybe 6 inches. That's getting a little more than what he - he generally thought that if you have to take a chainsaw to it, it's more than brush. He thinks of brush and they may not have clarified but to him if you can't take a pair of brush cutters and cut it, then it's not brush because that's what brush cutters are made for.

Selectman Nadeau said they're not clearing any more on the property just so you know. Selectman Jasper was not terribly concerned about it because it's not like they were wonderful trees. He thought this goes to a communication problem that they need to clarify. They didn't talk about pulling stumps and now the question is where are the stumps going? Are they going to sit there? He thought it's been a lack of communication. He would agree that if you had to take a chainsaw to it, then that was more than they had intended.

Chairman Massey said there was a second concern. They have a letter from Maynard and Paquette. The part that's important is item #3 in which he says, "It has come to our attention that significant work is being performed by various parties without any coordination or sharing of information. This memo was addressed to the best of our knowledge to all the parties currently involved with the site investigation and/or remediation. Please inform us all if there are more people involved. Please also as best possible keep us informed as to what is being done on the site." Chairman Massey's point really is the only thing they authorized was to have site engineering work done. If there's anything else being done, we need to authorize that. The problem is there is asbestos on that site. If they don't identify it and have it clearly marked in what the remediation plan is, if somebody goes in there and for whatever reason they put air born asbestos into the air, it's us that's liable and not them. Especially if we didn't give them permission to do this. That's what he's asking the Board to clarify. What is the work that needs to be done? Let him finish because there's several other things that they need to get clarified and it's all part of the same thing. One is does asbestos mitigation have to be identified before they were to sign an agreement? When is the agreement going to be executed? The latest thing he's hearing is that they don't think they need to do a site plan and that its going to be the Board of Selectmen - and he says Maynard and Paquette - they think the Board of Selectmen is going to even go RSA 654 and not do a site plan. That was really kind of threw him because they went to the Planning Board with a site plan. Now he's hearing they want to go with just a conceptual plan. He thought that because there's nothing written down other than they authorized the engineering, he thought that it was time that a plan be identified as to what are the steps that are going to happen.

Selectman Jasper said he thought the Chairman has raised some good concerns. He would go a step further and say when you're cutting brush he doesn't get too concerned about somebody getting hurt when you're operating a chain saw. There's always the potential to get hurt. If we haven't had release forms for volunteers signed as we do for everybody who works at Benson Park, then we're operating on a double standard for one, but we're also putting ourselves at a little bit more risk than we should be. To him anybody that's actually doing work out there should be signing the same type of form on a volunteer basis that the volunteers at Benson Park are signing. We need to really clarify what work is going to be done. He thought we were all under the impression that the brush was being cleared in order to be able to do a survey, see what was out there, and there's no need to have been out there with chainsaws and doing that to accomplish what they thought was going to be accomplished.

As far as the site plan, Selectman Jasper thought we ought to use the same model that they use for Freedom Field, and he didn't remember what that was. Chairman Massey understood in talking with John Cashell today that the Board actually waived the site plan for that. However that being said, Selectman Jasper said this is different in terms of the fact that there are actually structures being built out at Zach stadium versus essentially just land clearing and leveling activities with fences being put up. Since we are dealing with structures, we probably do need to think about that a little bit more. He didn't think they needed to go through the whole process, but he thought as they've done in the past with some others they approve what's being done and send it to the Planning Board for comment. Chairman Massey said they did that with pumping station on Wasson Road. That was a conceptual/review for that particular board. Selectman Jasper thought they probably ought to do something like this. Certainly depending on what they do, there's a little bit more in the area of drainage than there would be in some other areas. You have the slopes and the fields and there may be more run off. He didn't think that would be a particular concern but things they need to at least look at. He thought that they do need to have them.

Selectman Maddox said he was to blame for more cutting than everybody thought. This Board put together an ad hoc committee of people and the question was asked of him can they clear out to be able to get in there and work on the field. He said he didn't see any problem with cutting down - again, it was not going to be anywhere near the buffers and that type of thing. Again, the ad hoc committee was all supposedly called and said that they were fine with the clearing. He thought the one on Industrial Ave. he even called Mr. Lathrop and said he didn't think they were going to come out into the street. It was only where the field was going to go so that they could take a look at what they were going to have to deal with as far as topography and issues there. It has stopped he was told as of over the weekend. It had gotten out to Industrial Drive. Again, he thought maybe that was the problem. They need to have some sort of coordination with whether they have either regular meetings or whatever between the ad hoc committee and town staff to make this so that there's no miscommunications to this Board.

For the record, Selectman Coutu is a member of the ad hoc committee and no one contacted him. He's also a member of the executive committee, and they've never had a meeting. He didn't know where this was going. He shared the Chairman's concerns. He's had a conversation most recently with Selectman Nadeau relative to the brush cutting and what had transpired and he made him aware that photographs were taken. He didn't know that they were going to be produced here this evening. He would certainly agree. He's a layman. Selectman Nadeau is a lot more a tuned what trees are than he is. That was his course of study at Alvirne High School, and he's proud of his knowledge. Selectman Coutu concurred with the remarks made by Selectman Jasper that when he thinks of brush cutting, he can even think of hedges as being brush and they can be as high as 6 feet. They have a very small stump. To him that's just a hedge cut it and get rid of it. Some of this stuff to him looks like serious size trees. He might concur with Selectman Nadeau that perhaps none of them exceed 12 inches in diameter but when you have to use a chainsaw. The one thing that Selectman Jasper stated concerned him as well was the prohibition they had on volunteers who came into Benson's that they insisted that they sign a waiver to exempt them from liability. He would think it should be clearly noted that they are the owners of this property and any liability will fall back on the Board if they haven't done due diligence and secured waivers for people who are willing to volunteer.

Selectman Coutu understood and appreciated the anxiety in wanting to get this done. He knows there's a target date for an exhibition game on a cleared field this fall. He whole heartedly supports it and would hope that they would as well in memory of Zach and for the team. It's not going to be a professionally looking football field, but just a flat field. They're not going to do it this year? Selectman Maddox said no. Selectman Coutu said again, as a member of the committee, he has not been advised. He's outside the loop and Selectman Maddox was inside the loop.

Chairman Massey's purpose here tonight was not to have the Board flail around about what's happened. He's really concerned of they're going to go forward and the unanswered questions about the site plan, how its going to go, what's the issue around the asbestos mitigation, and when is the engineering considered to be done so that they can do all that? He understood from Mr. Cashell this morning that they could do a conceptual plan he thought for the 28<sup>th</sup> meeting of this month. If they had to do any other type of site plan, it would be next month. Chairman Massey knows that he looked at the minutes when they talked about this project and when they authorized the engineering access. There was no discussion at all about a site plan. Where are we relative to having the agreement crafted? So he thought all those things right now to him would beg that the committee ought to get together and put together a plan of moving forward.

Selectman Coutu would concur. He didn't think the committee has had a formal or organizational meeting. They don't know who's going to be the chair of the committee. He thought it behooves the Board to contact each other and set something up. Seeing you're in the loop Selectman Maddox, maybe you could coordinate this and schedule a meeting. He thought they needed to cease and desist any activity on the land until they find out what the mitigation aspects were going to be for the property and that they're sure that they are away from the asbestos site, and that they don't jeopardize our opportunities to receive any brownfield monies that might become available, and let them and the engineer do diligence to the property.

To that end, Selectman Maddox received a call today from Mr. Pearson telling him that he was working diligently on something for tonight to put before the Board. He said no. It made more sense..Chairman Massey asked if it was for the brownfield project. Selectman Maddox said yes. So as part of that package, we will get together and get some of these questions - he wrote down his issues - and those answered for the Board's next meeting. Again, he didn't think it was right to put in front of them an additional piece of work for Maynard and Paquette without the Board having a chance to see it in a packet. He knows that he doesn't like getting those things put on the table at the last minute. So he asked Mr. Pearson to hold off. Chairman Massey asked if was going to be an agenda item for the 27<sup>th</sup>. Selectman Maddox said yes. We'll have these other issues debated and hopefully back to the Board for that meeting.

Again, Chairman Massey said the purpose tonight was really to have a moving forward plan not to be looking back at what's happening. Any other comments on this item? Seeing none, the only other thing he would indicate was that the Senior Building Committee is going to be meeting with the Benson's Committee this Thursday the 15<sup>th</sup> along with the dog park folks. They have in their packets for the meeting a Plan A, which is the site inside the fence, and Plan B, outside the fence. For Thursday night, they will have rendering pictures of what the facility would look like. It will be on that basis that they decide how they want to go forward.

Selectman Coutu said the rendering is of the building. It doesn't matter where its put right? It will be a rendering of the building. Chairman Massey said the answer is yes with one caveat. Depending on where it is located, there may be a higher elevation for the back end of the building on one site than the other. The actual first floor would look the same no matter where it is sited.

Chairman Massey declared a 5 minute recess after which they'll go into nonpublic.

10. NONPUBLIC SESSION

*Motion by Selectman Jasper, seconded by Selectman Maddox, to enter nonpublic session under 91-A:3 II (a), (b), and RSA 91-A 2 (a) after a 5 minute recess by roll call, carried 5-0.*

This ends the televised portion of the meeting. Any votes taken upon exiting nonpublic session will be listed on the Board's next agenda. The public is asked to leave the room.

*Motion by Selectman Maddox, seconded by Selectman Coutu, to exit nonpublic session, carried 5-0.*

Open session is being entered at 10:28 p.m.

*Motion by Selectman Maddox, seconded by Selectman Jasper, to hire Matthew Kleiner as an intern in Community Development at a rate of \$12.00 per hour, 336 hours, for the purpose of document scanning commencing July 19, 2010 and ending no later than September 30, 2010, carried 5-0.*

*Motion to hire Lori Bowen as Soccer Director at a fee of \$1,275.00, and Sherri Lavoie as Assistant Soccer Director at a fee of \$775.00 effective July 14, 2010 and the positions were advertised in the Hudson Litchfield News and Hudson Community Television, carried 5-0.*

11. ADJOURNMENT

*Motion to adjourn at 10:30 p.m. by Selectman Jasper, seconded by Selectman Maddox, carried 5-0.*

Recorded by HGTV and transcribed by Donna Graham, Recorder.

**HUDSON BOARD OF SELECTMEN**

\_\_\_\_\_  
Kenneth J. Massey, Chairman

\_\_\_\_\_  
Richard J. Maddox, Vice-Chairman

\_\_\_\_\_  
Roger E. Coutu, Selectman

\_\_\_\_\_  
Benjamin J. Nadeau, Selectman

\_\_\_\_\_  
Shawn Jasper, Selectman