

HUDSON, NH BOARD OF SELECTMEN
Minutes of the April 27, 2010 Meeting

1. CALL TO ORDER by Chairman Massey the meeting of April 27, 2010 at 7:02 p.m. in the Selectmen's Meeting Room at Town Hall.

2. PLEDGE OF ALLEGIANCE, led by Vice-Chairman Richard Maddox.

3. ATTENDANCE

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

Staff/Others: Mark Pearson, Assistant Town Administrator; Donna Graham, Executive Assistant; Captain Bill Avery; Recreation Director David Yates; Fire Chief Shawn Murray; Deputy Chief Rob Buxton; Deputy Chief Neal Carter; Town Engineer Gary Webster; Len Lathrop; Doug Robinson; Bernie Manor; Lee Lavoie; and other members of the public

4. PUBLIC INPUT

1) Proclamation presented to the Volunteers of the Town of Hudson, New Hampshire

Chairman Massey presented a Proclamation to the Volunteers of the Town of Hudson, New Hampshire which read as follows:

WHEREAS Town of Hudson volunteers are active participants from all professions, striving to enhance the quality of life for the residents of Hudson; and

WHEREAS The Town of Hudson would like to recognize and thank all volunteers of the Police, Fire, Library, Town Hall, Recreation, and all town boards, committees and commissions; and

WHEREAS Town of Hudson volunteers, through their efforts, contribute countless hours of time and talents to provide a sense of community; and

WHEREAS Town of Hudson volunteers are knowledgeable and project a positive image of the Town of Hudson, favorable reflecting upon all of our members; and

THEREFORE, on this day, April 27, 2010, the Hudson Board of Selectmen does hereby recognize the efforts of all those individuals who volunteer for the Town of Hudson and does hereby proclaim May 3 through May 7, 2010 as "Town of Hudson Volunteer Week."

Again as Chairman Massey said, this is one of the things that make this job so nice to be able to do. He's happy to report that as of this morning, over 120 people have signed up for the ice cream social. They maybe close to some of the numbers they were talking about the other day. He thought that it would really be great.

Chairman Massey asked if at this time if anyone in the audience wished to address the Board on any issue at this time. If so, come forward and state your name and address and you can address the Board. Seeing none, we'll go to consent items and he asked the Board to remove for separate consideration item C. 7 and item C. 8. If there is any other items that the Board members would wish to have for separate consideration.

Selectman Coutu asked to remove for separate consideration item C. 9.

Selectman Maddox asked to remove 6. A. 2.

5. NOMINATIONS & APPOINTMENTS

A. Resignation of Brion Carroll as member from Nashua Regional Planning Commission

With gratitude for his length of service, Selectman Coutu accepted his resignation and made a motion on the same.

Motion by Selectman Coutu, seconded by Selectman Maddox, to accept the resignation of Brion Carroll as a member from the Nashua Regional Planning Commission.

Chairman Massey thought that for all the time that he saw Mr. Carroll on the Planning Board while he was there, he was a valuable member of the Planning Board. He knows based on what he was doing at the Planning Commission that he was equally valuable there. So we will definitely miss him.

Vote: Motion carried 5-0.

B. Planning Board - (6 members, 1 alternate to expire 12/31/12)

Ed van der Veen

Chairman Massey postponed this appointment until the May 11, 2010 meeting.

While on the subject, Selectman Massey noted the following opportunities they have for volunteering in the Town. On the Cable Utility Committee, we have 2 terms to expire on December 31, 2012, and one term to expire on December 31, 2010. On the Conservation Commission, there's one alternate position to expire on December 31, 2011. On the Planning Board, the one they're talking about, the alternate position to expire on December 31, 2012. The Recycling Committee has one alternate position to expire on December 31, 2012. The Water Utility Committee one term to expire on December 31, 2012. Finally on the Zoning Board of Adjustment, there's one alternate position to expire on December 31, 2010 and 2 alternate positions to expire on December 31, 2011. So, again, this being volunteer time this is an excellent opportunity for citizens to get involved with the community in a way that helps contribute to their great city.

6. CONSENT ITEMS

Motion by Selectman Coutu, seconded by Selectman Nadeau, to approve consent items A. 1, C. 1. through 7., D. 1., and E, as noted or appropriate, carried 5-0.

A. Assessing Items

- 1) Veteran Tax Credit Application - Map 167, Lot 034, w/recommendation to approve
- 2) Excavation Tax Warrant, Map 141, Lot 001; Map 140, Lot 001; Map 123, Lot 001; Map 150, Lot 013; Map 115, Lot 005, w/recommendation to approve

B. Water/Sewer Items - None

C. Licenses & Permits

- 1) Request to solicit funds by Humane Society for Greater Nashua
- 2) Request to solicit funds by Gateways Community Services
- 3) Request to solicit funds by Granite State Rockettes
- 4) Request to solicit funds by Senior Activity Center
- 5) Raffle Permit by Londonderry Destination Imagination
- 6) Raffle Permit by Lafayette Athletic Club
- 7) Outdoor Gathering Permit by Arrowhead District Spring Camporee from April 16 - 18
- 8) License to Operate a Motor Vehicle Race Track for the Hudson Speedway

D. Acceptance of Minutes

- 1) Minutes of the Board of Selectmen's Meeting of April 6, 2010

E. Calendar

- 04/28 7:00 Ethics Committee - BOS Meeting Room
- 04/28 7:00 Planning Board - Community Development Meeting Room
- 04/29 7:00 Benson's Committee - BOS Meeting Room
- 05/03 6:30 Hudson School Board - BOS Meeting Room
- 05/04 7:00 Conservation Commission - Community Development Meeting Room
- 05/04 7:00 Board of Selectmen Workshop - BOS Meeting Room
- 05/05 7:00 Planning Board - Community Development Meeting Room
- 05/06 6:30 Recreation Committee - BOS Meeting Room
- 05/06 7:00 Benson Park Committee - Community Development Meeting Room

05/06 7:00 Volunteer Ice Cream Social - Community Center
05/10 7:00 Conservation Commission - Community Development Meeting Room
05/11 7:00 Board of Selectmen - BOS Meeting Room
05/12 7:00 Planning Board - Community Development Meeting Room
05/13 5:30 Sewer Utility Committee - BOS Meeting Room
05/17 6:30 Hudson School Board - BOS Meeting Room
05/17 7:00 Energy Committee - Community Development Meeting Room
05/18 7:00 Cable Utility Committee - BOS Meeting Room
05/19 5:00 Water Utility Committee - Community Development Meeting Room
05/19 7:00 Seniors - Community Development Meeting Room
05/19 7:00 Library Board of Trustees - BOS Meeting Room
05/20 7:00 Benson Park Committee - BOS Meeting Room
05/20 7:30 Budget Committee - Community Development Meeting Room
05/24 6:00 Recycling Committee - BOS Meeting Room
05/25 7:00 Board of Selectmen - BOS Meeting Room
05/26 7:00 Planning Board - Community Development Meeting Room
05/27 3:00 Trustees of the Trust Funds - Community Development Meeting Room
05/27 7:30 Zoning Board of Adjustment - Community Development Meeting Room

At this point in time, Chairman Massey indicated that they'd go back to the Consent Items and take up Consent Item 6. A. 2.

Selectman Maddox said that if you looked at the second page, he believed that they received correspondence about a quarter inch thick on one of the parcels. So he thought it would be inappropriate for them to grant or do stuff at that parcel without following up. They approve it here and then want to do something off line. They didn't start this conversation, but there have been ongoing conversations in regards to whether that parcel was grandfathered. Chairman Massey said there was just one lot that according to their information was not grandfathered. Selectman Maddox asked if they should approve this document here when that parcel was on there. Chairman Massey said if it was on there, they could accept a motion to remove it. Unfortunately at this point, he didn't remember which one it was.

Selectman Jasper said he didn't either. He believed it was Map 115, Lot 005. He had asked and maybe not as clearly as he should have, but the legal opinion that they got and the State law are in conflict. The legal opinion was based on a Supreme Court decision which he didn't see. He wanted to see that Supreme Court decision because the State seemed to be quite clear as to the year that you had to own the property by, which was some time in 1979. Then another date was used in the Supreme Court decision. He wanted to understand why there was a difference in what the law stated and what the Supreme Court had actually said. Chairman Massey asked if he was referring to all the lots in question or just the one. Selectman Jasper indicated that there were two that were a question in his mind. Unfortunately he didn't know which ones they were based on this.

Chairman Massey said they could do one of two things. They could defer until later in the meeting when they could get access to the tax maps and see which ones they were talking about, or they can defer until the May 6th workshop and take action on it. Selectman Maddox offered to defer until May 4th to give them a legal opinion whether signing this would harm their ability to do something further down the road.

Motion by Selectman Maddox, seconded by Selectman Jasper, to defer action on Consent Item 6. A. 2. until May 4, 2010.

Selectman Jasper requested that they do get clarification on why the law says one thing and the Supreme Court said - maybe he was reading it wrong, but it seemed pretty clear to him and he didn't understand that. One parcel clearly they did not own as the date and it should go before the Planning Board. The other based on what legal opinion says is fine, but he would like clarification because he thought the Planning Board needed to get involved.

Vote: Motion carried 5-0.

Chairman Massey stated that they would now take up Consent Item C. 8., which is the Outdoor Gathering Permit by Arrowhead District Spring Camporee. The date on the consent item says April 16 through the 18th. He's been informed tonight that the date is actually May 7th through the 9th.

Motion by Selectman Coutu, seconded by Selectman Maddox, to approve the Outdoor Gathering Permit with the date being May 7th through May 9th, carried 5-0.

Chairman Massey stated that Selectman Coutu now had the floor for Consent Item C. 9. - Hudson Speedway Permit.

What concerned Selectman Coutu the most was when he looked at the application for the permit. Selectman Jasper may have other objection and you as well Mr. Chairman, but the thing that concerned him the most are the dates of operation and the times on those dates. Specifically, he's talking about June 27th; July 4, 11, 18 and 25; August 1, 8, 15, 22 and 29. All of those days fall on a Sunday evening. The hours of operation they're proposing 5 to 10:45 p.m. He maintained that Monday morning is a work day. A lot of people get up early in the morning. He knows that he's up at 4:30 every single morning. He didn't think he'd want to be listening to races going at 10:45 in the evening at night and God knows what amount of time of overlap that they have. It could take them closer to 11, 11:15 or 11:30 for that matter. So he has some serious concerns and reservations about granting a permit allowing them to operate at 10:45 p.m. on a Sunday evening considering the following day for most people is a work day. Thank you. Chairman Massey thought that Selectman Jasper probably could shed some light on this.

Selectman Jasper said he probably dropped the ball to some degree on this because we do now have the ability to amend this ordinance and probably should have done so. He did want to shed a little light on what was actually supposed to happen when this was adopted. If you'll notice, and it's interesting the June 6, 13, and 20th, that's 5 ½ hours. That's what they were supposed to race. The Town Meeting said in case there is an accident or something; we'll give you an extra 15 minutes if you need it. They now take that to 10:45 where they were really supposed to stop at 10:30 and they had a courtesy 15 minutes. Now they've taken that courtesy 15 minutes and abused it. Last year when they went beyond 10:45 one night, he did call the police and the officers there told them they were supposed to shut down. They essentially told the officers, "tough" they'll pay the fine. It's a pretty cheap fine to go beyond that. At this point, Selectman Jasper thought they should - probably it was a little late to do anything now but he thought they ought to put them on notice that they expect them to stay at the 10:30 and only use the extra 15 minutes in cases of accidents that have delayed the race. If they do go beyond 10:45 that they can expect to see an amendment to this ordinance to perhaps go. He'd certainly like to see them done at 10 because he generally goes to bed on a work night at 10 o'clock. So it's pretty hard to try to get to sleep in the summer when they're still racing, and the traffic gets out, and it can be quite late sometimes before people in the neighborhood can actually get to sleep. It is a little bit unreasonable.

Just a point of clarification Selectman Jasper, Chairman Massey said since they didn't have the ordinance in front of them, did it actually codify the dates and times? Selectman Jasper said it did codify the 10:45. He thought it did when it's in school he thought it gave them no later than 8:30 or something. He thought the times were codified. Chairman Massey said that unless the Board has an objection, he thought it would be appropriate to suggest what Selectman Jasper said. They notify them that at 10:30 when they should be shutting down and that under no circumstances are they to go beyond 10:45 even if it meant terminating a race in progress. Failure to comply with those requirements could potentially change the ordinance for subsequent years. Selectman Jasper said he would certainly like to see that happen. He's sure that everyone in the neighborhood would appreciate that.

Selectman Jasper said he did have one other issue. There were some items from the Building Inspector of things that needed to be done. He couldn't speak to items 2 and 3, but he knew as of this morning item 1 - replace the stockade fence wasn't done. Unfortunately, this isn't quite clear. He thought the intent was to replace the sections of fence which were either down or damaged. There are a number in both conditions.

Motion by Selectman Jasper that the license be approved subject to the items in the Zoning Administrator's Memo of April 22, 2010 being completed, including the replacement of all down or damaged sections of the stockade fence.

Chairman Massey asked if he would include the words "prior to the start of the first race".

Motion by Selectman Jasper, seconded by Selectman Nadeau, that the license be approved subject to the items in the Zoning Administrator's Memo of April 22, 2010 being completed, including the replacement of all down or damaged sections of the stockade fence prior to the start of the first race and that a letter accompanying the permit warning them that the Board of Selectmen expect that the races would be scheduled to be done by 10:30 in the evening, and that under no circumstances should the races go beyond 10:45. If the conditions are not complied with, the Board of Selectmen would consider changing the hours of operation for the next season.

Selectman Maddox said he might take away your allowance if you don't do what I say but how I'm going to tell you and I'll make up my mind somewhere down the line. This is a threat that has no where to go. He

thought that they should just say that the Board of Selectmen put on their agenda for the first meeting in November to get a report from the Police Department if they shut down at the times they were supposed to and failure to do so will then get them to change the ordinance. So they know clearly that if they fail to follow the ordinance, there is a penalty. This was kind of so mushy that, again, they may, they could, they will get a report on the first meeting in November that clearly states whether they had violated the times, and that would cause them to start the process to change the ordinance. There's a threat you know what's going to happen. In Selectman Maddox's mind, this just didn't do anything for him.

Selectman Jasper said he didn't entirely disagree with Selectman Maddox. The report would really need to say then what times they actually stop. If they go to 10:45 every time, then that's a problem in his mind because that was not the intent. If half the time they go to 10:45 but they make an effort and they're closing down at 10:30..Selectman Maddox said they have a fresh report based on the whole year's racing schedule to clearly be able to say that this is what happened, we had 6 citizen complaints, they could then go to change the ordinance right there in November and not be thinking about it now when it's way too late to do anything. Again, he's just trying to be that proactive and say here's a schedule; you know what's going to happen.

Selectman Jasper said first he wanted to ask a question of Captain Avery. He didn't assume it would be too difficult just to keep a log of what time during the season the races ended. Chairman Massey asked Captain Avery to come forward. Let the record show that Captain Avery from the Police Department has joined the Board. Selectman Nadeau said that the police officers were already at the track for the races. So whatever time they check out at the end of the night, we have a pretty accurate record of..Selectman Jasper said that they stay beyond the end of the actual race. Captain Avery said one option was for them to have the detail officers make a call to dispatch at the conclusion of the last race when they're off the track and have the dispatch punch a case number or call number saying that the race has now been terminated. That will give them an exact time each and every night.

Selectman Jasper asked to amend his motion.

Motion by Selectman Jasper, seconded by Selectman Nadeau, that the license be approved subject to the items in the Zoning Administrator's Memo of April 22, 2010 being completed, including the replacement of all down or damaged sections of the stockade fence prior to the start of the first race and that a letter accompanying the permit warning them that the Board of Selectmen expect that the races would be scheduled to be done by 10:30 in the evening, and that under no circumstances should the races go beyond 10:45. If the conditions are not complied with, the Board of Selectmen would consider changing the hours of operation for the next season and that the Police Department track the end of each race and that the Board review the information at the Board of Selectmen's first meeting in November and consider changing the hours of operation based on the police data.

Chairman Massey asked if it would still include that the Chair would include that information as a cover letter to the renewal of their license. Selectman Jasper said yes.

Just so Selectman Maddox could wrap this up, he thought in the last 7 years that he's been on the Board when this has come up, these same conversations happen in April. Everybody forgets about it at the end of the season. We have police officers there at the end of the night. This shouldn't be a big administrative issue. They'll know whether it's a problem or not and deal with it in November.

For the record, Chairman Massey said the motion as he understood it includes that before the first race can begin, they have to complete the 3 items that are on the Zoning Administrator's letter of April 22, 2010. Selectman Jasper said that was correct. He clarified number one as replacing all downed or damaged fence.

Vote: Motion carried 5-0.

7. OLD BUSINESS

Chairman Massey indicated that he was going to take a little bit out of sequence because he thought, as they'll find out, the first motion that he read was as follows:

A. Votes taken after Nonpublic Session

- 1) Motion by Selectman Coutu, seconded by Selectman Nadeau, to unseal the minutes of the nonpublic session on April 6, 2010, carried 5-0.

Chairman Massey said the context of that non-public session was as follows:

During the non-public session on April 6, 2010, the Board of Selectmen discussed a counter offer from Peter and Joanne Radziewicz in the matter of the Town of Hudson versus Peter and Joanne Radziewicz. A motion to accept their counter offer if it included a Mutual Release of any further action on the matter drafted by Attorney LeFebvre, the Town's Attorney, carried 4-1. Selectman Maddox in opposition.

When the Board reconvened in public session on April 10, 2010 and voted to unseal the minutes of April 6, 2010 non-public session, Selectman Maddox said his reason for voting in the negative for the motion to accept the counter offer was because he thought the motion should have been announced during the public session and not sealed. He would have voted for the motion to accept the counter offer had it been made in the public session.

- 2) Motion by Selectman Maddox, seconded by Selectman Jasper, to hire Sam White as an intern in the Engineering Department at \$12.50 per hour, and advertise a second intern at \$12.00 per hour from May 24 through August 20, 2010, as recommended by the Town Engineer, carried 5-0.
- 3) Motion by Selectman Coutu, seconded by Selectman Jasper to hire the 2010 Summer Counselors effective May 22, 2010: as Counselor I @ \$9.25 per hour, Matthew Brownrigg, Lauren Chesnulevich, and Brianna Terrill; as Counselor II @ \$9.75 per hour, Jessica Destramp, Andrew Gora, Jenna Lambert, Larissa Miller, Allison O'Donaghue, Thomas Scurini, Vinnie Scurini, and Quinn Sendall; as Counselor III @ \$10.50 per hour, Ralph Carpentiere, Frank Girginis, Derek Lee, Michele Martineau, Sean Sendall, and Debra Smith, carried 5-0.
- 4) Motion by Selectman Coutu, seconded by Selectman Jasper, to hire substitute Counselors/Robinson Pond attendants for the 2010 summer program, effective May 22, 2010: as Counselor I @ \$9.25 per hour, Kathleen Foley, Ernest Gifford, Chevon Gora, Molly Hein, Meghan Kostro, Amanda O'Donaghue, Briana Parisi, Caitlin Sullivan, Colin McGrail, and Ashley Tomaswick; as Counselor II @ \$9.75 per hour, Kaitlin Laquerre; as Counselor III @ \$10.50 per hour, Thomas Tollefson, carried 5-0.
- 5) Motion by Selectman Jasper, seconded by Selectman Maddox, to hire Dan Skafas as a temporary full-time Firefighter position at an hourly rate of \$14.58 per hour starting on April 21, 2010 as recommended by the Fire Chief in his memo dated April 6, 2010, carried 5-0.
- 6) Motion by Selectman Coutu, seconded by Selectman Maddox, to deny the Step 2 Grievance filed by the Police Union AFSCME Local #3657 on the matter of Dispatchers bidding on shift assignments, carried 5-0.
- 7) Motion to adjourn at 11:01 p.m. by Selectman Maddox, seconded by Selectman Coutu, carried 5-0.

Chairman Massey stated that those motions all occurred at the end of the public session on April 13, 2010.

B. Library Board of Trustees - 47 Ferry Street Update

Chairman Massey recognized the Library Trustees to take up Item B. The Board has a letter from them which they're basically saying they look to the Board of Selectmen to do all the necessary repairs and that the proceeds for the sale, the Board of Selectmen would recover any funds they expend on it.

Chairman Massey recognized the Town Engineer Gary Webster for an update on what he believed right now they can do to remediate the asbestos.

Mr. Webster said that they've been working on this for a long time getting through DES, and they have pricing and so forth to remove it. He's contacted Carl Woodbury from DES, and he told him that the Town could close it. Mr. Webster passed out the actual costs to do it. It's the geofabric and the hydro seeding was the only thing that was the main cost out of the proceeds. He shaded the area of where the work was going to be done. Bernie Manor and he had been out there a couple of times scoping out the area. What the Town is going to do is they're going to put a little area of sand, put the geofabric down, and that's all the State required - to put the geofabric, put the loam on top, hydro seed it, and then whoever buys the place obviously will get a certificate from DES saying it's closed, and they can get a mortgage on the property. The same thing happened to the property next door. That's how they did it. They followed the same suit.

Selectman Coutu stated that Mr. Webster listed the total costs at \$1,218.69. That's an accurate cost of what it would cost to seal the property? Mr. Webster said correct. Selectman Coutu asked if that was to seal the property. Mr. Webster said right.

Selectman Nadeau asked that the price did not include our labor. Mr. Webster said no and we'd be using Town forces. Selectman Nadeau said we'd be using the Highway guys to cap it. Chairman Massey said the actual cost wouldn't include their labor, but we're going to spend their labor no matter what. It's not an additional cost to the Town.

Selectman Coutu said it was an additional cost to the Town. The amount of money that we're going to expend in labor should be reimbursed from the proceeds of the sale of the building. Chairman Massey said he saw his point.

Selectman Jasper said he didn't disagree with the point. The problem was while they get the money back, they don't get the labor back. They don't get the hours back, so its money that in theory just goes into surplus. If that's what you want to do, he guessed that's fine. Selectman Nadeau said if they were to work on a Saturday to do it so that Kevin didn't lose his time...Selectman Jasper said no. We'd then pay time and a half and the money would still go back into the general fund. We can't increase our appropriation. You can say we want to take that money so the Library Trustees don't get it, but it's just going to go back into the general fund. That's fine. Just understand this isn't like we're going to get the hours back that they expend on that whatever it may be. Chairman Massey said you'd just get the money back in the form of a transfer to the unreserved fund. Selectman Jasper said that was fine as long as they understood that. It's no doubt still going to be more cost effective than hiring somebody to come in and do it. He's fine with that. They just need to understand.

Chairman Massey said he was prepared to craft a motion for Selectman Coutu unless he had one in his mind. Selectman Coutu said that there were other repairs that need to be done. We didn't have an estimate of those. We're just going to go on the seat of their pants on the roof repairs, and the bedroom ceiling, and all that stuff and just say that they're just going to keep tabs and then just remove it from the proceeds. Mr. Webster said the only thing he was involved with was the closure of the asbestos. He didn't know what the other...Selectman Coutu wanted to make sure that the Board understood that it's going to include the other things that they've mentioned before. They talked about the leaky roof, which was causing some - we may eventually buckle the floors if they didn't get to this thing, and the bedroom ceiling needs to be enhanced. As they stated in their own letter for the sale ability of the property. If you want to craft the motion, he's willing to listen to it and he would support it. He would want to make sure that they cover all their bases and make sure that they're reimbursed for whatever expenses that they're going to go out to make this a saleable property.

Chairman Massey said he would think that there are two things that they should consider. The first one is this was the biggest stumbling block. If they could get started on it and get it done, they can at the same time instruct town staff to come back at one of the May meetings with a cost estimate to do all the rest of the work. They could then make a decision on how much of those they wanted to do and how much they wanted to be reflected on the price of the house.

Selectman Jasper said he was a little confused. He thought this was the only part of the project that they were doing. The Trustees were going to take care of the other issues which were more cosmetic. He did not understand that they were going to do anything with the structure. Maybe they need clarification on that. At that time, they were talking potentially 20 odd thousand dollars to get it done. They do say that in the memo that they're concerned about that.

Selectman Maddox said he didn't want to make a motion tonight. He thought that they know where they're going to head now. He thought that someone, and that infamous someone, they need to put in charge of getting together and he's going to say have the Town Administrator for the lack of a different name, get together with the Library Trustees, Wayne and the Building Inspector and find out what it's going to take to get this work done. We can all sit here tonight and say it needs X amount of repair to the roof. WE don't know. So somebody needs to do that work. So let's first off clarify if we are going to do that. If we are, someone needs to take that project and start getting us some numbers.

Chairman Massey recognized Bernie Manor.

Bernie Manor from 1 Stable Road. He's been looking at this house. Essentially they have one thing other than the grounds to take care of and that's to fix that roof. They have had some roofing done at Benson's. He supposed they have a contractor which they have some sort of confidence in. You could get him to take

a look at that and get a price on fixing the roof. Just as soon as that is done, Mr. Manor will make them an offer to fix that room, the ceiling, and get it so it looks good.

Selectman Maddox said that someone needs to take this project and at least coordinate it.

Motion by Selectman Maddox, seconded by Selectman Coutu, that the Town Administrator have a meeting to verify that the Library Trustees are going to have the Board of Selectmen take care of getting a quote to repair the roof and ceiling in the bedroom. Also the meeting should also include the real estate agent to see if there are any other items that they have on their list of people's comments.

Again, Selectman Maddox said that they address all of these so that they can move this forward.

Selectman Coutu agreed with the motion. However, he thought that they ought to take one step this evening to get this going. He would like to see done tonight was to make a commitment on the asbestos. He thought that they should get moving on that as quickly as possible.

Chairman Massey said his motion would not allow it. He's talking about all the other things. So he thought another motion would be in order after this one to take care of the asbestos. Was that your point too Selectman Jasper? Selectman Jasper said yes.

Vote: Motion carried 5-0.

Motion by Selectman Coutu, seconded by Selectman Maddox, to authorize the Town Engineer and Highway Department to do the asbestos mitigation in an amount of materials not to exceed \$1,300.00 and all associated labor to be identified and added to the cost. Said costs to come from the Selectmen's contingency fund.

Selectman Maddox asked that the number be bumped up to \$1,500. He knew that Gary had it there but again, until they start digging it up, you cut it way too close he thought. They're going to be doing all of that. Give them some room to be able to get this done. Selectman Coutu agreed.

Motion by Selectman Coutu, seconded by Selectman Maddox, to authorize the Town Engineer and Highway Department to do the asbestos mitigation in an amount of materials not to exceed \$1,500.00 and all associated labor to be identified and added to the cost. Said costs to come from the Selectmen's contingency fund.

Secondly Mr. Chairman, Selectman Maddox said that all of these numbers be tracked by the Town Administrator for future reimbursement for both labor and material. Chairman Massey asked if that was to be included in the motion as well. Selectman Maddox said yes.

Motion by Selectman Coutu, seconded by Selectman Maddox, to authorize the Town Engineer and Highway Department to do the asbestos mitigation in an amount of materials not to exceed \$1,500.00 and all associated labor to be identified and added to the cost. Said costs to come from the Selectmen's contingency fund. The amounts to be tracked by the Town Administrator for future reimbursement for both labor and materials.

Vote: Motion carried 5-0.

Mr. Webster had one quick item. As far as the closure, he'll be coordinating with the State - DES. They're going to come down and look at it first. He'll be the one taking care of that and getting the letter to the Town for the mortgage. That's his end of the bargain as far as the closure goes.

C. Public Hearing/CDBG Application - Rockingham Economic Development Corp.

Chairman Massey recognized the Assistant Town Administrator Mark Pearson.

Mr. Pearson stated that this was the adoption of the Town of Hudson Housing and Community Development Plan, the Town of Hudson Residential Antidisplacement and Relocation Assistance Plan and to approve submittal of the CDBG application and to authorize the Chairman of the Board to sign the application. That's the purpose of the hearing. Tonight we have two people here from the Rockingham Economic Development Corporation.

Donna Lane indicated that neither of them was from REDC. Donna Lane - she's a CDBG consultant and Steve Owens from Enertrac. Steve Owens introduced himself from Enertrac. Ms. Lane said if the Board would like, there's actually 3 consecutive public hearings first before the motions. If you would like to open them, she will go through them.

Chairman Massey thought that the first two were fairly self-explanatory. They're just to readopt current plans. It would be the third one that they would have them speak before they had the public hearing.

Chairman Massey opened the public hearing at 7:45 p.m. to take public input on the Town readopting the Town of Hudson Housing and Community Development Plan. Is there anyone in the audience who wishes to address this item? Seeing none, the Chairman closed the public hearing at 7:46 p.m.

Motion by Selectman Coutu, seconded by Selectman Nadeau to readopt the Town of Hudson Housing and Community Development Plan.

Selectman Jasper indicated that he was confused. You have the motion, but when he looked at the public hearing notice, it says the first is a proposed application to the Community Development Finance Authority for up to \$500,000. Chairman Massey said that they needed to do the other two before they could accept it. Selectman Jasper said that the public notice has 3 things. That one was the Housing and Community Development Plan. Our motions do not seem to match our public notice.

Selectman Coutu said that Selectman Jasper was correct. The numerical sequence was not correct. He believed that the motions, and he could assist them, the order of the motions should be that they readopt and then they approve the application. Is that correct? Ms. Lane said it didn't matter. Selectman Coutu said the numerical sequence on the public hearing notice, which was as Selectman Jasper pointed out, the proposed applicant to go to the Finance Authority for up to \$500,000. Then it has the readoptions. It doesn't matter what sequence they make the motions in. Ms. Lane said it didn't matter but if she could make a suggestion. She'd like to go through as it was noticed in the hearing, and just go through the 3 public hearings and then do the 3 motions, that is how she would prefer it.

Chairman Massey said that they would withdraw the motion. Unless there are any other objections, they then will have a public hearing on a proposed application to the Community Development Finance Authority for up to \$500,000 in Community Development Block Grant Economic Development Funds.

Chairman Massey opened the public hearing at 7:47 p.m. Is there anyone in the public who wishes to speak on this item?

Mr. Webster had a quick question. The Town Engineer said they've dealt with CDBG grants before. Obviously there's a cost associated with the grant. He wanted them to be aware of it because they did the Ottarnic Pond CDBG Project. There are expenses. Because we get grant money, anything over \$500,000 we have to have an audit. We had to have an audit last year which came out of the Ottarnic Pond, which he's using as an example. They had to pay the audit and the grant writers. He wanted to make sure that they understood that those expenses should come from the grant itself and not from the Town. Chairman Massey said that this was indicating that \$10,000 from the grant would be give to the Town to administer the grant - or do its part of the grant work.

At this time, Chairman Massey recognized Donna Lane.

Ms. Lane said it was actually \$20,000 for administrative costs. She had to apologize and read to them for one second because that's how it is required when they submit this. The minutes have to follow this. She had to tell them what CDBG is so that the public has an idea.

[Ms. Lane] Community Development Block Grant funds are available to municipalities for economic development, public facility and housing rehabilitation projects and feasibility studies that primarily benefit low and moderate income persons. Hudson is eligible for up to \$500,000 a year for public facility and housing rehabilitation, up to \$500,000 a year for economic development projects, as well as up to \$500,000 a year in emergency funds. Feasibility funds are available for up to \$12,000 a year.

The purpose of this Community Development Block Grant funding request is a proposed application to the Community Development Finance Authority for up to \$500,000 in Community Development Block Grant funds. Of the funds, \$480,000 will be sub granted to Rockingham Economic Development Corp. (REDC). REDC will retain \$10,000 for loan servicing expenses and loan the remaining \$470,000 to Enertrac Hudson. Enertrac manufactures a monitor used in the fuel industry. The loan proceeds will be used for working

capital to expand production. Enertrac Hudson will create an additional twenty-five (25) jobs of which at least 60 percent will be filled by persons of low or moderate income.

This project conforms with Hudson's Housing and Community Development Plan's goal of: encourage existing industrial and commercial uses that wish to relocate to or expand in Hudson. That is a short and long term goal.

Chairman Massey asked if there was anyone else in the public who wished to speak on this item.

Len Lathrop had one quick simple question. The secondary group that's receiving this money does not sit on any of the Rockingham Economic Development Corp.'s Boards or are in any decision making capacity. The people that are the end group of the project, Enertrac's group. Ms. Lane said that Enertrac was not on the REDC Board. Mr. Lathrop inquired that they're not on any of the REDC decisions making boards. Ms. Lane said no.

Chairman Massey closed the public hearing at 7:50 p.m.

Chairman Massey opened a public hearing at 7:51 p.m. to discuss the updated Housing and Community Development Plan. He asked if there was anyone in the audience who wished to speak on this. Seeing none, Chairman Massey closed the public hearing at 7:52 pm.

Chairman Massey opened a public hearing at 7:52 p.m. to take public input on the Residential Antidisplacement and Relocation Assistance Plan. He asked if there was anyone in the audience.

Ms. Lane said she would like to explain what that was because it sounded a little bit scarier than it needed to be. Every time you ask for Community Development Block Grant funds you have to adopt an Antidisplacement Relocation Plan even if it isn't relevant to your project. Again, we're talking about expanding production over at Enertrac, so we're not displacing anyone. If you take federal funds and as a result of a project using federal funds you do displace a household or a business, you have to follow the Uniform Relocation Act. It says you have to find comparable housing, and comparable neighborhood for a comparable price. Again, they're not displacing anyone. Every time they ask for CDBG funds, they have to readopt this. So that's why she wanted to explain that one.

Chairman Massey asked if there was any further public input. Seeing none, the public hearing was closed at 7:53 p.m. The matter is now before the Board.

Motion by Selectman Coutu, seconded by Selectman Jasper, to approve the submittal of the CDBG application and to authorize the Chairman of the Board to sign and submit the application.

Selectman Coutu thought that we have an opportunity here where we have Enertrac who was applying for funds that are available through this grant in order to expand their facility which will create, he believed, they quoted to them somewhere between 30 and 35 additional good paying jobs in the community. He thought it afforded them an opportunity to take advantage of it, and it affords the company the opportunity to apply for a grant which will provide them the financing that they need to do the expansion. He thought it was a win/win situation for Enertrac and for the Town. Thank you.

Selectman Maddox wanted to know how he found out about this grant. Mr. Steve Owens said he wasn't sure he remembered. It was through Hollis McGuire he believed. She's an angel investor/entrepreneur. She knew Laurel Bistany who is the Project Manager at REDC. Selectman Maddox wanted to know how that word got out. He's just trying to see how that would happen in the future. Obviously you managed to find it. He was wondering...Ms. Lane said that's why when they come in and talk to the Board about CDBG, she has to do that little piece to tell them what CDBG is. Again, it's a Community Development Block Grant. The grant comes to the Town, but it actually goes as a loan out to the business. It will be granted to the Town; sub granted to REDC. REDC will loan it to the business, and the business will pay back into the Revolving Loan Fund that's in Rockingham County or the general vicinity. So it will keep circulating in the business world. So it's a grand thing.

To that end, Selectman Maddox said when they did Ottarnic Pond, they had land here. We had the availability. Is the Town on the hook for this if something doesn't go well and that money is not repaid? What is the Town's obligation? Ms. Lane said the Town would sign a grant agreement with CDFA, which will say your obligations. Basically to secure the funds, there'll be a Beneficiary Employment Commitment Agreement with the business and the town. The business will say I promise to create 25 jobs of which 60 percent will be low to moderate income. If they do not produce, there is a penalty and they have to repay on

the jobs that are not created. When that money comes back, it goes back to CDFA if it's a failure for all the jobs. Also, there'll be a lien put on the property through the REDC to secure the funds. It will be between REDC and the business to decide what the lien will be on it. It has to be approved by CDFA. It could be on the building. It could be on equipment. If things do go poorly, then we try to recoup on those liens. Whatever is recouped goes back to CDFA. In the grant agreement, it says that the Town is responsible to get back whatever they can, but never will the Town have to come up with tax funds or anything. So you just get back what you can through these means. That's why we have these securities and what is recouped goes back. It's not unusual for a project to not succeed.

Again, Mr. Chairman, Selectman Maddox said these are the kinds of questions that people watching television question, asking what are they agreeing to. So he's just trying to put on camera...Ms. Lane said she respected that they're protecting their taxpayer dollars. Obviously it would be high risk if you were to approve this and risk tax dollars. Obviously no town would apply for this. We have to secure the funds as best we can without jeopardizing your taxpayers.

Just for final clarification, Selectman Maddox said the \$20,000 from the \$500,000 to the \$480,000. Ms. Lane said that was for the town's administrative costs. That covers the grant writing fee. It covers the single audit because you will most likely require to be having a single audit will occur within the one year. Selectman Maddox asked if Ms. Lane would recommend going into a separate account so we could track it. Ms. Lane said it was best to open a separate non-interest bearing account for the funds. When the auditors come out for a single audit, it's better than going through the general fund and trying to track it. Selectman Maddox said an agency fee account. Something of that nature so that, again, they can see in one account all the money spent for this project as opposed to why you're trying to figure out where Gary got charged here and how much money was spent on this. Ms. Lane said it would go out quite quickly. The first draw down would be probably for \$480,000. The second one would be for the audit costs and stuff like that. It's always good when you are going to have a single audit to have a separate account because it's just quicker and cleaner for the auditors.

Finally, Selectman Maddox asked where Enertrac was located. Mr. Owens said it was at 94 River Road.

Chairman Massey wanted to follow up on Selectman Maddox's question. Who is going to physically write this grant, REDC? Ms. Lane said REDC was busy. Things are actually starting to hop in the economic development field. So she will be writing it.

The second question Chairman Massey asked was what specifically is the Town obligated to do to fulfill this grant. Ms. Lane said they put in an application or for the grant. Chairman Massey said we submit the application under the Town's name but once that's done, what additional tasks was the Town obligated to perform. Ms. Lane said there would be an environmental review. They'll be some contracts - a sub recipient contract between the Town and REDC. There'll be the BECA, which is the Beneficiary Employment Commitment Agreement, and some other items. Generally as you have in the past, you would hire an administrator that's schooled in CDBG to make sure that everything was adhered to. Chairman Massey asked if the funds would come out of that. Ms. Lane said part of that, yes.

Chairman Massey said if there wasn't any further discussion, the Chair would accept a friendly amendment to add the following to the end of Selectman Coutu's motion - "and upon approval of the CDBG application, authorize the Town Administrator to execute any documents which may be necessary to effectuate the CDBG contract." Selectman Coutu agreed with that.

Motion by Selectman Coutu, seconded by Selectman Jasper, to approve the submittal of the CDBG application and to authorize the Chairman of the Board to sign and submit the application and upon approval of the CDBG application, authorize the Town Administrator to execute any documents which may be necessary to effectuate the CDBG contract, carried 5-0.

Motion by Selectman Coutu, seconded by Selectman Nadeau, to adopt the Town of Hudson Housing and Community Development Plan.

Selectman Maddox said it says we're readopting yet it has April 2010 date on the top of it. Selectman Jasper said the motion was to adopt. Selectman Maddox said his says to readopt.

Vote: Motion carried 5-0.

Motion by Selectman Coutu, seconded by Selectman Jasper, to adopt the Town of Hudson Residential Antidisplacement and Relocation Assistance Plan, carried 5-0.

Chairman Massey declared a 5 minute recess at 8:00 p.m. and reconvened at 8:05 p.m.

Chairman Massey took out of order and moved Item 7. D. Fiscal Year 2010 Expenditure /Revenue Review to the end of the meeting with the Board's approval. Secondly, to move New Business Item 8. I. Update on Brownfield Grants to the start of the meeting. The reason for that one is that he thought that it would have some bearing on the second item, which was the 9 Industrial Avenue proposal.

8. NEW BUSINESS

I. Update on Brownfield Grants

Chairman Massey recognized Mark Pearson.

Mr. Pearson thanked the Chairman and members of the Board. He had two people present representing the Nashua Regional Planning Commission as it related to Brownfield Grants. Minda Shaheen who is an Environmental Planner and Rip Patten who is a consultant for NRPC on Brownfield Grants. The reason why he introduced them to the Board and we moved that item to the front was that the Brownfield Grant Program as you will hear is directly related to the parcel that was the topic of discussion on the agenda at Industrial Ave. Mr. Pearson thought it would be appropriate for the Board to ask questions related to Brownfield grants to get as much information as they could. He wanted to thank the Nashua Regional Planning Commission for being so accessible in coming over today and meeting with him, taking the information back and reviewing it, and making themselves available tonight for the Board to answer questions as it related to the Brownfield Grant, and to educate the Board on what the Brownfield Grant represents, the ins and outs of the grant, what it will accomplish as it relates to a proposal that the agenda item was there to talk about which was a football field over on Industrial Avenue. Mr. Pearson introduced Minda Shaheen and Rip Patten and deferred to them.

Selectman Maddox said that he was responsible for this. He wanted to thank them for coming in on such short notice. As they were discussing about the Zachary Tompkins field, there was a number of different options. We have a couple of parcels in town that the town owns that might be able to benefit from Brownfield monies. Just trying to look at all the options. He wanted to bring this forward and the other thing was the Burns Hill Landfill. If there could ever be something done there as far as fields. He applauded them for coming in and Mr. Pearson for pulling this together for him.

I'm Minda Shaheen with the Nashua Regional Planning Commission. She introduced Rip Patten with Credere Associates. They are their current brownfield consultant. Currently NRPC holds an all hazards brownfields assessment grant through EPA. They are in the process of acquiring properties to put through the Phase I and Phase II assessment process. In general, the EPA Brownfields Program has 3 different kinds of grants that cities and towns can apply for to help revitalize, redevelop and otherwise improve potential brownfields properties. The first is an assessment grant which provides all the information that you would need to know about what the property history of the site was, what environmental contaminants might be on site, and provide a remedial action plan for actual cleanup. That then gets to the second kind of EPA Brownfields Grant, which is an actual cleanup grant for on the ground removal of contaminants and making a site suitable for redevelopment. The third is a revolving loan fund, which is sounded like they were already familiar with, through REDC which is how they're currently maintaining the CDBG funds.

Rip Patten said that basically what the point of the brownfields program was to help address environmental issues associated with the redevelopment. Taking an underutilized property and turning it back into a higher and better use. That could either be economic development. It could be community development. It's not just investigating environmental contaminants. It's putting it into the context of a redevelopment of something better being put onto the property. As Minda mentioned, the Nashua Regional Planning Commission has a Hazardous Substance Assessment Grant that can help with owners with developers to help them address environmental contaminants to help facilitate redevelopment of properties. From what they know about this property for the potential football field, what NRPC Assessment Funds would be able to do was - they just got a stack of information on the site that is already available. They would review the existing information. They would see if there was enough information to come up with a remedial action plan. Basically how to integrate the environmental remediation - integrate that with the redevelopment of the parcel and then work with the Town or the developer to find additional funding for cleanup, which could either be a direct grants or a cleanup grant as Minda mentioned, or through REDC's revolving loan fund that they have currently.

Mr. Patten stated that everyone has asked if there is a matched requirement. There's no match. So its 100 percent grant for assessment. The funds that Nashua Regional Planning Commission have basically takes you all the way through the process of before you put the shovel in the ground. So they can't use it for actual digging, but there's other grant funds available that they'd be able to work with them to apply for.

Selectman Coutu had a couple of questions. Thank you for yielding. The first question he had was the fact that the land is privately owned doesn't make a difference in terms of qualifications for the grant. Mr. Patten said no, not for the assessment grant. For cleanup grants, it does. The fact that it's owned by a town or nonprofit, they're eligible for cleanup grants. If it was privately held, they would not be eligible for grants. You could get loans but not grants.

One of Selectman Nadeau's questions was how long will this take them. If they were looking to do this relatively in a timely manner versus how some things move very slow. If you went along with this, how long would it take to do the assessment? Mr. Patten said that one of the things that would really impact how long things take is whether or not this information was adequate for them to basically make a determination. If the information was adequate, they didn't need to go back out and collect additional soil data, and then it would be relatively quick because they wouldn't have to get approvals of work plans which take time from the EPA and DES. So you're asking for a specific time frame, to get it approved and if it's just a remedial action plan, we're talking 4 to 6 weeks.

Ms. Shaheen said there are two questions here. If they wanted to apply for an EPA cleanup grant, which would be sort of the next step in the process once you had a remedial action plan, those grants are going to be released by EPA this coming summer, late August early September time frame. They're due back in October of 2010. Awards are usually announced April or May of 2011. So that's a very long time frame, and then funds are usually distributed the following October. So they would be looking at a cleanup grant potentially being available to them if they applied and were successful in October of 2011.

The other thing that Mr. Patten would add is that the State of New Hampshire, the DES, has other funds that might be available more readily. They'll meet with them on the initial before kicking off the project to talk about the project and ask them for funds if there is anything available. A lot of that depends on what the size of the cleanup would be. Obviously if it was smaller, it's much easier to come up with those funds if we're talking hundreds of thousands of dollars, then you'd likely would have to wait for a cleanup grant. The cleanup grants you can get up to \$200,000, which is a good chunk of money if that's what the cleanup requires. Again, the downside is it wouldn't be available until next summer.

Selectman Maddox wanted to make sure that they weren't getting confused. What packet do they have? Is this Burns Hill or is this Industrial Ave? Mr. Pearson said it was Industrial Ave. Selectman Maddox was confused. He always thought that the brownfields money would be more for the Burns Hill. If they could use some of it onto Industrial Ave., that's fine. Ms. Shaheen asked if Burns Hill was an old capped landfill. Selectman Maddox said yes. It's an old landfill. He didn't think it was capped. Ms. Shaheen asked if it was municipally owned. Selectman Jasper said it was. Chairman Massey said we have a contract with GZA to monitor it. Selectman Jasper said that they have done some work on it to mitigate, but it's not capped. It was closed in the late '70s.

Again, Selectman Maddox said they were looking at a number of different parcels. So however they can benefit us to be able to do some remediation but he was hoping that if the enthusiasm continued for athletic fields, that Burns Hill might be a possibility. That was one of the things that he was looking for and if it took 2 years, so be it. It's not even on their radar. Again, something that they start to be looking at today takes several years to get there. At least they know what the process is, start doing whatever paperwork. As far as Industrial Ave. if there's something else they can do at the State level, great. Thank you Sir.

Selectman Nadeau asked what they needed to do to have them look at the Burns Hill Landfill site as one of the other sites. Do they have to apply to them to look at the sites or what do they have to do? Chairman Massey deferred to Mr. Patten. Mr. Patten said that they would need a signed access agreement for either site to enter in the program basically saying as the property owner, you're allowing them to do the work. One thing he wanted to clarify is that closed landfills were a little bit harder to get into the brownfields program. Again, a brownfields program is a redevelopment based program and sometimes landfills are very difficult to redevelop. The EPA a lot of times doesn't like sites that you're trying to close properly the landfill without some type of economic development or community development associated with that. He didn't know the specifics of the site, but that is something they can look into.

Just to tail on that, Selectman Coutu said the landfill that they're looking to develop for - it's a municipal resource for them - it would be for recreational purposes. Expanding their recreation. They have a limited

number of fields in our town, and we'd like an opportunity to expand. So that's where they were going with that. In light of the fact that the grant application through the federal government would take about 2 years before they even see any money and they can make a commitment to go out to bid to get the work done, which could take them into a third year. It could take them to 2012 as he understood the process. That's not rare. It's very common in dealing with the federal government. In terms of the State monies that are available through the EPA, is that process much shorter? He thought that they deal bi-annually with the budget, so he would imagine whatever monies are available it would be expended within the two year time frame. Is it possible that they could secure State monies within a year?

Mr. Patten wanted to clarify the assessment work that NRPC already has. That funding is already secured and that work can start fairly shortly. Once they get their environmental information or data, they then come up with a remedial action plan the cost for remediation is where they then have to go out and find additional funding. So you have to know what your environmental issues are first before then going to search even to apply for your next round of funds. That's the step process. To answer your question directly, the EPA Brownfields program has an annual grant application which is in the fall of every year. Then you wind up hearing in the spring. They just announced the last round of grants a week or so ago. DES has different programs that have different funding sources. So it's really dependent on if funding is available, if its priorities what is their priorities, and what other projects are applying for the funding too. Mr. Patten said they can't answer that. One of their tasks would be to meet with them and to find out what is the available funding that they have. Selectman Coutu said he knows that they have \$10 million. The environmental services in New Hampshire have \$10 million available. How much of that has been tapped, he didn't know. He would think that the DES process would be quicker than the EPA process. Mr. Patten said yes it would be assuming the funding was available.

Chairman Massey thanked them and invited them to stay because the next item on the agenda may have some bearings on brownfield activities.

Point of interogatory. Selectman Coutu asked if this was just for informational purposes that there's no action required on this. Chairman Massey said for this particular action item no but for the next one, there may be some follow up. They wanted to have them understand what the process for brownfield grants were so that if it came up in the next item you'd have some background in which to deal with it.

A. 9 Industrial Avenue - use of land for football stadium

Chairman Massey recognized Mr. Len Lathrop, Mike Roberts, and Mike Tompkins.

Mr. Lathrop thanked the Chairman and members of the Board. The Chairman stole his thunder because he was prepared to introduce Mike Roberts, who is the President of the Bears Association which is Hudson Youth Football and Cheer, and Mike Tompkins who is Zach's Dad. With him tonight, they brought the plate that has inspired a lot of them to work for this project to bring the community together to build a field to honor Zach's life and to provide a place for the Bears, Hudson Youth Football and Cheer, to play. He thought all of them were on the Board in 2008 when the Hudson Youth Football and Cheer came before them in reference to Robinson Pond. Today's scope is a lot smaller. Just for our television viewing audience, Zachary was an 11 year old who died 5 weeks ago in Hudson. He was a student at PMA. He played both for the Hudson Football Association and the Hudson Baseball Association. His family in conjunction with the Bears has been spearheading to revitalize this program to make it a memorial to his life and his involvement in our town, and to bring the community together to create this type of stadium that could be used for our community. The Bears have accepted the responsibility that it will be a community stadium. Once they hire a professional engineer if a walking track or some other value could be cited in this site that is well within the plans. Maybe that's enough of an introduction to why they're there tonight.

They looked at 6 different locations throughout their Town and he'd like to thank the Town Engineer Mr. Webster and many of the Board members who have assisted and guided them in some of the site procurement. Also, it was great to hear from the brownfield people and the Regional Planning Board because they know there is asbestos on the site. They know it's pretty well contained. Some of it has been mitigated already. Mr. Webster provided quite a packet since 1984 of environmental actions on the site. They feel pretty comfortable that once the professional engineers get in there and target the things and work with it, that they can either mitigate it or cover it. A lot of it is on a slope. What they're trying to do is they're trying to build two football fields. One of a stadium quality with all the associated things that football needs - lights, seating, a press box, and a practice field. The picture that they provided in the packet is pretty good. It's the same as up there in the corner. The potential of overlaying the practice field with a baseball field is something that has been discussed and is certainly in their plans. So the Hudson Youth Baseball league could play there in the spring while the football people would use it in the fall.

Nine Industrial Ave. was taken by the Town on a tax deed many years ago. In 1984 there was a company, the Lowell Food Company, that Selectman Coutu has advised him went out of business because they lost their major purchaser who had cited the area for a big warehouse. It is an industrial area. Mr. Lathrop said they had spoken with all of them and that they were all very comfortable with where it is. Knowing where it is for the people at home, he thought the biggest landmark he could give them is if you think about Route 111 and you see the Reeds Ferry Shed project there with what they call "a shed garden". He thought anyone who drives 111 has seen it. If you go around the corner, there's one industrial building and then the next 10 acres are right there. When you get past the 10 acres, there is a Town of Hudson pumping station for the sewer. Right across the street from the site is the old Malden Mills building that has various types of industrial activity.

Mr. Lathrop said that Mr. Webster was gracious enough to help them with some initial "sightings" for the site to size the football field, to size a practice field, and to put some stadium seating in there. His initial drawing has space for 72 cars for parking. They anticipate working with the industrial partners out there at the park. If they have overflow parking to - they already have one agreement in place with the electrical company that they could use their lots as most of the Bears activities go on a Sunday. Basically, that's the plan. That's the outline. This plan was proposed with no taxpayer's dollars. It is going to be funded from the generous friends and family of the Tompkins and the Bears themselves. Even though it's a lot different than the Robinson Pond project, it is still quite an extensive project. He can see it as a great asset for the community at the end.

Before they go forward, Chairman Massey wanted to express the Board, and he was sure he spoke for all the Board Mr. Tompkins, that it's never easy for an unexpected passing. He thought in his particular case, Zachary was definitely hard. They expressed their condolences as he grieves his passing. Mr. Tompkins thanked him.

Selectman Maddox thought that for those people watching at home also; the model that is going to be used for the use of the land will be the same one that was used by United Soccer. Mr. Lathrop said yes it will. Selectman Maddox said that the Town of Hudson leases the land. It will be on a warrant article. They pick X amount of years. Again, the Town of Hudson does not relinquish that land. They are letting the Bears use it for X number of years, which will be on the warrant. The project at Freedom Fields he hasn't had anybody complain about that. It has been a project with the same type of avenue of utilizing non-used town land to be able to get recreation being done by a group of volunteers. He thought all the way around this was just something good for the community.

Just to follow up Selectman Maddox, Chairman Massey said that they all had a different copy that he put on their plate today. There are actually 3 lots that the Town owns. They own the 3 contiguous lots that are 38, 39, and 40. They were renumbered. The little square, the 38 lot, that's where the sewer pumping station is. The other 2 are vacant. Secondly, he spoke with the Town Attorney to understand what legal rights they have because this was a piece of property that was taken from the tax process. The Town took title to this property in 2001. All of the remedies that the owners would have had are gone. The Statute of Limitations has run out. Attorney Buckley informed him today that they, in fact, have the rights to enter into an agreement similar to the Hudson United Soccer Club. Just to flush out the details, the way they structured that agreement, the Board of Selectmen signed a one-year agreement with Hudson United Soccer Club with the understanding that they would submit to the voters the following March. They signed the agreement, Chairman Massey thought, in April. They submitted in March of the following year the multiyear contract. The Board can only commit to a one-year contract. In that particular case, it was for an additional 14 years. The other provisions in that agreement were that because the soccer club was going to produce all of the costs to build that field, they had first priority in the spring and the fall for that property. In the summertime and any time during the spring and the fall that the soccer club did not want to use the property, the Recreation Center had the rights to use it. He contacted the Attorney today because he was concerned about the tax implications. According to him, they have full right and freedom to enter into such an agreement.

Selectman Coutu wanted to do was first of all extend his gratitude to Selectman Maddox for one reason. They've obviously been kept in the loop as a result of what the Tompkins would like to do or see done in Zach's memory as a result of the plate that Zach made. What he appreciated from Selectman Maddox was that he had proposed to him that the Bears football organization was very generous to our community in exploring the process of developing a park. They expended and they had evidence of a value of approximately \$12,000 to do the exploration at the Robinson field. Selectman Maddox proposed to Selectman Coutu if he would support reimbursing somehow the \$12,000 back to the Bears. He asked Selectman Maddox not to bring it up this evening because he wanted to explore the possibilities with the

Recreation Committee. He felt very strongly that they can be motivated to go along with it. He's not trying to steal any of Selectman Maddox's thunder, but he was grateful that he afforded him that opportunity. He wanted Mike Roberts to know that they appreciated what the Bears did, and they didn't want them to see that as a loss. The plan that Selectman Maddox had proposed to him was that if they could all get on the same page on that \$12,000 that they could release those funds out of the recreation fees that are in the Planning Board and they could put that \$12,000 towards engineering and studies that needed to be done for whatever compromise they came up with in this planning process. He thought that they were going to be able to accommodate him. Selectman Maddox would carry that torch to the Planning Board. He's our representative on the Planning Board. He thought they'd be able to work something out to get them that \$12,000 back. It will be in that fashion because he is so fully involved in this. He was glad to see Mike on board because he knows he's a hustler and he's going to be a great asset to the Tompkins family and in bringing this memorial in Zach's memory to fruition. Selectman Coutu said he couldn't thank Len enough for stepping up. He didn't have enough on his plate as it is. This is a great community endeavor. He's looking forward and he's been assured of a foursome in the golf tournament. She's been in touch with him every day. She even now calls him "Senator". Mr. Lathrop said they saw that and thought about correcting her, and they figured he'd like it. That's not the first time he's been called Senator Coutu. The Boy Scouts are starting to call him that now. Selectman Coutu thanked Selectman Maddox and hoped that they could get them to carry that torch for Zach's memory.

Selectman Nadeau wanted to know what they needed to do to go forward with either a one-year agreement to get this onto the ballot or what was the next step for them as far as moving forward so that they Bears and everything else that needs to be done starts moving forward with this project. Chairman Massey said if the Board were agreeable to go forward with this, they would have to create a, for lack of a better word right now, a committee that would work with the Hudson Bears organization to put together the contents of such an agreement. It would spell out the duties and responsibilities of the Town and of the Bears football. That agreement would then have to come back to the Board for ratification. As Chairman Massey said before, the only thing the Board could guarantee was that they can sign a one-year agreement. Any term beyond that would have to go to the voters assuming they do it in the near term. They would have to go to the voters in March. If for whatever reason they voted no, then the best the Board could do was extend the agreement by another year. They would then be in the position of every year having to craft a one-year agreement with the Bears. He thought that piece they'd probably have to have advice from their attorney on whether it would be possible. If the warrant article is defeated, it means the Town couldn't spend any money. That's kind of where we'd have to be. He thought the question tonight is whether the Board wanted to move forward. If the answer was yes, then they would have to sit down with the Bears club and work out the Memorandum of Understanding from which the agreement would be constructed.

Not one that loves to reinvent the wheel, Selectman Maddox said they already have this with United Soccer. He would just scratch out United Soccer and put Bears football for 90 percent of it. Chairman Massey agreed. The structure was there. Selectman Maddox said he didn't know how much of a committee they really needed to do, if they could get a copy of the agreement with the...Mr. Lathrop said he had copies with him if the Board would like them. Chairman Massey said he looked at it yesterday morning. Selectman Coutu said he was willing to make a motion. Before he does, Chairman Massey thought that they had to discuss the elephant that was in the room. He would at least like the Board to consider it. There are 3 pieces of property there. Two of which are open. Between the two of them, they're valued at over \$400,000. They're in an industrial property. If they were to go forward with this, they forego the ability to ever have that property developed for industrial purposes. He thought they needed to be making a conscience decision that if they wanted to go forward with this, they are recognizing that they're giving up a significant opportunity for industrial development.

Selectman Maddox said he would like to address that. Two things. He did not realize until he talked to Mr. Webster tonight that 161-39 was also owned by the Town. He thought they should combine that to give them additional parking spaces or deal with that field being able to be closer to the lot line. Chairman Massey said that was going to be the other suggestion. That they have a lot line consolidation and that they consolidate 39 and 40 into one lot. Selectman Maddox said to his elephant in the room Mr. Chairman, he didn't disagree with him that this was land that is valuable for industrial use. No one has knocked on their door trying to buy it from them. It has the ability to provide something that the Town doesn't have, which is a lot of recreation. This recreation would not be paid for by taxpayers. He thought the offset was that number one they still own the land. In 25 years if it is no longer a viable field for whatever reason - football goes out of style, they still own the land. They would then be able to recoup that at whatever the end of the lease was. They're not giving up the land. They're giving up the use of it. Again, they looked at it for the senior center. It was kind of out of the way. It wasn't useful for that purpose. Here is a group of people willing to put their money into our land to make recreation for our community. Selectman Maddox said he was the cheap one on the Board. He's surpassing Selectman Jasper as the frugal one. Here is a bargain for the

Town. Someone else is willing to put their sweat equity into this parcel. All we have to do is let them use the land for X amount of years. He didn't see how the taxpayers lose.

Selectman Jasper didn't disagree, but his memory has failed him somewhat. He didn't remember what went wrong specifically with the Robinson Pond site. Chairman Massey said they'd have to yield to Mr. Roberts, but he suspect it was the cost going forward. They had spent the \$12,000.

Selectman Coutu said the problem with Robinson Pond was the bulk of the flattest portion of the land was going to be used. The Recreation Department had laid claim to that land for the recreation building. The complex that they had been dreaming about. The rest of the land that was available that could be used for potential soccer or football fields because of the terrain and the excavation, and the amount of retainer walls that would have to be built it became cost prohibitive. In light of this economic downturn when they started doing some of the research of the funds that were available on a national level by some of the larger corporate sponsors like the Kellogg Corporation and General Mills, and youth oriented merchandise who generally provide large grants for youth recreational programs, a lot of that money was frozen, or dried up, or not available any more. For them it would have entailed having to come up with \$500,000 to \$1 million, and a lot of that would have been in excavation costs and retainer walls. He'd hate to think what Lowes paid for that retainer wall on Daniel Webster. Not that they were looking at that height, but that's what they were up against. Then there was accessibility to a greater portion of the land because of some of the wetlands that were there. It would have required foot bridges, and they were concerned about getting emergency vehicles down to the fields. Basically Selectman Jasper to answer your question, that's what happened with Robinson. It became cost prohibited for a non-profit to be able to handle.

Selectman Jasper thought that was just important in light of the discussion they've had. To note, he assumed that that was probably it but he didn't recall any discussions at this level. He certainly agreed with combining the lots. It didn't look like it was going to give them a lot more useful space there. He certainly would like to see as much parking on site as possible. He was wondering what the seating is planned to be in the stadium.

Mr. Lathrop said that they were still developing that. Until they really know the site, they can't say how big the seating could be. Right now if you look at the little map, there's 76 cars in that small area and you see there's still quite a bit of area around it. A lot of this is very, very preliminary. As Selectman Jasper told him when they spoke last week, it looked like a good use of the property. Unfortunately he didn't think they were going to have a lot of people knocking on their door for industrial sites and probably not this one in particular. If they can utilize it in this manner, he thought this was a great use. Given the terrain and there are so few houses around here, it's not going to be something where there are going to be neighbor complaints. Again even if there isn't enough parking on certain days, probably the times the games are going to be played isn't going to interfere with anything that's going on in an industrial park. So he didn't see any downside to this location if they can get over the issue of the asbestos, and that seems to be not a major concern at this time.

Selectman Coutu said that he and the Chairman had a discussion today about the potential elephant in the room. After having met with him, he pondered it all afternoon and gave it considerable thought. He echoed his colleagues both Selectman Jasper and Selectman Maddox in terms of the economic downturn, what is the possibility of them being able to sell that piece of property in the near or immediate future - nil to none. He thought about the Hudson Litchfield Bears organization and the contribution they have made to not only our community but to the Litchfield community over these past several years. He also thought about the work that they were involved in trying to procure land. Robinson Pond was an alternate site for them to explore in order to provide greater recreational programs for our youth. He gave all of this a thought and he saw this as a very unselfish endeavor on their part to want to build the Zachary Tompkins Memorial Field. The use is not just going to be limited to the Hudson Litchfield Bears organization. The design in its preliminary stages as it is allows for a baseball field, which the Hudson Litchfield Bears organization is the football organization. So it gives them a little more breathing room in terms of affording their youth in their community to have an area where they can practice and actually play football. The organization will be using the football section primarily for summer training and for fall play.

Selectman Coutu said one of the proposals that he heard that he also thought about this afternoon that Mr. Lathrop and he had discussed was that one of the proposals would call for them to put in a snack shack and, correct him if he's wrong Len, that snack shack would be available for non-profits to be able to utilize it. Mr. Lathrop said no. This was going to be a community field. The Bears are, Roger, one of the nicest groups to deal with. They were more talking about bathroom facilities. If somebody came to the Bears and said there's nothing on your field can they scheduled something? The Bears have been phenomenal to say anything that is legal basically they can make it happen. Because it's on Town water and sewer, the bathroom facilities are really accommodating. There have been all kinds of people that have stepped up.

They have plumbers. They have electricians. They have roofers. The big thing now is to get a plan and to deal with the asbestos. Looking at a packet that Mr. Webster gave them, it seems like some of the asbestos has already been capped up on top of the hill. Some of the other has been mitigated. This is community. The Bears service 300 families in our towns. Our concession stand that people can use, storage for the Bears, bathrooms - there's been some other conversations of other uses out there that he's not at liberty yet to even mention because of funding and things of that nature. All their Boards haven't been involved. He's been amazed at the community response for this project.

If Mr. Lathrop could just take the liberty for one second Mr. Chairman, if the Board wanted Freedom Field agreement redrafted, he was sure they have some pro bono lawyers that work with the Tompkins family, and they'll have one of them do it and present it to the Board. He'd hate to see even Town Attorney fees being used. Chairman Massey stated that they'd probably still have to due diligence have him look at it. Mr. Lathrop said they would have to have him look at it, but they can get it drafted.

Selectman Coutu said in light of the conversation they had and he giving a lot of thought to it because he did not realize that elephant was in the room until he brought it to his attention. It did raise some immediate concerns for him. In light of the thinking that he gave it and what its going to provide for our community with some of the youth in Litchfield who otherwise would be just sitting at home doing god knows what because they wouldn't have fields to play on, and because of the community spirit and the outpouring of love for the Tompkins family, and all of the people who want to come forward and participate in this project it's going to be one of the greatest community endeavors that they will ever witness in the Town of Hudson. He's willing to forego thinking of the value of the property at this point in time as an elephant in the room and say that this is an opportunity for them to draw everybody together to work together to accomplish something that is going to benefit the community as a whole in the long term.

Selectman Maddox thought that the people from NRPC were nice enough to stay here with the brownfields. He hoped they would get cards exchanged with this group and be able to do whatever they could on that side for the brownfields money if there are any or any assessment that the Board can get done. If he wants a motion, Selectman Maddox is ready to make one.

Chairman Massey said before Selectman Maddox makes a motion, he thought that Selectman Nadeau asked what they do next. He thought whatever they do they have to have the following things considered. The rules of engagement for use of the field needs to be understood. The Planning Board process needs to be in place. The length of the agreement - Chairman Massey heard that they were asking for 25 years. The Board has to decide whether that's the appropriate number or not. Finally, the Board would probably want to waive the sewer and water connection fees. Since it's going to be a town property, he didn't think they should ask a private organization to pay those fees. That would be up to the Board to waive them. All those things need to be part of what they have to do next in order to come back to the Board with an agreement that the Board could not only endorse but recommend to the voters next March.

Selectman Maddox thought the Chairman was absolutely right. He thought that this was a meet and greet. If there were 3 selectmen that weren't in favor doing this, then there was no need for them to expend any more time or money. He thought the first thing they ought to do is affirm that a majority of this Board wish to continue to pursue this. The list that he provided was a good one. They can then take and structure into another meeting. The Planning Board would see that as a conceptual at the workshop on May 5th to get their input to say are there any concerns they can see as a conceptual because they do have a site plan for this site. Combining the lots would be one area that needed to be addressed.

Motion by Selectman Maddox, seconded by Selectman Nadeau, that the Board of Selectmen agree in principle with the town parcels being utilized as recreation fields by the Hudson Bears or the Zachary Tompkins Memorial Field.

Selectman Nadeau said he's been reading the Freedom Field's Agreement and it would not take too much to change this because it has pretty much the rules of engagement, the usage of the field, and it would take very little to change this to work for this. It has the indemnity, the public liability, and the responsibilities. So he thought if they took that and went over it between now and then, this could be reused for this particular project.

Selectman Coutu sided with Selectman Nadeau. It's easier said that done. Part of that park was going to be used for the public because of baseball. So it's a little more involved than the soccer and he wouldn't want anything done until they have - he's going to support the motion obviously, but he still is in agreement that they should have an ad hoc committee, at least one or two members of this Board represented on that committee to work with the Hudson Litchfield Bears and the Tompkins family to help them realize this, and

help bring them along the way. To come up with such an agreement, he still thought that it was something that would be technical in nature. Mr. Lathrop had suggested that they maybe able to get a pro bono attorney to work on it, and we'd have to feed in those other factors that this is also for public use. So they need to look at that indemnity clause a little closer and how it's going to affect the Town of Hudson. He will support his motion, but Selectman Coutu thought it would be proper, unless there was objection, that they allow him to appoint an ad hoc committee to work with them on this project so that there was some guidance from the Board. Even if it was just a liaison rather than an ad hoc committee. However he felt it necessary to accomplish this task with the town support, he would support.

Chairman Massey wanted to add a comment to Selectman Nadeau. One of the things that they thought about when they were doing the soccer club agreement was if they installed electrical systems there who would pay for it. It was pretty much in agreement that there would be a shared responsibility between the Recreation Department and the soccer club depending on who was turning the lights on. It never came to fruition because at the time, the cost of putting lights up on that one field, and this was 7 years ago, was \$80,000. There are some technical details that need to be clearly understood ahead of time. Otherwise you get down at the back end of the road and people say, "I didn't know that." They'll take care of the second thing after they take care of this motion.

Vote: Motion carried 5-0.

Chairman Massey said it would be his expectations that they would have someone from the Bears organization should be involved, the Rec. Center Director, and either one or two selectmen that would meet to hammer out the actual details of what would wind up being in the agreement. He's open for suggestions as to who should be there from the Board. He was thinking initially the liaison to the Recreation Center should be there, Mr. Coutu, and because there's going to be a lot of planning involved, Selectman Maddox. That would be his suggestion if the Board - that's the way he would do it. Then Len and Mike whoever they want to have there, and he thought they'd want to do it fairly quickly, but all the items that they talked about need to really have some agreement between everybody. Chairman Massey thought the issue that they probably most needed to be focused on was if the Bears are doing all the work on this property, then in his mind they clearly have priority on its use. If you're going to open it up for other community involvement then because its basically a owned facility by the Town, he thought they would want to consider working with the Rec. Center as to who else could use it and craft it somewhat similar to the way the soccer club crafted it. That would be for what this little group that gets together and figures out the details.

Mr. Lathrop said they didn't see that as a stumbling block. That was kind of the conversation between the Rec. Director and the Bears. Scheduling of course the Bears would have priority during season of scheduling and everything else would be coordinated. That is part of the agreement that Freedom Field now has.

Chairman Massey indicated that he would now share something with the Board that he shared with Mr. Lathrop. Mr. Roberts you may or may not know this, but in 1984 the Hudson Bears won the State Championship against Salem, in the rain, a torrential downpour, and they subsequently at Thanksgiving went to Florida and won the Mid Florida Bowl against a very tough, top-ranked Florida team. Not only as he said when the cheerleaders were in, not only did the cheerleaders take something at the National level, but the Bear team itself did. He's looking forward to seeing how this goes forward. What Selectman Coutu liked about that statement Mr. Chairman, and he didn't mean to interrupt, every time the Bears are mentioned he tells that story. Chairman Massey said that was because one tough linebacker was his son.

With the Chairman's permission, Mr. Tompkins has not a token of their work, but just something to bring them as part of their community; you can see they all have blue wristbands that have Zachary's name on it. With your permission, he'll give one to the body tonight. Chairman Massey said sure. He anticipated that he would contact Selectman Coutu and Selectman Maddox to get started as soon as possible. Mr. Lathrop believed the Bears had an executive committee meeting on Monday night at the police station. All those details of committee members and people like that would be outlined there. There are a couple members of the Bears that the Board may have met before - Mr. Levesque and Mrs. Rourke who are in terms of detail oriented building type people. So he'd like to get one of them involved and by Tuesday morning they'd have a comprehensive plan for the Board.

Chairman Massey declared a short recess at 8:00 p.m. The meeting reconvened at 8:07 p.m.

B. Abbott Street Water Line Replacement

Chairman Massey recognized Town Engineer Gary Webster.

Mr. Webster said it happened today. They broke the water main that's on Abbott Street. It's a 2 inch line. It was broken down and all the people without water there and since the Town is putting the sewer in, it was discussed before that they'd like to - it's a 2 inch line, and they all got maps. What it is, they don't have enough pressure. Some houses out there are not even tied on to the water. They're still on well water. He remembered a couple of years ago people coming in trying to buy a house and the Town couldn't let them go on because they didn't have the capacity to actually give them water. The intent was to run a 6 inch line, 540 feet from Haverhill Street up the street. It's about 540 feet and the price they have is all the materials. The Town obviously is going to do it. It included all the taps, 9 connections, and a 6 inch line. What happens is the end of Abbott Street is an existing 6 inch line. So what happens right now if someone takes a shower on one side of the street and someone flushes the toilet, the pressure is gone. So this was a way to take care of it and since the street is being dug up and putting the sewer in, they thought this would be an opportune time to put in the 6 inch line, get the available water there, eventually you could put a hydrant on there because that's all you need is a 6 inch line. Jess gave Mr. Webster all the prices for the line. Kevin said that they had to share part of the part of the price of the paving, which would be the Water Utility, and he gave Mr. Webster that price. He did go to the Water Utility Committee and brought this up to them. They felt it was a perfect time to take care of the situation. It has always been a problem out there, and now they have the opportunity to take care of it.

For the houses that do not have currently water, Selectman Jasper asked if we would be stubbing it out. Mr. Webster said absolutely and they'd be charging them. Selectman Jasper said it won't be coming back later that they want to tie in and they have to dig up the road. They'll put a curb stop in. Mr. Webster said that there were some people with wells out there.

Chairman Massey had one question for Mr. Webster. Does the \$17,000 include the provision of putting a hydrant on Lovewell Street? Mr. Webster said no. After they change the size of the line, the original intent was to go with a smaller line but after the Water Utility went 6 inch, there's no hydrants on that street whatsoever. The only hydrant is on Haverhill Street. There's nothing down Abbott Street to the end. The hydrant is an additional cost. It's \$3,000 to put a hydrant in with everything and the Town putting it in. He mentioned that to them quickly today after it dawned on him. He went out there and took a look at the whole area. There's no hydrants there. Chairman Massey (inaudible) was that if you put a hydrant there, then the Fire Department could run hoses down Lovewell instead of having to run them off of Haverhill. Mr. Webster said the fire protection made sense to put it on the corner.

Selectman Maddox said that the money they would save in insurance money being that close to a hydrant would offset the money they'd have to pay for the curb stop. He thought it was \$3,000 well spent. They're already there. They've already got the road dug up. It made no sense to wish we had done it 2 years ago type of thinking.

Motion by Selectman Jasper, seconded by Selectman Maddox, to authorize the Highway Department to replace a 2" to 2 1/2" galvanized water main with a 6" ductile water line. The cost of the replacement for the 6" line and services is \$20,000.00, which includes a fire hydrant, and \$4,100.00 for the paving for a total of \$24,100.00 charged to Account #5592-403. Said request has been recommended to the Board of Selectmen by the Water Utility Committee on April 21, 2010, carried 5-0.

Chairman Massey thanked Mr. Webster for all the work. Mr. Webster thanked the Board for the 9 Industrial Drive on what they did tonight. He was very proud of them. They did a good job.

C. State of New Hampshire Highway Safety "Hudson Sobriety Checkpoints" application grant in the amount of \$6,000

Chairman Massey recognized Captain Avery from the Police Department.

Captain Avery stated that the Hudson Police Department was coming before the Board of Selectmen for a request and approval to accept the application for a Highway Safety Grant to conduct two field sobriety checkpoints between May 1st and September 15, 2010. The two sobriety checkpoints will take place some time during the next four months.

Motion by Selectman Jasper, seconded by Selectman Coutu, to accept the recommendation to approve the application from the New Hampshire Highway Safety Agency for "Hudson Sobriety Checkpoints (2)" in the

amount of \$6,000.00 and will run from May 1, 2010 through September 15, 2010 carried 4-1. Selectman Maddox in opposition.

- D. Public Hearing/State of New Hampshire Highway Safety Agency "Hudson Enforcement Patrols" grant in the amount of \$5,500

Chairman Massey recognized Captain Avery.

Once again, Captain Avery said the Hudson Police Department is coming before the Board of Selectmen to accept \$5,500 from the New Hampshire Highway and Safety and requested their approval for this money.

Chairman Massey opened the public hearing at 9:16 p.m.

Chairman Massey asked if anyone in the audience wished to speak on this item. Selectman Maddox indicated that there was no one in the audience.

Chairman Massey closed the public hearing at 9:16 p.m.

Motion by Selectman Maddox, seconded by Selectman Coutu, to accept the \$5,500.00 award from the New Hampshire Highway Safety Agency for "Hudson Enforcement Patrols" to begin May 1, 2010 and ends September 15, 2010, carried 5-0.

- E. State of New Hampshire Safety Agency "Hudson Statewide DWI Hunter Patrols" application grant in the amount of \$2,250

Chairman Massey recognized Captain Avery.

Captain Avery said the final grant that they were coming in front of the Board of Selectmen for approval was for the Hudson Police Department to conduct DWI Hunter Patrols, which will be random patrols throughout the Town of Hudson. These will also take place starting June 1st and running through September 15th. They are requesting \$2,250 from the New Hampshire Highway Safety Agency.

Motion by Selectman Maddox, seconded by Selectman Jasper, to accept the recommendation to approve the application from the New Hampshire Highway Safety in the amount of \$2,250.00 for a Hudson statewide DWI Hunter Patrols application grant, carried 5-0.

- F. Conservation Commission Donation

Chairman Massey recognized Assistant Town Administrator Mark Pearson.

Mr. Pearson had a memo from the Finance Director to the Town Administrator recommending that the Board transfer funds to approve a donation agency fund account transfer of funds that they received in August of 1994. It's a housekeeping item to move the money to conform to Town Code 44-1, Retaining of Donation, and there's a recommendation to approve the funds pursuant to RSA 36-A:4. It would be the donation of \$1,000 plus interest for a total of \$1,075.85.

Chairman Massey had one question. The State Statute says, "Such gifts be managed and controlled by the Commission for the purposes of this section." So his question was why weren't they transferring it to the conservation fund? We're going to transfer it to "donations - other", which is a Town of Hudson account and not a Conservation account.

As Selectman Coutu understood it, the line number 4559 was for the exclusive use - even though it would be title "donations - other", but it would be a conservation commission line item. He believed at the last Selectmen's meeting they had a similar transfer that they had to make. These are house cleaning items so that they could get these donations put into accounts that can be readily identified. He thought it was on the basis of perhaps an audit recommendation that they have a better accountability of where all the donations were coming from, and for what purpose they are to be used. He thought that was the purpose.

Motion to approve and transfer \$1,000.00 plus accumulated interest of \$75.85 from Account #2060-214 to Donations - Other (4559) to be used by the Conservation Commission.

Point of order Mr. Chairman. Selectman Coutu agreed with the motion, but he would remove the \$75.85 and he would put plus accumulated interest. That was the interest amount as of April 6th. There may be more that has accrued since then. Chairman Massey said it was so noted.

Motion by Selectman Coutu, seconded by Selectman Nadeau, to approve and transfer \$1,000.00 plus accumulated interest from Account #2060-214 to Donations - Other (4559) to be used by the Conservation Commission, carried 5-0.

G. Senior Summer Program

Motion by Selectman Coutu, seconded by Selectman Jasper, to defer the Senior Summer Program to the May 25, 2010 meeting.

Chairman Massey asked to have this item deferred because he's had some conversations with the seniors. He's going to have a follow up meeting with them and the Rec. Center Director, and the liaison to the Rec. Center on Monday at 10:30 on May 17th. Then it would be on the Board's agenda for discussion and/or action on the May 25th meeting. Selectman Coutu said that Chairman Massey would have met with them that prior Thursday. Chairman Massey said he's meeting with them on the 13th.

Selectman Maddox said the Chairman was putting them right at the edge of the cliff. With that schedule, the summer program starts June 17th? It seems like they're pushing this off an awful long time. Unless nothing big is out of this but just...Chairman Massey said he's not anticipating a whole lot of big things. There were a couple of things that he discovered since he talked with the seniors last week. It appeared that they may be able to take care of. Again, Selectman Maddox said that they're being put into a... Chairman Massey understood. He thought that there were only a couple of issues that really are on the table that needed to be resolved. They're going to be working on them between now and the 25th anyway. He thought that they'd just be coming back to the Board on the 25th to ratify what the Board chooses to do for the summer program. Chairman Massey said to Selectman Maddox that it was duly noted.

Vote: Motion carried 5-0.

H. Greater Hudson Chamber of Commerce 2010 Community Expo

Motion by Selectman Maddox, seconded by Selectman Coutu, to authorize Mark Pearson, Assistant Town Administrator, to have the Town exhibit at the Greater Hudson Chamber of Commerce 2010 Expo at Alvirne High School on May 19, 2010 from 4:00 p.m. to 7:00 p.m. at a cost of \$95.00.

When Chairman Massey first saw this item on the agenda he thought it was to have Mark attend as an attendee. When he clarified it with him and the Town Administrator, it's for the Town to have an exhibit there, and he'll let Mr. Pearson tell the Board what they plan on doing.

Mr. Pearson said as the Board knows, the Chamber of Commerce holds an annual community expo at Alvirne High School. He would like to have the Town be represented there as economic development. It's a business expo where people get to exhibit their businesses and showcase their business. All of the people that want to participate in this expo, and he thought it would be to Hudson's benefit to actually have a table there and have it manned for the entire time. In conjunction with that, they've been working with some students from Alvirne as their senior project to come up with a tri-fold pamphlet on economic development, which they should have ready for that event. They also as part of their class and participation and credit would also be there at the booth to actually hand out these pamphlets. They may even, in fact, have some brochures ready at that time too. Mr. Pearson was asking the Board to pay the Chamber the \$95.00 fee out of the economic development donation account in order for the Town to have a table at the event.

Selectman Coutu asked Mr. Pearson who he planned on having man the booth. Mr. Pearson said the Town Planner John Cashell and he made a commitment to be there during that time. In addition, those 3 students would also be there. Selectman Coutu said he was good with that. Right answer.

Selectman Maddox was hoping that again, he's sure that's one of the things he was going to be looking at was to make the business people that were going to be there aware of the opportunities, what forms needed to be done, and all of that, and who to contact. You two would be the perfect group of people to be there. Again, just have some forms there. If you wanted to do something at your business, the minor site plan committee. Explain what that is. Those types of things that make people less afraid of the Planning Board.

Vote: Motion carried 5-0.

J. Construction Cost Related to Bush Hill Road and Wason Road Improvements

Chairman Massey recognized Assistant Town Administrator Mark Pearson.

Mr. Pearson said early in 2009, he had the occasion to go through a lot of the impact fees or all of the impact fee accounts and to try to trace back the history, the purpose they were collected, all of the documents related to the collection, and to more or less through legal counsel and research find out what the status was of the accounts that had been sitting there for such a long time. In this particular account here, he worked with Town Counsel and Steve Malizia, Town Administrator, Kevin Burns, and Gary Webster because they were all part and parcel to the work that he's about to talk about.

Specifically the Shepherd's Hill development agreement specifically talked about improvements to Bush Hill Road and Wason Road. Through all of the due diligence and work by staff, they were able to determine that they did complete the work in the spirit of the language in the developer's agreements for under drains, culverts, taking humps out of roads, and they were able to track back all of the funds expended from the town budgets that in essence is a reimbursement to the Town for the work that they've done. The down side is that it goes into the general fund unreserved fund balance and it would have to be reappropriated at a subsequent Town Meeting in order to in essence put that money back into future road improvements and so forth. If in fact the work was done in a particular year where somebody had watched these funds, they could have drawn the money out of that fund to use it in that particular year which would have essentially saved using other general funds to accomplish the work. They are tracking all of the future impact fees to make sure that that didn't happen again.

Selectman Maddox also got involved in this when the Road Agent Kevin Burns called him up asking him why they weren't spending the money that was in the Shepherd's Hill account. As we know, he's very busy up there. Here's a case where that someone, and if he ever catches that someone, that didn't take these out in the year that they did it. So the only choice they have after he tortured the Town Administrator to ask if they could use this for, he wanted to increase the town-wide paving. So the way they have to do this is this. He would hope that they not do this again and he would have a motion at the end of this to try to fix that.

Selectman Jasper disagreed. Selectman Coutu said he agreed with him. Selectman Jasper said that they have a memo that they're going to get to which shows that they have a total estimated appropriation surplus in this fiscal year of \$505,000. We can transfer \$239,000 of this \$505,000 into town-wide paving. He thought that they ought to. They have some roads that are just breaking up. So it would replace it. It would take care of their deficit problem as they see they're looking with this. With this memo that they haven't gotten to yet, they're looking at \$85,000 surplus when all is said and done. This \$240,000 going in, they take \$240,000 out of the \$505,000, and everything is good.

Chairman Massey said that may be a subsequent motion but the one right now they're dealing with is this money has to go into the general fund. Selectman Jasper said yes. There's no question about that. We can, while it's not the same dollar, they can use the same dollar amount to accomplish the same goal.

Motion by Selectman Maddox, seconded by Selectman Coutu, to reimburse the Town's General Fund from the Shepherd's Hill Impact Fee, Account #2050-150, in the amount of \$239,635.71 for the improvements made to Bush Hill Road and Wason Road by the Town Highway Department in the years 2007, 2008, and 2009.

Selectman Jasper asked if they had some litigation going on this issue. Chairman Massey said that was a different issue for Shepherd's Hill. Mr. Pearson said that was a water line that was run up there. This was completely separate. Selectman Jasper thought it was about the improvement and saying that they were beyond the 7 years. Chairman Massey said he was referring to another Flying Rock project he believed.

Vote: Motion carried 5-0.

Selectman Maddox said that there were also additional monies that are not on this list totaling somewhere around \$80,000 from other impact fees that that someone failed to take out of the impact fees. So that money was also going to be coming forward in a subsequent meeting. He liked his idea. He knew that he asked Steve six different ways how they could take the money and use it. He was not disagreeing that if they could do this do it.

Selectman Maddox wanted to put on the first meeting in May of 2011 a report from the Town Administrator on any monies that could be used from impact fees that are getting close to the end of their life span to report to the Board of Selectmen. He said they have given back money because they didn't know that the time had expired. They needed to fix this. Being proactive, she will have it as an agenda item for a year out, but at least the Town Administrator is going to know that he needs to get together with the Planner, the Town Engineer, the Road Agent, the Finance Director and sit down and say all these accounts any money can be taken out of this one, \$20,000 out of that one, and they don't fall down this rat hole again Mr. Chairman. It's disappointing to see these kinds of numbers they could have done other things with. Selectman Maddox wants to put a mechanism in place to facilitate the Board of Selectmen getting a report to say that someone is no longer doing it. The Town Administrator has met with all these people and they have agreed that there is X amount of dollars to be transferred, or the time is about to expire and we need to do something, and let's not lose money again. Thank you.

Motion by Selectman Maddox, seconded by Selectman Coutu, to put on the agenda for the first meeting in May of 2011 a report from the Town Administrator on any monies that could be used from impact fees that are getting close to the end of their life span to report to the Board of Selectmen, carried 5-0.

K. Request to Negotiate a Successor Contract - Hudson Police, Fire and Town Supervisors Association

Chairman Massey stated that they've had a request to negotiate a successor contract for the Hudson Police, Fire, and Town Supervisors Association. Since that's an organization that spans multiple departments, there is no assigned liaison. He would be looking for a volunteer to take that under their wing. Selectman Jasper said he would volunteer because there are some similar issues between this contract and another. Chairman Massey said he had to double check with the Town Administrator because he was only aware of one that he was seeing. They have also got a request to begin negotiations for the police contract. He thought they also had one for fire. So they can take care of it because it's going to happen anyway. So that would be two if you did that.

Motion by Selectman Maddox, seconded by Selectman Coutu, to appoint Selectman Jasper as a member of the negotiating team for the Hudson Police, Fire and Town Supervisors Association contract negotiations, carried 5-0.

Motion by Selectman Maddox, seconded by Selectman Coutu, to appoint Selectman Jasper as a member of the negotiating team for the Hudson Fire contract negotiations, carried 5-0.

Motion by Selectman Maddox, seconded by Selectman Jasper, to appoint Selectman Coutu as a member of the negotiating team for the Hudson Police contract negotiations, carried 5-0.

7. D. Fiscal Year 2010 Expenditure/Revenue Review

Chairman Massey recognized Assistant Town Administrator Mark Pearson.

Mr. Pearson indicated that the Board directed the department heads and the Town Administrator to review their budgets for the remainder of fiscal year 2010. During that review, they were able to identify areas in their budgets that they wouldn't be spending in 2010. The total estimated appropriation surplus identified by the department heads equaled \$505,112.00. The total revenue deficit was projected to total \$420,000.00. The appropriation surplus less the revenue deficit equaled a surplus of \$85,112.00. The only other outstanding item at that point would be the 2010 employee earned buyouts, which generally in the past had a range of \$70,000 to \$100,000. The Board in the past had always, if they had the funds available, funded by the buyouts from the department's budgets if it allowed.

So what you have is a spreadsheet - a list of where the money came from, and how we got to the \$505,000, the amount donated by each respective department, and you have an estimated beginning surplus at the top of the page and after they factored in the money from the department heads less all of the expenses or the revenue deficit, you come up with the \$85,112.00. Actually the FY10 year end budget surplus was estimated to be 7.9 percent. As you remember, the DRA recommends a surplus in the area between 5 and 10 percent. That 7.9 percent was on the higher side of that 5 to 10 percent surplus that was recommended by DRA. So the Town Administrator explained that in detail to Mr. Pearson. This was his work, and he wanted Mr. Pearson to bring this to the Board's attention that it appeared that they will be okay at the end of FY10. There's a substantial savings as you see on the page from different departments. Right now, every department head was watching their budgets very closely and making sure that they can actually turn back the money for the FY10 budget.

Selectman Maddox had a comment. He knows that he's been a pain on this but, again, it shows that we're in good shape. This is what they were looking for - some sort of document clearly stated that it wasn't as bad as it could have been. There is money and they're going to be in the positive. Compliments to the department heads and the Town Administrator for going through all of this. It's an exercise that he thought needed to be done.

To that end, Selectman Maddox saw the Fire Chief come in and he had a question on 5715. There was one item for fire building maintenance. Chairman Massey asked Chief Murray to come forward. Selectman Maddox asked if that was the pointing.

Good evening members of the Board. Chief Murray asked if it was the \$17,000. If you recalled, the Board wanted them to try and use previous years encumbered funds before they used the allocation of \$17,000 that the Board gave them. They were able to do that. That \$17,000 reflects that money that the Board allotted that they use. Selectman Maddox said so the work has been done. He just didn't want to see them not doing work. That was the only one that stood out.

Selectman Jasper had a question on the SCBA leases. Why do they have \$41,000 on the fire suppression lease purchase of the SCBAs? Chief Murray said that the default budget put it back. It didn't get picked up when the first did the default budget. They just let it sit there all year.

Selectman Nadeau said getting back to the Robinson Road station. Is the building completely repointed now or just one section of it? Chief Murray said the building had been grinded, repointed, and will be sealed within the next week or two. So they're there. The POs and everything have been cut for it. That's all paid for. They're just completing the work now.

Before we act in haste and repent in leisure and since there is still time, Selectman Jasper would like to recommend that they have the Town Administrator upon his return discuss with the Road Agent the possibility of using \$240,000 of this surplus to add to this year's town-wide paving. This year being FY10. Chairman Massey said if they did that, he'll use round numbers for the moment, if you were to take \$200,000, they would not then have a net surplus. They'd have a net deficit. Selectman Jasper said that was incorrect because they were transferring \$239,000 into...Chairman Massey said the general fund. Selectman Jasper said he was correct. We would have a revenue shortfall. The effect on the town surplus would be unchanged. Where they have so many roads that are breaking up, he thought this was an extremely important thing to do. If they could put another roughly quarter of a million dollars into town roads this year, it will make a big impact and it will not change the net financial situation of the town. Even though closing out the books won't look that good, that number at the bottom on the projected fund balance would not change. That would be the same. Chairman Massey said he was supportive of what Selectman Jasper wanted to do, but let's not get the fuzzy (inaudible). We are currently showing based on what the department heads have come back in with that they are going to not spend \$505,000. We are going to have a revenue shortfall of \$420,000. They will under spend their budget \$500,000. Selectman Jasper said, however, they will have \$239,000 of unanticipated revenue. So that \$420,000 will fall by \$239,000. So your revenue deficit will be \$180,000. Selectman Coutu thought it best if they waited as Selectman Jasper suggested for Steve to come back and work out...Selectman Jasper suggested that they ask him to look at this. Chairman Massey said that the consensus was good enough for that. Mr. Pearson said that wasn't counting the other anticipated \$80,000 that they had in other impact fees. The money was going to be trickling in. Chairman Massey wanted to have it on the May 11th meeting.

Chairman Massey wanted to echo Selectman Maddox. Kudos to the department heads for managing in a very difficult time.

9. OTHER BUSINESS/REMARKS BY THE SELECTMEN

Selectman Maddox - He opened up The Telegraph this morning to see the information on Green Meadow. He disagreed with Selectman Jasper where he said to wait until they have a plan. It looked like they have a plan. They rolled out the treasure map today in the paper. They're going to attach this to some appropriations bill. He thought they needed to get some information because people were asking him all kinds of questions about what was happening here. Is there going to be a special election? What is going to happen? He thought they should get some of the information - he saw in the paper today that Hudson was going to get \$9 million. He didn't know what all that meant. Again, he thought they needed to hear from the principals Mr. Chairman of all the things that they were hearing in the paper and hearing bits and pieces. This still could be coming before the Planning Board. Again if you read the paper, they're almost saying it could be on the November ballot. Selectman Maddox thought Chairman Massey told the Board that they were going to go through the Planning Board process. He didn't see how that could happen. It would be nice to hear them say at a selectmen's meeting that they are going to go through the Planning Board process before they put it on a ballot for the citizens. He thought they needed to stop not hearing what's going on out there.

Chairman Massey said he called the author of that article today. He pointed out to him, and he told him he was not speaking either for or against the plan, nor was he speaking as a selectman. He was simply saying he was looking at the numbers that they were banding about and they don't compute with what was in the Senate Bill. They indicated that \$413 million would be revenue from here. The State would get \$130 million, and that the Town would get \$9 million. Using the formulas that are in Senate Bill 489 to get \$130 million to the State would require \$3.6 billion. To get \$9 million to the Town would require something like

\$1.something billion. That's using their terms of 87 percent of the lottery monies go to the payout; 13 percent is divided 61 percent for the owners of the facility; 39 percent of which only 3 percent goes to the municipality. So to get \$9 million, the only thing Chairman Massey can conclude is that \$9 million almost, in his mind, had to be what they're anticipating would be property taxes. So he agreed with Selectman Maddox. He thought that they need to have them explain where they're getting all of these numbers because people are getting all these great numbers that are going to happen and he didn't see it.

Selectman Jasper said that's always been his problem with the gambling proposals. Everybody promises the moon. You get a third of it and what do you do, tell them to go away. He voted against the inexpedient to legislate as did most of the Hudson delegation. However, he will not be voting for any more gambling proposals this session because at this point, it becomes all game playing. The Senate attaches it onto a bill some place. The reality is that the House defeated it by a wide margin. Any efforts to scale things back are going to start peeling support away. Now it's not going to be something for everybody. What are they going to do with any information here? They're not going to do anything with any information. The House and Senate are done on June 3rd. There's a month left to go. They're not going to impact the legislation that's going to come out. They're not going to do anything with that. In two weeks, they're going to set up a meeting to hear some proposal that's not any place. They can't put anything on their November ballot. He's not even sure if they can put something on in a November ballot. They certainly can't. If the Board wants to have a meeting, he's not going to it. He's just not going to waste his time on something that isn't even a proposal any place right now. Whatever comes out, they're not going to have a clue if anything comes out. Senator D'Allasandro will be attaching something to a bill. That's a long way from anything happening. You want to do something in the first of June and find out what actually happened if something happens, great. Please let's not waste our time on something that has a slim to none chance of getting through the House and through the Governor.

Chairman Massey said Selectman Massey had the floor, but if it's directly to this issue, we should close it out. He recognized Selectman Coutu only to this issue. Selectman Coutu agreed with his concerns and Selectman Maddox's concerns relative to the way it's being projected in the media. He read the paragraph on the \$9 million revenue that we are supposed to benefit from. It can be interpreted in two ways. It could be interpreted as it's going to be part of the net proceeds that's going to come back to our community or when he read it a second time and then he glanced at it a third time; he interpreted it to be the property value tax not the income. So he didn't know what it was. He agreed with him that he thought that rather than these people who represent the Friels going to the news media, they need to be a little more explicit and they need to tell us because we represent our community, and we need to be able to intelligently explain to the voters exactly what is coming into the town and what we can benefit by this. We don't know. If they expect that there is going to be some legislation if they're not going to have their support, they're not going to go anywhere because they can campaign as vigorously against it as they can for it. He thought it would be beneficial for them to have some sort of a meeting and have them explain what they're saying about this town. He didn't care what the State is going to get out of this. That's the legislature's responsibilities. He's concerned about how much revenue are we going to generate and where are they getting these numbers from. Like you said Mr. Chairman, you start looking at the numbers that they're throwing out there and if it is revenues from profits and if Massachusetts passes casinos, he didn't know how they're going to raise these billions of dollars to be able to make those numbers work. So he agreed with him. They should invite them in here and give the Board an explanation. Selectman Jasper is free to come or not come.

Chairman Massey said it was really Selectman Maddox's item.

Selectman Maddox believed that, again, they're supposed to be knowledgeable of what's going on in town. He hears all kinds of stories and you read them in the paper and it doesn't add up. He thought that to hear it first hand that they are going to go through the Planning Board process prior to putting it on the ballot would be nice to hear from them. We need to know what is expected. Are they going to have to break into that highway, which would require this Board to sign that application? All of those items, he thought, need to be at least talked about, no decisions made, but at least be up to date on what was being told as far as the plans for Hudson. What are they going to do? Are they planning on doing something with that roadway to connect between 111 and Exit 2? This isn't going to go away. He thought, again, you read the paper \$9 million. All he keeps hearing in the back of his mind is that old Dionne Warwick song, "Promises, promises". If you say them enough, people believe that's the case. Selectman Maddox wants to know the facts. The only way to get them is from the horse's mouth.

Selectman Jasper said they're talking a \$300 million building. If their assessment is \$300 million, that's \$5 million a year right there for property tax. Then it's only another \$4 million on other things to get to 9. Again, he agreed with everything they're saying but they don't have anything to really look at. Wait a month. Nothing is going to happen in a month on the town side. So if something happens, let's have a meeting in

June or July with them, but let's not spin their wheels here and say we've got to do this now. Remember that everything was a big hurry with the last Green Meadows and we had to appropriate all this money. Let's just wait a month and see where we're at. Chairman Massey said here's where he thought they should decide whether they should do it before June 1st or after June 1st. The issue that's being bandied about in the paper right now that gets everybody all excited is the amount of revenues that they're talking about are going to come to this municipality. The sooner they can get them to expose how they're coming up with those numbers, the more they can make an informed decision whenever they decide to go forward. That to him would argue to do it earlier. On the other hand if the bill is going no where, then it doesn't matter what they're projecting for revenues. He'd leave it to the consensus of the Board. Do they want to do it in May or wait?

Selectman Coutu didn't know if anybody had an opportunity to watch Channel 9 Sunday morning. They had Senator D'Allesandro and a couple members of the House discuss the Bill. After watching the program for one hour on Channel 9 Sunday morning, he was of the opinion to agree with Selectman Jasper. He thought that there were two proposals. One of them was going to be a State run and the other one was to continue with this Bill but cut back the numbers from 6 to possibly 3 casinos. One of the representatives that Selectman Coutu felt was probably the most intelligent one in the debate process made it very clear, and he certainly convinced him that regardless of which one, there are strong opponents on each side but they can't seem to bring the forces together. He's beginning to believe that Selectman Jasper is right. He thought that this was going no where. Until they have something tangible, he would agree then with Selectman Jasper. He thought even he would be willing to sit in once they know that there's something that's going to come that they need to know how are they coming up the numbers and let's get a little more serious about where they're coming from and exactly what they are. They want to know the planning process versus going to the voters. It's to get them to get their ducks in a row so that if they want them on board, they're going to have to convince them it's the right thing.

Selectman Nadeau was thinking some time in June he would like to sit down with them once they know where they're going. He thought they had a full meeting in May and he thought June would be - unless something came up before hand in Concord, he thought they should invite them in. They did invite them in the past but something happened with the communication and they couldn't make it.

Motion by Selectman Maddox, seconded by Selectman Nadeau, to invite the principals for Green Meadow for the second meeting in June to present to this Board their plans for Green Meadow.

Selectman Maddox was not disagreeing with anything said. He thought that this Board needed to get some information. They invited them for one hour at maximum presentation of some of the facts that they need to know to get again on record that they're going to go through the planning process. Those kinds of issues. If this does not pass this year, it's not going to go away. They're going to be coming back at it from a different direction next year. That land is worth too much to sit there as a golf course. Again, the more knowledge they have factual from the horse's mouth makes more sense than reading it in the paper and trying to decipher exactly what it means. The second meeting in June gives them - they'll know where they are. They can come or not.

Selectman Jasper thought the motion was very premature. We're inviting them; we're going to send a letter now and by June 3rd we're going to know one way or another. If it passes, they're come in here at a drop of a hat if it passes. So let's wait until June 3rd until the session is over before the do this or at least make the motion so that if they invite them in for the second meeting if a gambling proposal that would include Green Meadow passes. He thought it was silly to invite them for the second meeting in June because if in fact everything goes south, which he thought it will, they've issued an invitation for nothing. They're going to have to re-evaluate where they're going. They're not going to have anything to say to them. There is no urgency here. There's no urgency at all.

Vote: Motion carried 3-2. Selectman Coutu and Selectman Jasper in opposition.

Selectman Nadeau – The first one is the Recycling Committee had a contest run through all the schools. As they did last year with the essay contest, they asked the Board to go through the top 10 or 20 of them that they picked out and have them pick out the winners for the competition. So that will be in the Selectmen's office some time at the beginning of next week. Like they did the last time, there'll be a sheet and you put down your recommendations - 1, 2, 3 for the different classes, grades.

The other thing is Thursday night this week at the Hill House there is a presentation by the Historical Society. One of the members, Ruth Parker, and other members that will be bringing Benson's paraphernalia and

different things in. They'll be having a little talk about Benson's. The public is invited. It is on the cable channel scrolling with the times. He believed it was 7 p.m. at the Hills House.

Selectman Massey - You all got a copy of the letter that Nancy Mayville from DOT sent them. She indicated in there that there were pictures and a schematic of the building. Unfortunately the schematic was on the back side of the only page that was double sided. So what you have in your hands now is a footprint of the building. Just thinking about it if you did away with the first and second storage sheds, you could play around with the main barn and that shed to the right of it by elongating the barn, etc., etc. He thought they could come up with a very nice replica of a barn that would fit there nicely. So he thought they had something to work with now. He sent a letter to Nancy thanking her for sending them the pictures and the schematic. Hopefully they can go forward with that depending on where they're going to get with the State.

He was happy to report to the Board that as of this morning he had over 120 people who have signed up for the ice cream social. He thought his recollection last year was they had about 70. He's hoping to get a little more. He had to put a little more pressure tomorrow night on the Planning Board because he has yet to hear from the Chairman. All of the major boards now, including Benson's, have weighed in on whose coming. He really thanked all of the volunteers who wanted to take the time to have a little socializing. It's a very small way of expressing the Board's thanks for all they do for the Town.

The second thing was, and Selectman Jasper may have a little more detail on it than he does, but the pole tax was inexpedient to legislate by the House. Which means that the pole tax will expire now unless some other attachment to some other bill happens. He was informed today that the way the House took care of this was if any bill that attaches the pole tax comes back to the House, it would require a 2/3 majority to pass it. It's not clear yet whether it's going to be certain but the legislature passed it by a good margin.

Selectman Jasper said what happened was that it was then voted not only inexpedient to legislate, it was then indefinitely postponed which means it can't come back. There is a motion that was made to reconsider that. He thought there were some very serious ramifications for people if they do that. You have to lump the whole State together. If you go up in the North Country, there are a lot of telephone poles and very few people. The people in the North Country aren't going to be able to pay the tax. It comes back down here. Plus it's a very confusing matter with a lot of details. They would be spending a lot of money to assess those telephone poles. To the best of his knowledge and maybe somebody may recall, while they do assess public service, they assess their poles and their wires but we don't break it down as to pole. It's a lump assessment essentially. It's not going to be a lot of money, but it's going to be a lot of work. He didn't personally think it was a good thing at all.

The last thing Chairman Massey would like to put to the Board, recently they asked the Rec. Center to consider putting a recreation facility down off of Eayer's Pond Road. The Recreation Committee has come back with the recommendation not to do anything. He proposed to the Board that they authorize the Town Engineer or to take the money out of the contingency fund and have that property subdivided into buildable lots with the proceeds to go 50 percent to recreation and 50 percent to fix the roads down there. It would put the properties back on the tax role. It would fix the problem with the road. If they did it right, it would be a nice little bit of money for the Town. He put the proposal out to the Board for discussion.

Selectman Maddox said he looked into that right after and it didn't do well the first time. He had the Town Planner give him an estimate of what could be put down there. It's a TR zone. So that could be considerable. He thought they needed to look would be best for the neighborhood and how would they zone that to do that. He received a price through Highway through their liaison of what it would cost to redo all those roads. He gave him a number of \$60,000 he believed. He didn't have a problem with the basic concept; he just thought the disbursement would be a little different. They're not going to be able to use it for recreation. He thought if they did something - his number was 5 house lots, to make it open space. That parcel across the street could be made part of the open space so that land would be forever kept in a conservation type of set up. He didn't disagree sitting on that land. Again, he thought that maybe it wasn't the time at this point to try to sell it. Who knows if there's going to be somebody willing to pay what the Board thought it was worth.

Selectman Jasper said that was the ultimate thing. This is not the time to be subdividing land and selling it. Prices will come up and there will be a scarcity. They've owned this land for a long time, and he thought they were much better off to wait and maximize the value if that's what they wanted to do. He must say the concept of giving half to recreation is a little strange to him. They wanted to put something there. It wasn't their land. They didn't buy it. They didn't put a dime into it. Chairman Massey said it was just a talking point. Selectman Jasper said what a great idea. Let him go find an idea for some place you can turn it down and then give him half the money because you won't let him do it. That concept doesn't quite jive in how

they traditionally do things. Just because somebody wants to do something some place, that money if they were to do it belongs - certainly the road would need to be upgraded, but the money belongs to the taxpayers. If the taxpayers want to appropriate more money for recreation, then that's what the taxpayers do. He wasn't sure legally they could just take half the money and give it to Rec. anyhow. They have to do things through appropriation. So he didn't know how legally they could just say here we're putting half the money into the Rec. fund. Frankly, he would rather see them say to the neighborhood we'll work a deal with you. Here's the value. If you want to get together and form an association and buy that land for the fair market value, we'll do something like we do with a sewer assessment. You can pay it over the years. That neighborhood never should have built the way it ways. That was a terrible zoning decision with those tiny house lots. To have some land down there for them is reasonable. Again, the land belongs to the Town. There was a mistake made there with no land allowed. At least give them the opportunity to form an association and form that land so that they can have something for the neighborhood that they don't have done there, which is some common land. Selectman Jasper would much rather do that and then everyone is made whole.

Selectman Maddox thought that this kind of tied in with the Lenny lots that are around town. He didn't disagree that they get a list of those - lots they're never going to use. The Planning Board regulations state that there needs to be 10 percent of the parcel for recreation. Over time what ended up happening was that's how they get the \$400 per lot contribution. Developers were a) giving them lots you could never build unless you had mountain goats, or they wanted to give us a dollar amount. Chairman Massey said or you needed swamp boots. Selectman Maddox said some disposition is, and this is probably not the time as they're seeing with the library house, but a plan put together to facilitate getting rid of some these parcels that they have absolutely no use for that the Town has sitting out there in the middle of no where. He thought that was a viable plan but not at this point. He agreed that they're not going to do anything with it. Maybe look at Selectman Jasper's plan of offering it to the neighbors and ask if they're willing to buy it. The size of that parcel could bring substantial money if the market was in a different place.

Selectman Coutu said he wasn't going to take much time. One of the things that the citizens brought up was whether or not they would consider allowing them to form an association to make the land available to them. He said they were going to have to get together and work it out and see if they could afford it. He didn't realize that they could offer them the option of - they'd be the bank on the property but it made sense. If they could do it to accommodate to help them, they could put an association together. He didn't know who would be the person to speak to the neighborhood. He wasn't adverse to going down to the Fish & Game Club and asking them all to come in and have circulars circulated in the neighborhood. They could do it formally by having them appoint representative and they could send letters to ever resident there.

Chairman Massey thought before they did that, they'd need to get an opinion from the Town Attorney. Basically his understanding was the town could only dispose of properties either by auction or by sealed bid. Selectman Maddox said it depended on how we took it. How we got the land. Chairman Massey thought it would require some input. He would take that under advisement. Selectman Maddox stated CDBG. Maybe they could apply for something there. Selectman Coutu said that they also know of a developer that is interested in that land.

Selectman Jasper - It's late and he'll not mention Benson's and just go home. Chairman Massey said since they're on the subject, he thought May 11th they should ask the Benson's Committee to give the Board an update on those 16 items that were a prelude to opening on Memorial Day weekend. He thought it would be appropriate if they knew where they were on that.

Selectman Coutu - Two things Mr. Chairman. First, he and the Chairman had a conversation this afternoon about Benson's. He had a conversation with Selectman Jasper relative to what they discussed. So that the public will be aware, he communicated with Jeff Myers who is the legal counsel for the Office of the Governor about the 3 alternate proposals that DOT had made. He had informed him that they wanted to give up the building rights on the red barn property and they would use the same footprint for the site that they had discussed and shown the Governor when he came to Hudson to look at the site. He told Selectman Coutu that he was going to get a hold of DOT and call him back and let him know where that stood. What he discussed with the Chairman and what he discussed with Selectman Jasper, Selectman Jasper said that he would try to address the problem. The Department of Transportation was being inundated with requests like the dog park and other things. His question was, as was his, a concern they expressed and he spoke to Selectman Jasper and he was unaware of it so he's going to look into it. Who's authorizing these people to go to DOT, the Town, them, and in this case Selectman Jasper and he had been dealing directly with DOT. So he let the Governor's Counsel, Attorney Myers, know that the priority here was Benson's. That was their first commitment and then they can get to the dog park and the other little things a little later. Selectman Jasper assured him that he would take care of that situation.

The second thing and the last thing Selectman Coutu had to say was he wanted to express, and he was sure on behalf of the Board, to the Tony Girginis' family the Board's sincere and deepest sympathy for the tragic loss of their young son. His brother works for the Recreation Department as a councilor. Their sincerest condolences to their family. That concluded his remarks.

10. NONPUBLIC SESSION

Motion by Selectman Coutu, seconded by Selectman Maddox, to enter nonpublic session under 91-A:3 II (b) the hiring of any person as a public employee; and RSA 91-A:2 (a) Strategy or negotiations with respect to collective bargaining, carried 5-0 by roll call.

Nonpublic Session is being entered at 10:25 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 Jasper, seconded by Selectman Maddox, to exit nonpublic session, carried 5-0.

Open session is being entered at 11:25 p.m.

Motion by Selectman Coutu, seconded by Selectman Maddox, to hire Lisa Terwilliger @ \$13.00 per hour; Kayla Belanger and Britney Allison @ \$10.50 per hour as the 2010 Tennis Instructors, effective June 1, 2010, carried 5-0.

Motion by Selectman Coutu, seconded by Selectman Jasper, to hire 2010 Summer Counselors In Training, effective June 1, 2010: Jorge Alvayero, Nicholas Bunker, Courtney Clark, Turner Home @ \$7.25 per hour, and Christopher Brownrigg and Kevin Kauffman @ \$7.25 per hour as Substitutes effective June 1, 2010, carried 5-0.

Motion by Selectman Coutu, seconded by Selectman Jasper, to hire Brandon Doyle as Substitute Counselor/Robinson Pond Counselor I @ \$9.25 per hour effective May 22, 2010, carried 5-0.

11. ADJOURNMENT

Motion to adjourn at 11:29 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 N. Jasper, Selectman