

HUDSON, NH, BOARD OF SELECTMEN  
Minutes of the July 6, 2010 Workshop Meeting

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

2. PLEDGE OF ALLEGIANCE led by Selectman Nadeau.

3. ATTENDANCE - Ken Massey, Roger Coutu, Ben Nadeau, Shawn Jasper, Rick Maddox

Staff/Others: Stephen Malizia, Town Administrator; Road Agent Kevin Burns, Chairman of Sewer Utility Bill Abbott and Howard Dilworth

4. MINUTES

- a) Board of Selectmen Meeting Minutes of June 8, 2010
- b) Board of Selectmen Meeting Minutes of June 22, 2010

Motion by Selectman Coutu, seconded by Selectman Nadeau to accept the minutes of June 8, 2010 and June 22, 2010, carried 5-0.

5. OLD BUSINESS

A Votes taken after Nonpublic Session on June 22, 2010

- 1) *Motion by Selectman Maddox, seconded by Selectman Nadeau, to seal the minutes of the Nonpublic Session, carried 4-0.*
- 2) *Motion by Selectman Maddox, seconded by Selectman Coutu, to hire Scott Klement of Hudson and Andrew Cialek of Litchfield, as seasonal laborers to assist with grounds maintenance in the Highway Department, effective Sunday, June 27, 2010, for a period not to exceed 8 consecutive weeks. Both employees would be paid a rate of \$12.00 per hour with no benefits, carried 4-0.*
- 3) *Motion by Selectman Maddox, seconded by Selectman Coutu, to eliminate the position of HCTV Senior Camera Operator, carried 4-0.*
- 4) *Motion by Selectman Coutu, seconded by Selectman Maddox, to authorize the Assistant Town Administrator to replace the intern working in Community Development, carried 4-0.*
- 5) *Motion to adjourn at 11:50 p.m. by Selectman Maddox, seconded by Selectman Nadeau, carried 4-0.*

6. DISCUSSION ITEMS

A. Public Works Department Review

Chairman Massey recognized Road Agent Kevin Burns. Good evening.

Mr. Burns said he wasn't sure where to start. He usually has a specific subject that he's there to speak about. The state of the department, the morale is very good. He thought they were very, very fortunate. They have a fabulous crew out there now. He did bring a list of the current inventory of their vehicles. One problem they've touched on frequently during the budget process he believed town-wide paving is annually underfunded. It's like the old commercial pay me now or pay me later. Pay a lot more later. They made some gains with additional funding that they found from impact fees and when they had the surplus from the trash contract. They really should be spending closing to \$1 million a year than \$300,000 or \$400,000 they've been spending. If they could get closer to a \$600,000 range, Mr. Burns thought they could try to

keep up a little better. He received an e-mail from a gentleman last week and this week and wanted to know what his paving rotation was. He really didn't know how to answer him without knowing that he was going to aggravate the heck out of him. They really do not have any kind of paving plan. They pave what's falling apart the fastest. There's really no schedule per say.

Mr. Burns touched on the vehicle. His fleet is actually in very good condition. They've been fortunate. They've had the support of the Board of Selectmen, the Budget Committee and the people. The big items that they really need to look at are the last 3 six wheelers. Two of them are 1988 and one of them is a 1994. He put off trying to fund them but it's gotten to the point where they need to. They're rusting apart. You can see through the dump bodies. They actually had one dump body with a sander in it fall off last year. It rusted right off. That's where people can get hurt. It's at a point where they're really becoming unsafe. Those are front line vehicles. When they qualify for antiques plates, it's probably time to call them that and replace them.

The program they did before with the 10 wheelers they now have 8. That's worked out fabulous. They're rugged and reliable. Mr. Burns can send 2 trucks out to do the job he used to send 6 trucks. The big savings there is 6 trucks take 6 drivers where 2 of the bigger trucks take 2.

As far as personnel since he's taken over, he's never asked for additional people and he did didn't foresee that in the future. He thought they're adequately staffed. Like Mr. Burns said when he took over, he thought they needed to find ways to do things more efficiently instead of adding more people to do it inefficiently. He thought they've done that in a lot of ways. They've eliminated all the part-time wing people and different programs like that that were outdated.

The other thing Mr. Burns wanted to touch on was they are now in year 4 of the trash contract. He thought the program has been hugely successful. He would estimate the cost savings of this one program of \$3.5 million over the life of the contract over what their previous bid prices had been. There's a substantial savings - \$3.5 million. If there's any changes they need to do the program, they'll need to look at that within the next 12 months or so. Maybe it's better off if they leave it alone or tweak it, but he didn't see any wholesale changes that wouldn't be extremely expensive. Other than that, Mr. Burns didn't have much more to add.

Selectman Maddox said that Mr. Burns had a number of things that the Board should touch on. Number one was the dump bodies. Would you be suggesting that the Board do the same lease purchase for 10 wheelers as opposed to the 6? Mr. Burns said yes. He'd like to do all 3 at the same time. Just like they did for the first and the second round. They bought 4 in those rounds. This time they'll just do 3. They're not adding to the fleet. They just need to get rid of the older ones. They would go from 6 wheelers to 10 wheelers. Selectman Maddox made the suggestion that this Board ask Mr. Burns's price that up for budget season so that they have some idea of what that's going to cost. Again when you're driving a 1988 6-wheel, at some point if that's their front line plowing vehicles, they need to be looking at that. So he would hope that they'd be looking to 4 and do one of those other vehicles the platform or the utility body? Mr. Burns said that the rest of them were pretty much one-time trucks and smaller. Those were the last of their big trucks that are ancient.

First of all, Selectman Jasper thought Mr. Burns and his crews do a fantastic job. You prove your worth to the Town over and over again in emergencies and non emergency situations. Your department is to be commended for the work. It's obvious that your employees care about the Town of Hudson and care about the job that they do for the taxpayers of the Town of Hudson. That being said, he agreed on replacing the 3 trucks. He wondered what their payment schedules were right now. Selectman Jasper assumed that the first 4 at least are over and done with and he knew that they had some other equipment that they've bought. Where are they with the last 10 wheel dump trucks? Mr. Burns said they're all paid for now. Selectman Jasper asked if they were for 5 years. Mr. Burns said 5 years. Selectman Jasper asked if they were in the last payment or they made the last payment. Mr. Burns said the fiscal year they just finished, they made the last payment on the '06s. Selectman Jasper said that this would up things a little bit. Sometimes they end something and start another one. This one they ended, saved the money, and now they'll have to increase again. Mr. Burns said they're probably looking around \$90,000 for a 5 year lease purchase. If Selectman

Jasper recalled correctly, Mr. Burns' anticipated life on those were 15 years. You think they're going to make 20. That's good. It will be a while before...Mr. Burns said they'd be out of the truck business for a while.

Selectman Jasper wanted to touch a little bit on the trash contract. In terms of things the Board's talked about, he thought the only thing that he could recall that they've really talked about is instead of giving people that great deal of \$75 for a second barrel for 5 years, they ought to go to perhaps \$75 a year because they're encouraging people not to recycle and really look at things by essentially saying you're about \$15 a year to do that. Mr. Burns said they were the first one to go down this road in the area with the small barrels. Other communities have copied them, but most of them have implemented an annual fee for the second barrel. When they've called and asked him about the program, he tells that that's the one thing he wished they had done. It was hard because they went from a Cadillac to a small Chevy. It was tough sell with just the 64 gallons the first time. It may be something that may want to look at to try and figure out what the average cost for the tipping fees for that barrel is per year and make that the fee. He's around town all day long. If you go by a house that has 2 barrels, they don't have recycling bin. They've paid the \$75 for 5 years for the convenience of not having to recycle. So everyone else is really absorbing their costs for not recycling.

Selectman Jasper said he hasn't seen the recycling numbers for a while. Are they staying in least in terms of tonnage about the same? Mr. Burns said tonnage is the same percentage is down. They started off at around 30 and they're down to about 25. The recycling tonnage has remained steady, but the amount of trash they're getting has gone up. They've sold almost 850 second barrels. Its almost like 1 in 10 house has bought a second barrel. So the trash numbers have gone up, which has driven their percentage down, but the tonnage is the same on the recycling.

Further on that, Selectman Jasper was wondering about the affect of having the landfill open once a month now what he's seen on tonnage for that. Mr. Burns said it is busy every time they're open. He doesn't know where it all comes from. Selectman Jasper asked if that contributed to some of the increase in the tonnage. Mr. Burns said the tonnage at the land fill was remaining about the same annually, but it's spread out over 12 events instead of over 8. Staying open year round has eliminated that made chaos of the first or second opening in the spring where they'd be lined up out to 102. It was worse than the toll booth on the 4<sup>th</sup> of July. It really has eliminated a lot of the lines up there. The tonnage was pretty much the same.

One of the things Selectman Nadeau has seen over the year, and he was looking at it, was the 2000 Bobcat. How do you see that with the amount of extra sidewalks that they've put in? Do you think its time for them to get a second one for sidewalks? Mr. Burns would love a second one for sidewalks. For one, they have no spare. They could get them done a lot faster. Whenever he's looked at it and they have been facing zero increased budgets for quite a few consecutive years, it's been tough to find that extra \$35,000 - \$40,000 to ask for. A lot of the newer sidewalks he didn't need the Bobcat to do. They've been able to do it with the grater because they kind of insisted get rid of the strip on the main roads between the sidewalks and the grass strip in the middle and get the mailboxes off of them. The grater can go by and clear off the newer sidewalks. The Bobcat is pretty much isolated to the in town sidewalks that are 50 years old and 3 feet wide.

To go back to the dump trucks, Selectman Maddox was thinking that this session was supposed to be for. Would it make sense to at least get a price to do the 3 and then for 4 to look at what that number would be to have a spare. You've had good luck. Again, he's plowing 200 plus miles of roadway. Again to take a look at the numbers, they may not go that way but at least ask to get a number to do 3 and to do 4 and see what the number spread is. If that's what the majority of our fleet is going to be, over half of them are 10 wheel dumps to have a vehicle so that during a major snow storm you have the ability to keep plowing while one of them is down with a problem. Again, Selectman Maddox thought they needed to look at it as long range. They're not subtracting any road mileage. Mr. Burns said he would love to have a spare. They don't have a spare. If something breaks, something else has to go take its place, and they don't have that ability right now. You'd have to take the key away from him because if he knew he had a spare, he'd find a body and stick it in it and it would be out there.

The new 2007Kabota that they have, Selectman Nadeau asked if they had a plow attachment for that one and if they made one for it. Mr. Burns said they do but he didn't know what they would use it for. Selectman Nadeau asked if the Bobcat was small enough to do that. Mr. Burns said it was too big. That's the roadside mower. It has the 21 foot boom on the side and counterweight on the other side. It would need some retro fit to turn it. Selectman Nadeau said, "So we don't use that one in the winter at all?" Mr. Burns said it does actually go out brush cutting in the winter if they don't get snow for a while or in between storms. It does go out occasionally.

Selectman Maddox said he knows they're in the fourth year of the contract for trash pickup, what's their plan for looking at when they're going to go with single stream as opposed to the plan they're on now. Any ideas where they're going to be headed or do they need to, again, start looking at this in advance so they're not trapped like the last time trying to stand in those baskets at election day trying to show people the size and trying to sell this program. Do you think its going to go to single stream when they renew at the end of the contract? Mr. Burns said single stream is more expensive. The tipping fee for single stream is probably double the tipping fee for separated. It's like anything else. It's the added option you want. The same way you buy a car what are your options. Single stream costs more because its labor intensive at the other end. You're paying someone else to do the sorting for you instead of having the residents do the sorting at the side of the road.

Again, Selectman Maddox was trying to get an idea of where they're headed with this. At this junction you're saying they're probably going to stay on the same basic plan they have with some adjustments for second barrel type of thing. That's what the first contractor was pushing. That's where they'd be in 5 years. Now they're gone because they couldn't get that plant built in Manchester. Again, he's just trying to see what their plan would be going forward.

Mr. Burns said there's 2 trucks in town that do the recycling. One of them is a single stream truck because of a breakdown on the dual stream truck. Pinard is eating the cost on that tipping fee instead of us. Our contract calls for no tipping fee dual stream. They're actually collecting half the Town single stream until they can get their new truck in, which has been ordered to be dual stream. Selectman Maddox said it did explain why people have said to him, "How come they're putting it all in the same truck?" So that explains why that's happening. If they insisted on single stream, Mr. Burns said then they would pay for single stream. Since their contract is for dual stream, they have to eat the added expense of the single stream because it's at their convenience and not ours.

Selectman Coutu said Mr. Burns just answered his question. He was wondering when they went to single stream because for quite some time now at the south end of town, he is dumping everything in the front and then they just lift it over and dump it. That explains it. While he has the floor, and he's going to make it very brief, he wanted to echo the remarks that were made by Selectman Jasper relative to Mr. Burns' work load and the product that we receive from your department. He thought there was no doubt in his mind, it's not a question of thinking, he knows because he's been an observer. You know that he's very reactive when it comes to citizen complaints. Mr. Burns has been just as reactive. Sometimes a little slower than others because he has other things that he's working on and he sets his priorities. Selectman Coutu has been an observer of municipal governments as far as the City of Lowell, and he's watched a lot of small town governments in his years of history with governments. He can say that from his perspective in terms of public works, which is basically what Mr. Burns is responsible for, has one of the finest departments he has ever seen. Its one of the most well managed and most responsive and reactive public works department that he's ever seen in his life in public service. He was sure on behalf of a lot of the constituency that they represent as a Selectman who have contacted him and who have told him both via mail; he had to answer 3 letters today in which he wrote letters in response. He has letters 2 or 3 a week. A lot of them have to do with Public Works. Ninety-nine percent of the comments he hears are positive. The only negative things he hears or reads are in the Thumbs Up Thumbs Down because they don't have the courage to put their name to a letter and submit it.

[Selectman Coutu] On behalf of that constituency, he wanted to thank him for an outstanding job. He hated to think that Mr. Burns hinted tonight that he might be retiring soon. He'd like to see him stay on a little longer. Again, he knows how they feel. The Board has expressed it many times throughout the year.

Tonight it's more of a collective rather than an individual effort to tell him how they feel with regard to the work product that comes from his department. Please let the crew know that we appreciate everything they've done. He thought that they have one of the prettiest town around and it's attributable to his department. Mr. Burns thanked him.

Selectman Nadeau said Selectman Coutu may have misunderstood something. He said the trucks were going to last 20 years. The last ones were bought in '06. So we have plenty of time for him before he retires.

Selectman Maddox was surprised when he pulled into the parking lot that the VacCon wasn't sitting there. He thought for sure he would have had that sitting in the parking lot. So that's not on the list, your brand new truck. He thought they saw an e-mail today from the Fire Department. They had the spill. Mr. Burns' department just didn't quibble about departments or whatever; they went and took care of the problem. They dug up the soil and did what needed to be done. Again, great interdepartmental cooperation between Highway and the other departments. Again Kevin, sad not to see the VacCon because he saw the sewer were going to be here also. He saw it in the paper the other day. It looks like a good buy. He went outside the box and looked and found it in Texas at a better price than we could have found anywhere else. See if they order any dump trucks. Thank you Mr. Chairman.

Chairman Massey echoed Kevin. He didn't think anybody that drives through their Town can't help but observe how clean and how well kept the public areas of the Town is. Library Park in particular is always an asset. It reflects well on all the members of Mr. Burns' department. Contrary to what anonymous people who don't have anything better to do than to snipe, he thought they all know when they set out to do the paving, he does it on what's best for the Town. He didn't think he pays too much attention to the Selectmen in that respect. That's the good news. The negative comment that was in the paper this week was again just another example of small minded people having nothing better to do than make innuendos when they really don't understand. If they just picked up the phone and asked questions, they might understand why you do what you do. Again, that's his problem with that particular area. It doesn't detract in his mind from all of the things that his department does. They only have to look at the winter time when our streets are plowed and a lot of the surrounding towns are still struggling to know that your crew really does care. For that, Chairman Massey said they all thanked him. Bottom line is good job.

#### B. Sewer Utility Review

Chairman Massey recognized Chairman Bill Abbott and Howard Dilworth.

William Abbott, 48 School Street. He's the Chairman of the Sewer Utility Committee. Howard Dilworth and at the moment the designated alternate.

Mr. Abbott thought that overall the sewer system was in pretty good shape. The VacCon truck was mentioned. That was one of the big items. It was kind of a thorn in their side for a long time. That thankfully has been pretty well taken care of. They received a little input from Jess Forrence and he indicated that he didn't have any really big projects that they're anticipating in the near future. As with the roads, they still have a program of replacing sewers. He knows they tried to align the sewer replacement with street placement, which is a good thing.

One of the things that they all worry about of course was what Nashua's going to be doing with their treatment plant. Mr. Abbott has mentioned in the past that they've established a bit of rapport with the folks over there. They've been getting a better feel for what their long term needs are. At this point, it looks like what they've measured it for this year and next, they'll take care of the cost that they're talking about. They are talking about in fiscal year and our's 2012. A figure close to \$600,000. That's what they have put aside for that purpose. He thought they were on track as far as the really big ticket stuff goes. The capital projects are fairly small. They have a couple of streets where they're going to continue to look at the in flow and infiltration. Mr. Abbott said that Jess had showed them some pictures he had taken of the sewer line with their camera. They can actually pretty much home in on somebody that's causing an in flow in the system. He's been real aggressive about going after it. Part of the problem is the fact that if somebody is running a

sewer pump or something like that, if you ask the Commander to look at things or whatever for some reason or another, be careful to have that not in evidence when he shows up. He kind of knows its happening. It's one of those things that would be a little bit hard to actually go after and get people to stop doing it.

Ms. Abbott said that their capital reserve funds were in good shape. All the funds were well taken care of. They have a little left over in their VacCon replacement fund. Thanks to a suggestion by Howard, they're thinking about keeping that fund going. If it is now funded on an annual basis when the 10 years roll around when the truck theoretically would fall apart, they would have money to buy a new one. They've had some discussion as to just how that should be funded. He personally voiced the opinion that the Sewer Utility basically bought the last one. The next one would be nice if it came out of the Highway budget. One of the things they talked about was how does the sewer utility get reimbursed for the use that the drainage division would make. His personal opinion was it gets to be a little bit of an accounting nightmare. Mr. Abbott thought a lot cleaner solution would be to simply let the Highway Department budget for the next one and then in the long run, it all works out.

Just as Bill said, Mr. Dilworth said they've had some discussion lately about being better prepared for purchasing another VacCon truck in 10 years. He has talked to Jess and he said they're good for about 10 years. If they can get 12 out of them great. The money will be in the bank and will be available to be used for purchasing at that time. One of the things that he has recently found out was that he was sure they're all aware of the changes to the drains portion of our infrastructure relative to the storm water run off. That is becoming a huge, huge issue. It makes him wonder why they ever separated the sanitary sewer from the storm water if you're going to have to treat both of them eventually anyway. His understanding was that drains division was using the VacCon truck about 50 percent of the time. We did what we had to do. We got the truck bought. If 50 percent is going to be used for drains, which are funded through the tax rate, then half of the truck should be paid for out of the town's side of the house as opposed to sewer. He didn't know if they could both put money into the same reserve fund. He's not 100 percent sure on how that works. He's sure Selectman Massey having been a Trustee was more up on it.

[Howard Dilworth] If its \$300,000 for a new truck and its going to take 10 years to raise the money, then if the sewer puts in \$15,000 and the Town puts in \$15,000 after 10 years, they'll have \$300,000. Of course that doesn't take into account any interest raise. Perhaps both of them could put a little bit less money in than \$15,000. Other than that, they're in good shape. As Bill's said, they've been replacing sewer systems in streets for a long time. He knows there was a bond issue back in the mid '90s to replace a lot of streets that got voted down. They've slowly been chipping away at replacing those streets - a couple a years.

Selectman Jasper said he understood what's being said and the concept about the sewer fact and the sewer VacCon and 50 percent. He was wondering if it really wasn't fair to have the sewer utility buy that truck. Where he's going with that was there's a lot of work that's done on the sewers. When that work is being done, 10 wheelers are being used. You can build the labor, but there's the availability of the truck. If you went out and hired a truck to do those jobs, what would that be? The sewer VacCon is housed in the Highway Department. There's electricity. There's heat. Our mechanic works on it. How much is really being billed on everything that's accountable? The staff here at Town Hall. Labor is accountable there. If they hired an office some place, what would that add up and say well we're going to rent the sewer utility an office in Town Hall. What would that rent be? Do they want to get into that level of nit picking or just recognize that there's a value for what the taxpayers provide to the sewer utility and \$15,000 a year is probably a reasonable number to do that. Maybe they should have that debate because those were just ideas he was throwing off the top of his head and so he threw it out for discussion.

Selectman Coutu had one comment. He was under the impression as you know they were not able to sell the VacCon in the previous budgeting year and they were able to sell it this time. He thought they had in the course of discussion and in the preparation for presenting the VacCon truck under a warrant article, that they had verbally agreed that there would be some tit for tat. He thought the Highway Department was going to have some monies allocated or budgeted to kind of offset some of the expense of buying the truck. He was going to find a way to reimburse 50 percent over a period of time. He remembered a general discussion. Initially they were going to pay 50 percent and they were going to pay 50 percent. That was the original warrant article. The Sewer Utility was going to come up with 50 percent. The language of the warrant

article was very difficult to comprehend number one. Number two, they didn't do a good job selling it. Last year they made it a point to make the citizenry realize the value of having a VacCon truck not just because it was for sewer utility. It was because they needed to keep their drains clean in order to allow for proper drainage. The first home he did with the new VacCon truck was a home that experienced some serious flooding this past spring. Everything was going right by his basin and into his yard. Selectman Coutu witnessed it himself. He asked Kevin if he could get out there and he called and said it was the first home they did and couldn't get over how much sand and build up there was in that drain. The person made it a point to come by the store shortly after to tell him he was very, very pleased. They haven't had any rain. We'll see how it works. Somehow or another he got the impression that the Highway Department was going to somehow find a way within their budget process to reimburse 50 percent.

[Selectman Coutu] Be it as it may, he thought it was a great idea which was presented – that they each put in \$15,000 for a period of 10 years in order to have the monies available. However as always Selectman Jasper, thought he says his mind is cluttered, he always presents some interesting observations that it was something that he hadn't considered. The offsetting costs to the use of the vehicle in the sewer utilities work and that they also provide some manpower and vehicles while they're doing that. They have to weigh that in. Whether it represents 50 percent of it or not, he didn't know. He'd have to look at that more carefully. He was glad that he brought that up. He knows that Selectman Jasper said he wanted to bring it up for discussion. Now it's going to make him think. He would defer to Howard at this point because he's had a lot of experience with the sewer utility.

First off, Mr. Dilworth thought that the suggestion of visiting or revisiting the allocation in July was a wonderful idea. The fiscal year just started. We all know budget season is right around the corner, but they have a little breathing room of a couple of months to give some thought to this. While it was true that there is an amount of labor and there are dump trucks that get used and other pieces of equipment, he would remind if some have forgot that the labor costs in the drains division is split 60/40 for labor and 50/50 for things like uniforms between the Sewer Utility and the taxpayer. He would be very happy to take the use of a dump truck and some of these other things because after all the sewer utility paid for 25 percent of those dump trucks. If you go back and you look at your budget books from the last couple of years, he thought they'd find that there was a cost sharing where 50 percent was for streets if you will, 25 percent for drains, and 25 percent for sewers. So sewers pay for 25 percent of the dump trucks that have been bought under lease purchase. Mr. Dilworth believed the backhoe that they bought, and he didn't swear to the grater, he wasn't sure about that. The backhoe he believed the Sewer Utility had paid for 25 percent of that as well. Excellent food for thought. They have a little bit of time to think about it.

Mr. Dilworth thought it would be nice where with the increase in the amount of usage that the VacCon truck was going to see because of the storm water runoff rules that the feds were handing down. Maybe they could get them to pay for the next truck. He thought it would be appropriate that the Town pay for \$15,000 a year and the Sewer Utility pay for \$15,000. The truck would be paid for when it was time to buy another one.

Selectman Jasper had forgotten about the 25 percent cost sharing in the dump trucks. It's been a few years. He thought if may well be a good time to really look at what the allocation was and see how that comes out. Fair is fair. He thought they just needed to take perhaps more things into consideration than they have. He didn't want to rob from the Sewer Utility but it is the wealthiest part of the town and better shape than anything else. From his perspective, there's no sense in the taxpayers giving anything to the Sewer Utility. Without any rate increases, they can absorb \$15,000. If there isn't \$15,000 worth of value from the Town's side going in there, then they shouldn't have to. It's a good time to just really do a good evaluation of it.

Selectman Maddox was willing to split the baby if they're looking for \$30,000 for the Highway to put in \$10,000 and Sewer to put in \$20,000. If they paid for 25 percent of the dump trucks and they probably only use them a lot less than 25 percent, how does that break out. Maybe have Steve pull some numbers together and however they want to break that up. He didn't think that if the Sewer just bought the entire VacCon on this round, it's going to be tough to justify the taxpayers don't have an expense on the next one.

Chairman Massey said they were blessed with one of the lowest if not the lowest sewer rate in the State. The question arises in his mind was the capital reserve fund for the sewer system itself that it is at a sufficient point now where they can start instead of putting the amount of money they've been putting in there every year now, decrease the amount and maybe think about putting more money in the Wastewater Treatment Capital Reserve Fund. Has the Sewer Utility had any conversations on that? Mr. Abbott said not directly. He thought what was going to happen with Nashua was that they're starting to separate their system. His guess was that they're probably not going to be able to get any increase in capacity. They've been told by present and past town engineers that if they were to try and increase the capacity to their plant, they'd have to meet all kinds of new regulations. It would be a difficult thing for them to do. They're going to pick up capacity by separating their sewer and drainage. We're not going to get the benefit. He wasn't sure that they were every really going to be able to buy more capacity.

Chairman Massey wanted to stay with that for just a minute so that they understood. If they separate the storm water from the sewerage, then that means that there was more capacity for sewerage in the wastewater treatment facility. Selectman Jasper said it was all counted as sewer now. Mr. Malizia said the plant was rated for 16 million gallons. He thought it was either 16 or 18 million. We own 12.58 percent of that 16. They exceed their capacity because of their current system. There are times that they exceed that amount of flow that they're permitted for. What they're trying to do is get down to their number or lower so that they can either add industry, business, or whatever. They go over their capacity when they have storms and other events. We've gone over our capacity years past. They haven't done it in a long time. Things are slow and we haven't been there. They're not going to actually increase their capacity. They're still going to be rated for 16 million. They're just trying to ring out all that excess that shouldn't be going through there, therefore giving them some more room. It doesn't translate to anything else for us. We still own 12.58 percent of 16 million gallons, which is 2 million gallons.

Chairman Massey said the other piece of that was since they both have a finite amount and unlikely to get any more, when you look at some of these major developments – in particular of the 400 acres down on the golf course – he didn't understand how this Town was going to be able to provide the kind of sewer systems that would be required to develop a property of that size. Mr. Malizia said it depended on what they developed it at. It's all contingent on what that was. Chairman Massey said if they developed it in the 2 instances that have been talked about, we don't have the sewer capacity to get that. So at one point do they basically have to say to developers stop talking about a development that until you can tell them where they're going to get their sewer capacity from.

Selectman Jasper said that there were alternatives to wastewater and municipal systems. We don't have to tell them anything. Mr. Malizia said they're outside of our district if he wasn't mistaken. Selectman Jasper said that they come to the Board and the planning process – here's how we handle our wastewater. They have a massive septic system or they build their own treatment plant. However, Chairman Massey said by State Statute if they build their own treatment plant, it has to be 50 percent owned by the municipality, and they have to bond. He believed that the town has to own 50 percent ownership in the plant not the cost but the ownership, but there has to be some kind of a bond should they ever default that the Town would be able to run that system. Mr. Dilworth was not sure about. He frankly hadn't really even considered that because they have approximately 50,000 – 60,000 gallons of capacity left in the system out of the 2 million. Where some of those larger than normal projects have been proposed was outside the boundaries of the system. Frankly he hasn't worried about it. Mr. Dilworth was not 100 percent sure. Selectman Jasper's comments brought to mind the Erma Bombeck book from years ago – The Grass is Always over the Septic Tank. So you could have a very good looking lawn on a golf course if you chose to go that route.

Selectman Jasper did want to touch on this anyhow and Howard talks about the 50,000 – 60,000 that's left in the allocation but their actual daily flow there was a much bigger cushion in that. One of the things that was being worked on through engineering with the use of interns was trying to identify actually who was paid for what and what the legal allocation was. There appeared to be cases where people say they have so much allocation and they haven't really verified that they actually own that. Can you give us an update on where that project was?



Mr. Abbott said that Gary was working on it and has been working on it for a better part of the year. He thought it was a matter of priority with him. He has a lot on his plate. Most meetings he says he's working on it. He has interns working on it. The last report was he thought he was very close to having a number. He was hoping he might be here tonight but he didn't make it. Chairman Massey said he was on vacation. Mr. Abbott thought he indicated he might break stride and come in. Obviously not.

To that end, Selectman Maddox thought that people needed to understand that we're talking about 50,000 or 60,000. That's allocation as opposed to average daily use. Our thing is 2 million? Mr. Malizia said 2 million is our allocation. Again, Selectman Maddox said plants aren't running 7 days a week. So that average we do have considerably more flow than that. Mr. Chairman, one of the things that when things do slow down a little bit for the Engineering Department is to take a look at infiltration. He thought that the Board needed to see if they could buy additional. Again, the district has not been completely built out even within the district that we present have. At least to ask the questions formally to say what would be the cost of Hudson increasing their percentage or average flow, however we want to do it. Selectman Maddox thought it was at least a question they needed to have some numbers to be able to answer that question. We have considerable numbers and dollars in our reserve funds. While things are slow, as they're separating their combined sewer overflow project, is there an additional 200,000 gallons that they can get another 10 percent. He didn't know but he thought until they ask what the price would be, it is something that the Board needs to know one way or another.

Unfortunately, Chairman Massey believed the way the capital reserve funds are worded, neither one of them can be used to increase capacity. They can only be used to fix existing capacity. In case of the Sewer Capital Reserve Fund, he thought it could be used to extend the lines but it couldn't be used to buy more capacity at Nashua. Twice now we've had on the warrant article to change the purpose of the Wastewater Treatment Capital Reserve Fund to allow us to do either pay for existing costs or to buy additional capacity. Twice that warrant article has been turned down by the voters. Selectman Maddox said that if you don't know what the cost is, most citizens aren't going to say yes. He thought if they knew it was \$2 million just to put a number out there, and then they could say they have that money. They just need to change the definition of what that money can be used for. Chairman Massey asked if that was something the Sewer Utility could look into Bill. Mr. Abbott said yes.

Selectman Jasper said it wouldn't hurt to ask, but he can tell them what the answer was going to be. As long as they have not separated that system completely and they are exceeding their average daily flows at time, there's no way that that would be approved. He didn't think it was entirely in their hands because of the funding which was a tremendous percentage of the funding of that plant was done through federal funds. When you're already exceeding your capacity to turn around and say you want to sell some of your capacity, the last number he heard that the separation project that Nashua was undertaking was in the range of \$100 million to complete. Anything that we would be able to offer them is a drop of the bucket to that. They would be probably much more likely for what he would consider small potatoes to keep that capacity in there in their back pocket. Obviously as much as they want increased industry and activity in this town, they want it as well. They have probably zoning that makes it much more likely that that will happen than we do. Ask away if you want to but with all due respect, it's a fool's errand.

Chairman Massey said which is part of the reason why Sagamore Crossing went south. Nashua Landing was sitting there and Nashua didn't want to give any sewer capacity to Hudson when they could use it for Nashua Landing. That's the other piece of it. Where are we relative to having the Public Works Department over in Nashua be more responsive than they were in the past in order to give us advanced notice so that we can provide for the budget cycles that we have versus theirs?

Mr. Abbott said we're in better shape than we were. We met with them back in September and they gave us at that time what their plan was. Donna has just gotten a recent update which outlines what their plan is. He thought it was through their fiscal year 2016 or so. It actually has this little ball for next year. Then it tappers down and then the out years you're talking about he recalled the number around \$200,000 on a more or less ongoing basis through that period of time.

Mr. Dilworth said that not that this has anything to do with money or anything, more concerning the individuals across the river. They type of government that the City of Nashua has town meeting is every 2 weeks. You want to do a resolution, you want to float a bond, you hold your hearing and every 2 weeks is like another town meeting. He's noted in dealing with individuals from the City of Nashua through a variety of departments, some of which he's dealt with through Nashua Regional Planning, they don't always have an understanding on how town government works. They don't always understand that you get one shot and that's in March or in the case of some other towns May. He thought they woke them up when they presented the Town a bill and we said sorry Charlie we can't pay. We didn't budget it. You're going to have to wait. Probably the most significant change that has occurred over there is the head of the Public Works Department for the City of Nashua is a selectman from the Town of Bow. He's the former Commissioner of Transportation for the State of New Hampshire. He's sure he is fully cognizant of the calendar for town meeting because he has to go through it in Bow. Mr. Dilworth thought that works to our advantage. They're a little more aware of what we have to go through over here.

Selectman Maddox hoped that the Sewer Utility Committee would set up a meeting for this September. So as long as he understood that he's coming back every year to ask the questions, at least they'll be prepared. There'll be no surprises. That gives you enough time hopefully in September to have it through in the budget cycle. So he would hope that they would get a letter over saying they'd like to meet with them again. Even if it's half an hour, at least you've covered the bases as to that very statement. We have a budget cycle that we have to live with and you can't send us a bill for twice as much money as we were expecting. Chairman Massey said that they can also remind them that the State was kind enough to allow us to do the emergency appropriation. They were not too happy doing it and they basically said, he thought, not again. Mr. Dilworth said it worked very nicely at the time.

Selectman Coutu wanted to express, again, his sincere appreciation to the members of the Sewer Utility Committee. Howard knows how he feels. They've welcomed him on the Board with open arms and he's been a positive influence on some of the thinking process that they have to go through in terms of the planning in the coming years. He looked forward to continuing working with the Sewer Utility Committee. Again here's an example of individuals who volunteer their time. He couldn't thank Bill enough for all of the hands on that he's done over the years and the formulas that he's tried to put together. One of them he could have asked Selectman Jasper. He could have given it to him in 5 seconds. He's sure that the rest of the members of the Board joined with him in thanking him for all that he does for our Town. What you do at Sewer Utility affects if there's a major backup. It's a real serious problem and it affects those who have sewer and those who don't have sewer. Selectman Coutu wanted to express his appreciation and his gratitude, and he's sure he spoke on behalf of the Board. Thank you gentlemen.

Mr. Abbott said it the VacCon truck was mentioned. He didn't have a bunch of copies, but he did have the one copy and you can see what it looks like - the old and the new. Selectman Jasper said they did get a nice color picture forwarded on e-mail.

Chairman Massey said the Board would echo Selectman Coutu. Job well done. Like he said, they are blessed with one of the lowest operating cost for sewers in the State. He thought it was no small part to what Mr. Abbott's committee has provided over the years in the way of leadership. Thank you.

C. Public Hearing - Code of the Town of Hudson Chapter 259 titled "Parks and Recreation Areas" - Benson Park - Hours of Operation, Violations and Penalties

Chairman Massey recognized Town Administrator Steve Malizia.

Mr. Malizia said this was the required second hearing to pass this into the Code. You had the first hearing in June. This is the required second hearing to actually put this into the Code.

Open the public hearing at 8:05 p.m.

Chairman Massey asked if there was anyone in the audience who wished to speak on this subject. Seeing none, Chairman Massey closed the public hearing at 8:06 p.m.

Selectman Maddox said he kind of stopped by a number of times at 7:50, 7:55, 8:05 and there have been cars parked in there. It's still light out. Has the Benson Park Committee had any issues, direction or the police are asking the people to leave? He was there at 7:55 and there was a car pulling in with 3 people in it. They were going to go walking he guessed.

Selectman Jasper said that the Board all knows how he feels about this. He's been in there watering after 8 p.m. saying this is such a gorgeous time of the night to be in there that he really felt they should have gone with 3 or 4 closing times. That being said, that's what the committee recommended and that's what the Board did. There is a problem with people not reading the signs. What they are looking into was getting larger park closing signs to put so that they would be obvious at those gates and put those up so that twice a year you'd change them - "Park closes at 8 p.m. - at 4 p.m." He still hoped in the future that they will revisit this issue and adjust a little bit more for the actual day light hours. It is necessary to have the ordinance in place not so much necessarily for the closing time but for the rules and regulations. He apologized because he obviously wasn't at the last meeting. The more important things were to get a lot of the rules and regulations in ordinance. Selectman Jasper was sorry that that hadn't been done yet. We do need to get a closing time in place. He thought the police as they are with everything will use their discretion and hopefully those signs that will let everybody know will be in place soon.

To that end, Selectman Maddox said he knows that the Police Chief said the term "dusk" and "dawn" are nebulous. He thought that they were published some where. It's not in the paper every morning in that weather section. Chairman Massey said it's what sunset and sunrise are. Mr. Malizia said if they can't read the sign they're probably not going to read the paper. Selectman Maddox said what you would do is some happy volunteer would put that week that time is X. Again, he's just trying to say are they closing people in or not allowing to use it during a time that it's probably nice right now at 8:09 to be able to walk through that park. He's asking if this ordinance needs to be done right now or do they need to revisit it.

Selectman Jasper thought the Chief was right about dusk. You can't really put that on a sign. You can go with 4 closing times a year. People felt that was too confusing and that sort of baffles him because if it's on a sign and it says these 3 months it closes at this time and these 3 months it closes at this time. If you don't know what day it is or what month it is, they he really didn't think they're going to know what hour it is either. It's going to start to get darker soon, so it's not going to be so much of an issue. Then there's going to be a point when its going to be dark at 4:30 and we're going to be closing it after dark which was more his concern was having people in there after dark. Do we have to do this now? Probably not. If this is what everybody wants is to have an 8 p.m. closing time and a 5 p.m. closing time, then this is as good a time to do it as ever. He lost that battle a couple of months ago.

Selectman Coutu didn't think it was necessary for them to go to 4 closing times. He was one of the opponents of that measure. In light of the remarks by both Selectman Maddox and Selectman Jasper and by my own observations and comments that he's heard at the meeting. He could certainly support 3 closing times. He thought it was not unreasonable to open and close the park 5 a.m. to 5 p.m. from November 1<sup>st</sup> to March 31<sup>st</sup>. He didn't think it was unreasonable to open the park at 5 a.m. to 8 p.m. April 1<sup>st</sup> through June 30<sup>th</sup>. That's when school usually gets out the last couple of weeks of June. He would think that from July 1<sup>st</sup> through October 31<sup>st</sup>...October 31<sup>st</sup> presents a problem. He can support a 9 p.m. change.

Before the Board gets bogged down in a lot of conversation, Chairman Massey said if there was no interest tonight ratifying this ordinance, then they can refer it back to the Benson Park Committee for some additional comments. The first thing he'd like to know was a consensus of the Board if they wanted to move forward with the ordinance as written or do you want to go back and have the Benson Committee come back? Selectman Maddox said it would be a question to the Police Chief. Does he need to have this ordinance? Can it wait for them to look at other options? Does he need to have this? Is he having a problem where he needs to be able to utilize this?

Chairman Massey said without the ordinance, you can't tell somebody they can't be in there after a certain time. I'm sorry. You wouldn't be able to enforce it. That was the reason for the ordinance. So asking the Chief whether he needs the ordinance or not, he needs it if you want him to enforce closing times. If you don't want to have an enforceable closing time, then you don't need an ordinance. It's strictly for information only purposes. [Selectman Coutu] Mr. Chairman are you saying that if the Police Department goes there and closes the gates at 8 p.m. and somebody goes over that get that we can't do anything about it. They're trespassing. Chairman Massey said there was no ordinance. Selectman Coutu said they were trespassing. That's the Town's property. It belongs to the State of New Hampshire. We have closed it. A closed gate means no access. Chairman Massey said they wouldn't have any enforceability was the issue. Selectman Coutu said he didn't have a sign in front of his house but if somebody is inside his house, they've trespassed and they can be arrested.

Selectman Jasper thought the issue here at this point was finable. He thought they can and do direct them to leave the park and he didn't think that was an issue. The question is the teeth. What if someone were to absolutely say well I'm not leaving? These are the rules and regulations adopted by the Board of Selectmen. We don't technically have the enforcement ability behind those. To the best of his knowledge, that hasn't been a problem. He's been there and asked people to leave, told them the park closes at 8. They've gone away. There's been people driving in as he's about to leave and told them sorry, the park is closed at 8. They drive away. He thought the best thing to do was to adopt this tonight but refer it back to the Benson Committee to look at alternative closing times based on the reality. They can amend this easily enough. He thought having the enforcement in place was probably important. Selectman Coutu said to go with that.

Motion by Selectman Nadeau, seconded by Selectman Jasper, to amend Chapter 259, Parks and Recreation Areas of the Town Code of Hudson with the addition of Article IX titled, "Benson Park", Section 259-30 (Hours of Operation) from April 1 to October 31 between 5:00 a.m. and 8:00 p.m., and from November 1 to March 31 between 5:00 a.m. and 5:00 p.m., and Section 259-31 (Violations and Penalties) listed as \$10.00 for the first offense, \$30.00 for the second offense, \$50.00 for the third offense and fined at the discretion of the District Court for subsequent offenses, carried 5-0.

Selectman Maddox thought they should be looking to do this at all the parks so that there was a consistency. He would think they would take a look at what the State does or other towns do rather...he was never a proponent of 4. Three is going to be confusing because really the problem was it is so much lighter the June 21<sup>st</sup> - 6 weeks or 8 weeks on either side, you'd have to have 4 to make it work. Is there something that "sunset" is definable and 15 minutes before sunset? What do other towns and what does the State do would probably be something that the Benson Committee could take a look at so they can give the Board some input.

D. Sale of 47 Ferry Street

Chairman Massey recognized Town Administrator Steve Malizia.

Mr. Malizia wanted to put this on the agenda because time is of the importance. The folks that had made the offer on 47 Ferry Street did not get mortgage financing. Therefore, they've withdrawn their offer. In order to get the property back on the active MLS Listing, the Board needs to terminate the Purchase and Sales Agreement from our side and authorize the Chairman to sign the authorization for release of escrow. There was a \$500 escrow that they had made with the real estate agent. In order to get out of the transaction, the Board needed to take a positive action, allow the Chairman to sign the paperwork, and we'll get the property back on the MLS. It's quite possible that these folks may come back. As he understood it, they had an issue. They were trying to sell a property that this sale wasn't contingent on but because it fell through, their mortgage financing somehow got a little fowled up. They may make a subsequent offer but we need to get the property on the market. We can't just wait for promises and things that might happen.

Motion by Selectman Jasper, seconded by Selectman Maddox, to terminate the Purchase & Sales Agreement for 47 Ferry Street with John and Sunne Harding dated May 22, 2010 and authorize Chairman Massey to sign the Authorization for Release of Escrow for 47 Ferry Street, carried 5-0.

Mr. Malizia said on a positive note, the property is a lot more marketable with the asbestos mitigated and Mr. Manor has graciously gone over and fixed a few little small items too that were kind of lingering. It's a much more attractive property to people at that price point. Particularly as Mr. Malizia understood, the grass has come in. The back yard looks great. They have the appropriate certificate or closure document. For the folks out there who are interested, come see it. It's a nice property.

7. OTHER BUSINESS/REMARKS BY THE SELECTMEN

Selectman Jasper - Thank you Mr. Chairman. His intent here was not to be adversarial to you Mr. Chairman. He has an issue that needs to be clarified. That has to do with the site of the Senior Center on the Benson property. He mistakenly thought they were all on the same page with how the building needed to be situated in terms of the gable end so that it was replicating the old red barn. In other words, you had one story walk in on one gable end and then you'd have 2 stories on the other end. It was a multi use building and the trade off that was involved with the State. He was quite surprised to see what the initial decision of the Committee was to locate it closer to Route 111 essentially as its own site and orient the building so that it could be constructed to look like the old red barn because it would have the long side be one side and then potentially the other side be 2 stories. Another curb cut from Kimball Hill Road and the initial driveway also connecting

into the current one going through where we had approved the location of the dog park. When he called the Chairman and asked him if they could discuss his concerns, he said that wasn't appropriate. Selectman Jasper became very agitated by that because he always thinks that it's appropriate for Selectmen to discuss the issues one on one. He didn't think there was ever a situation where it's not appropriate for 2 Selectmen...if they were a 3 member board that would be a different thing particularly to sit down and discuss the issues. In fact when he talked with another member of the Committee, and he wasn't referring to Selectman Maddox, he was told that Chairman Massey said the reason that he was looking at a different location was because he said that he didn't want the pine trees cut down in the location that he had suggested. He didn't know if that was confusion or what, but the fact of the matter was that in the master plan, that area was pretty much going to be used for parking and those pine trees were scheduled to be cut down anyhow if you looked at the original master plan.

Selectman Jasper said he knows that there are a lot of things to consider in citing that in terms of ledge and it terms of work, but we had a lot of discussion here about that. He didn't want to see monies expended on architectural fees or anything else if there's a matter of miscommunication and a matter of misunderstanding. His personal feeling was if they go in to the State and say here's the location. It's going to require a separate curb cut that's all separate parking, that everything is separate, the State's going to say that's not replicating the old barn. That's not what they talked about. You have to buy the land. When Selectman Jasper looks at that, that's what he comes up with. His discussions with the State have been on something totally different than what he saw. He wanted to open that dialog before they go any further and make an investment of money into the issue.

Again, Selectman Maddox said they're a committee that's looking at various options. One of the things they know they were going to have to do was go to the Benson Park Committee and probably to this Board to move it forward. There's going to be plenty of time for input. Now he and Selectman Jasper had a discussion. Some of it was heated at times, but he's just passionate about Benson's. He thought that this Senior Center was going to be more up where the old red barn was. Someone, you, whoever decided that that's where the train station was going. So Selectman Maddox thought there was some flexibility in what everybody kind of thought was going to go where. As they looked at the site as the Senior Sighting Committee or whatever they're tasked with that site that you want to put it in is kind of in a gully that all you're going to see is the roof from the roadway. Again, he thought there was some conflicting ideas of what will it come and be. He thought they were scheduled on to see the Benson Park Committee. Maybe once you see some of the drawings and the rendering or whatever they're going to get to show, maybe you're opinion will change or maybe they'll change their opinion. As far as miscommunication, he thought it was more that they probably should have gone to the Benson Park Committee from the get go and say this doesn't seem to make sense to them. Maybe they could have maybe missed some of this miscommunication. The Board has made no decisions. The money being spent is going to be to make it look like the barn. He didn't think they've spent much money. He thought it was just to have the communication and the dialog you want to have. Again, Selectman Maddox said he sees the second driveway was only for safety. They could put it all off of one. He was envisioning again as your Planning Board representative is just a turn in - a right turn in for more for emergency access so that the only way in would not be one way just in case. Technically they could probably eliminate that.

[Selectman Maddox] The separate parking - again, the park is going to be busier than maybe some of us first thought. Maybe it's not a bad idea to have a separate parking. These are the discussions he thought they needed to have with the Benson Park Committee. He didn't think anybody excluded anyone. He thought they knew they were going to have to go through the whole process and this was just one step in it.

Selectman Coutu wanted to say what he had to say. He appreciated the manner in which Selectman Jasper has presented this. Obviously he prefaced his remarks by saying his intention was not to be contentious and he thought he's conducted himself in that fashion. He had discussion with him probably 2 days after he had spoken with Chairman Massey is when he contacted him. He had informed Selectman Jasper that he and Chairman Massey had a discussion about the proposal. He was also of the opinion that there was a consensus that they were going to locate the park in the area that was selected adjacent to the existing parking lot. So much so that he didn't know who wasn't present, he didn't think Selectman Jasper was there when they brought the Governor through the property. One of the reasons he was interested in coming to the property was he wanted to see what site they had proposed for the Senior Center. When they showed him the site and they explained the reasoning for the selection of the site, he was very much enthused. To support that which Selectman Jasper has said, they've gone to DOT, spoken to the Governor's Counsel and they anticipate that that was going to be the site and that's what they're working on. That's going to be the swap off. That's what they have verbally committed to do. That is what the Governor's Counsel has submitted to DOT in a formal communication to them that they're waiting for the response on whether or not it's a good trade off for us for the red barn. We anticipate a favorable response in that respect.

[Selectman Coutu] Now it would appear that we're going to go through an entirely different process with a building committee selecting an altogether different site. So they're going to have to go through the whole process again with no knowledge at this point of whether or not it's acceptable. They may say we'll swap it off. You're going to give us so much money and we're going to sell you the land. It's not as close to the historical district. They're not going to be in the main stream of the park as Selectman Jasper has pointed out to him in conversations he's had with him. One of the favorable arguments they had for the location that was selected for the park was that the seniors were going to take guardianship of the park because of their location. Now based on the new site that proposed they're not only just over the hill, they're gone. They're out of the way. They're behind the woods. They're down the bottom and they're completely out of sight. They're not going to have any perspective or idea of who's going in and out of the park. That was one of the things that they looked forward to was taking some sort of guardianship with the park and work with the Board in that respect. That's number one.

Selectman Coutu said number two if in fact, and it was something he said to him and he agreed with him and didn't mind going public, saying that if you in fact did Mr. Chairman say to him that he felt that he felt it was inappropriate to discuss the building with him when he discussed it with him was somewhat contradictory. He certainly respected where he was coming from with regard to that. He may have had other reasons. He didn't know what they were but that's his position on the matter. Selectman Coutu thought he will have a difficult time at this point. He's going to attend the meeting with the Benson Committee when the presentation is made so that he can have all of the facts. If his mind can be changed, then so be it. At this point he thought all they're going to do is prolong this another year. Rather than a shovel go in the ground next July, it may not go in the ground for another 2 or 3 years because they're going to go back to DOT and start the process all over again. Sometimes they blame the State government for things that they do that just procrastinates and just throws this thing just out into no where land. He thought that's what he was going to do with this whole process. If that's the route they want to go, that's the route they'll go. Thank you Mr. Chairman.

Chairman Massey said he would only add that the Committee has not made any decisions nor can it make any decisions. It can only make recommendations. The current thinking on the part of that committee was that the site that was picked, although from a cursory look may have looked good, its going to create a lot of problems to build a facility that has to be used by seniors. It might not present any problems at all to somebody who does not have the issues that seniors have. That was what caused the committee to look at the other alternative. In the end, it's going to be a) the Benson Park that makes the recommendation to this Board of Selectmen on what to do and b) the final decision is going to be with this Board. So what the Board decides to do is what's going to happen and not what that committee - the committee is strictly and advisory board. It has no decision making process.

Selectman Jasper said that was in no small part why he would have liked to have been extended the courtesy to meet with him on site to talk about that. He talked about those problems that exist. He hasn't heard a one of them. He met on site with the Town Engineer and with Bernie Manor who is an expert on many of these types of issues. When he explained to them on site what his vision was and what they had been talking about all along, they said this was perfect. It does all the things that they wanted. The Town Engineer had done some preliminary drawings which showed handicapped spaces right in front of the building and everything segwayed well together, including utilities. So he didn't have any idea in his mind because he hadn't given him or the Board the courtesy of knowing what these problems were. All he's been told from the people he's talked to was essentially Chairman Massey felt the other location was a better one. That's where things got pulled to. Actually it wasn't what Chairman Massey felt; the committee unanimously felt that it would be a more difficult place to build on the east side of the fence than on the west side. That was not his decision. That was what the committee as a whole came to the conclusion on.

Selectman Maddox said that was based upon the topos from the Town Engineer. He gave them the low down of where the building was going to sit inside that ravine. Again, the committee was looking at the information at hand. The Chairman never picked this site. He thought the 5 of them all looked at the problems and looked at the other side and said this makes more sense. If it doesn't fit in with the whole master plan of Benson's, then they have to take a look at that. Again, it was based upon no one person's decision about where it would go. It was based on a unanimous vote of 5 people who saw the topos and rough drawings from the Town Engineer.

Just to follow up on that. Chairman Massey asked the Town Engineer and he's already talked to the Chairman of the Benson Park Committee, the Committee is going to have a copy of both topos with the layout defined based on the topos and they'll be provided because it's the earliest they could get it for that

night renderings of what the facility would look like. That's what the Benson Park Committee then is going to have to make the decision on how they want to go forward.

Selectman Jasper thought that was one of his great points of confusion was the topo. The only place that the topo was right to recreate the red barn was on that site. Initially the Town Engineer had done a drawing on the site that had been selected. Both he and Bernie Manor said that didn't work at all. When he saw it, the building was going length ways parallel with Kimball Hill Road, which is also the way it's going on the new site. Selectman Jasper said that's the problem. That building does not look like the red barn. The trade off here was building something that you'd look at and say this looks like the red barn. When you put it this way and put the slope this way, you can't make it look that way. The barn has to go length ways into the grade so that it steps down as the old red barn did.

Chairman Massey believed this was all going to be appropriate discussions at the Benson Park. One thing you can't lose sight of when you have those conversations next Thursday night is that the primary purpose of this building is for seniors. Therefore the issues that you're going to have to look at is does it first and foremost accommodate seniors. If it can do it, then so be it. Selectman Jasper said that was true. The ability to site in on Benson's had to do with that trade off. We can site it on Benson's if you want to subdivide out. What you've done now is created a perfect area that you could easily subdivide out. The State would then assess that and somebody will have to pay that price of \$100,000 to \$200,000 an acre for the land versus trade off. He didn't know if the architect has looked at having that long building and can that suit the needs. That was the issue. The issue was going to be the cost of the land. He thought certainly in either site there's going to be some soil testing. The site inside the park has some big boulders. The other site you're going to find ledge getting utilities in if not on the site itself. That's neither here nor there at the moment. The issue was what's within the spirit of what they said to the Governor's office and what the Governor's office has agreed to. If that's not irrelevant, then that's a different story. Chairman Massey thought that discussion would occur next Thursday night the 15<sup>th</sup>.

Selectman Nadeau - One thing. If you haven't watched Channel 22, it has the correct trash pickup. They are not a day behind this week. As much as you might have read that in the HLN, there was a memo sent out from Pinard to the HLN for the press release that was not correct. They're on regular pickup for the trash. Pass the word around that they're on the regular schedule this week for your trash pickup so that you get your trash taken care of this week.

Chairman Massey did talk to Mr. Burns this morning. Because Pinard recognizes that it was their error, they are actually running a third truck the entire week and they're going back to those neighborhoods. So if you thought Tuesday was your regular day but you saw the sign and you're going to put your bins out tomorrow, they will pick it up tomorrow.

Selectman Coutu - There are two things. As you know Mr. Chairman, he shares the same passion as he does with regards to people who like to make comments and don't want to have their name attached to comments. Somewhat akin to what they have in the Hudson/Litchfield News, which is Thumbs Up Thumbs Down, the Lowell Sun which also circulates here in the Town of Hudson. It doesn't have as great a readership as some of other papers do but runs a daily column called "Back Talk". Yesterday morning he read and this is probably the 7<sup>th</sup> or 8<sup>th</sup> time he's seen this comment in the paper over the past 2 or 3 years. There's no doubt in his mind by the tone of the comment and the way that it was written that it's the same person that's doing this every single time. The comment does come from the Town of Hudson. He knows Sir that they don't have anything to do with the School Department, but they do share one thing in common. They all do as members of the Board of Selectmen and that's the pride they have for their town. This comment that appears on a regular basis, at least 3 to 4 times a year, mentions that Alvirne High School is one of the filthiest schools that they have ever seen and they wished it would be cleaned up. He's been Alvirne High School as all of them have and some of them have graduated from Alvirne High School and maintain then as they maintain today a great deal of pride in that school. He's been in that school several times. Selectman Coutu has been in all corners of that school. Even though some parts of that building are a little older than others, it's well maintained and well kept. He didn't know if that person watches the Board of Selectmen's regular meetings or tapes of the meetings, but he challenged that person to step forward to call him, look him up and call him. He's readily accessible. He's in some phone books and not all of them as the Chairman pointed out but that's not his fault. He's on the Town web site. His phone number was there. He could call the Selectmen's office. They'll gladly give him his home phone and cell phone number. He's not bashful. He'll talk to anybody. Selectman Coutu challenged that person to step forward, meet with him, and he'll go to Alvirne High School with them and point out to him those areas that they feel are so filthy so that they can stop this continuous put down of the custodial staff at Alvirne High School, which he thought does a tremendous job. Thank you Mr. Chairman for allowing him to say that.

The other question Selectman Coutu had, and he wasn't going to mention any names as to you Steve, he's sure he knows they all received a letter addressed to them from a taxpayer who had been in contact with Patti Barry with regards to problems about not having received tax bills as a result of problems within the family. Chairman Massey said that had been taken care of. He talked to Patti Barry and they've made arrangements to take care of the entire issue. Selectman Coutu thanked the Chairman.

Selectman Maddox - Had nothing.

Selectman Massey - He knew there was something he wanted to mention when Kevin Burns was there. He didn't know if they happened to read in yesterday's Telegraph. The City of Nashua is upset that they're only able to put \$600,000 into their road paving fund this year. They were upset because they felt that they needed at least a minimum of \$1 million. When he looked at it he said it sounded like all the other communities that are having the same problems we are. When he saw that they were only spending \$600,000 on a budget that's about \$280 million, which included the schools, \$600,000 doesn't sound like a lot of money relative to their budgets. Selectman Jasper said they had a lot more pavement.

## 8. NONPUBLIC SESSION

Motion by Selectman Coutu, seconded by Selectman Jasper to enter nonpublic session under 91-A:3 II (a) The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, unless the employee affected (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted, carried 5-0 by roll call.

Nonpublic Session is being entered at 8:42 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.

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

Open session is being entered at 8:45 p.m.

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.

## 9. ADJOURNMENT

Motion to adjourn at 8:50 p.m. by Selectman Coutu, seconded by Selectman Nadeau, carried 5-0.

Recorded by HGTV and transcribed by Donna Graham, Recorder.

### HUDSON BOARD OF SELECTMEN

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

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Richard J. Maddox, Vice-Chairman

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Roger E. Coutu, Selectman

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Benjamin J. Nadeau, Selectman

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Shawn Jasper, Selectman