

HUDSON, NH BOARD OF SELECTMEN
Minutes of the November 10, 2009 Meeting

1. CALL TO ORDER by Chairman Coutu the meeting of November 10, 2009 at 7:05 p.m. in the Selectmen's Meeting Room at Town Hall.
2. PLEDGE OF ALLEGIANCE, led by Steve Malizia.
3. ATTENDANCE

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

Staff/Others: Steve Malizia, Town Administrator; Mark Pearson, Assistant Town Administrator; Lisa Nute, IT Director; David Yates, Recreation Director; Donna Graham, Executive Assistant; Pat Nichols; Jeremy Griffus; Clyde Bubar; Carol Knox; Pete Radziewicz; Normand Martin; many Eayr's Pond residents

Chairman Coutu wanted to remind people that he knows there are a lot of people here, and he would assume many of you are here as a result of Eayr's Pond. At public input, he's going to ask that anyone who is interested in the Eayr's Pond project not to rise because it is an item on the agenda. When we get to that, we will recognize anyone who wishes to speak.

4. PUBLIC INPUT

- 1) Certificate of Appreciation presented to the Hudson Fish and Game Club

Chairman Coutu asked Clyde Bubar to step forward. Accepting this certificate on behalf of the Hudson Fish and Game Club is a member Clyde Bubar. Clyde has been a member for more years than he is willing to divulge. We want to pay special recognition to all of the members of the club and their families who so unselfishly give of their time during Thanksgiving week to prepare all the food that goes to feed several hundred people in Hudson and its environs on Thanksgiving Day. Many members work for 3 days to get everything ready for delivery to hundreds of homes and to feed a couple more hundred who show up at the Club on Thanksgiving Day. Many go home exhausted on Thanksgiving to enjoy their own meals, but not until everyone else is serviced at the Club.

This Certificate of Appreciation is also in recognition for all that the Hudson Fish and Game Club does throughout the year. Because of their dedication and kind heartedness, many groups benefit from all that the Club does. The Hudson Fish and Game Club hold a Junior Rifle Safety Program for 9 to 12 year olds. They let scouting groups use their facility at no charge. They offer a Hunter Safety Program for Hudson residents. They host various fund-raising events with proceeds going back to our community, and they also host an annual fishing derby for handicapped and hospitalized veterans. This organization epitomizes the phrase "people helping people" and for that this Board of Selectmen and the Town of Hudson is deeply grateful.

This Certificate of Appreciation is presented to the Hudson Fish and Game Club in grateful recognizing in allowing scouting groups to use their facility without charge, hosting various family oriented functions, fundraising through the year for community projects, and especially allowing your facility to be used to host the annual Thanksgiving Day Dinner Event. On behalf of the Board of Selectmen Clyde, he wished he would present this to the Hudson Fish and Game Club with our thanks and our gratitude for the service you've rendered our community. Thank you Sir.

Clyde wanted it know that the Club wants to thank everybody who helps the Club in their worthwhile events throughout the year. Thanksgiving especially because they need a lot of help.

- 2) Certificate of Appreciation presented to Karen Knox

At this time, Chairman Coutu would like to ask Karen Knox to step forward. Karen, in 1988, Gilbert known affectionately as "Knoxy Knox" saw a need within our community. The late 1980s saw a downturn in the economy much like that which we are going through at this time. The number of unemployed was growing at a steady pace. Mortgage rates had skyrocketed, foreclosures were high, and many families were going hungry and were frightened about having enough money to provide for the families during the coming holidays. Knoxy and you, his beautiful wife Karen, stepped forward and were able to convince many within the community to assist them in organizing the first Thanksgiving Day dinner to feed those who had need as

a result of low or no income, and to provide food delivered to homes of people who otherwise would be alone on this special holiday.

Through their efforts, this project has grown over the years. This year the volunteers will cook and provide Thanksgiving Day dinner to several hundred and perhaps nearly 1,000 people in our community and its environs. The tradition will continue with Karen's daughter taking a lead with able assist from Karen's granddaughter, Shelby. Tammy has been involved since day one and now Shelby who grew up in this giving environment is a hands on helper. Tammy once told me that Thanksgiving only meant preparing food for those in need and Karen, she and her daughter wouldn't know how to celebrate a traditional Thanksgiving at home. Their thanksgiving is with giving.

As a result of this Karen, Chairman Coutu would like to present you this Certificate of Appreciation. It's presented to you Karen in grateful recognition for the coordination, long hours, and dedication put forth behind the annual Thanksgiving Day Dinner Event. All of us in this town, and especially this Board of Selectmen who represent the people of this town, are grateful for all that you, and Knoxy, and your family have done for this community. Thank you Karen.

Chairman Coutu asked if there was anyone who wishes to step forward and speak to this Board at this time.

Pete Radziewicz. He's at 49 Burns Hill Road. R-a-d-z-i-e-w-i-c-z. He wanted to thank you for putting our issue on the agenda, and we're on there at 8.E. I know you have a big agenda and you have a lot of people here, so he's not going to get into a lot of detail up front. He does have to leave early. He coaches a girls' basketball team tonight, and it's our first and only practice before our game Sunday. He will step out, and he apologizes for that up front. As the Board knows, we've been going back and forth with our property and the abutting property for 3 years plus. Last year in December we installed a fence over 6 feet in height. The town is now suing us for almost \$50,000.

He encouraged the Board to please come and look at their home and the difference in elevation between our property and the abutting property. A 6 foot fence would not do justice. We installed the fence in December. We had been in front of the ZBA probably 20 times in the last 3 years. What you may not know is that what the ZBA members have been stating that we put a spite fence in spite of what they granted to the abutting property, and we did it arbitrarily. That's not the case. We were in Town Hall 2 months prior to the fence being installed asking what we needed to do, asking if we needed a permit, if we needed anything, and we were told by Mr. Oleksak that if we needed anything he would get back to us within the next couple of days so we could get on the October agenda. My wife and myself have been in there over the next 6 to 8 weeks over a dozen times looking for information. Finally in December after - the fence was down in September. The fence had fallen down in September of '08. He's gone through 4 or 5 months with not having any buffer between the 2 properties. So the fence needed to be installed for his kids' safety, his safety, for them to be able to use the property at all. In December the fence was installed, continued in December when the fence was installed, continued to make contact with Town Hall to see if he needed to do anything to apply for a variance, to do anything. Finally in December he did talk to Mr. Oleksak and he stated after the fence was up that we can't put the fence up.

We went in front of the ZBA, asked for a variance, the ZBA denied it 3 to 2. They refused to come out to the property and give us at least the courtesy of viewing the property and viewing the issues that we had. He didn't know how much detail the Board knows here. There were police calls to the abutting property. At the time in excess of 30 calls and very few coming from them. So it was the tenants inside that property calling on each other or possibly other neighbors. We are 15 feet off the property line. When the property was subdivided 30 - 35 years ago, our home was 15 feet exactly, which is where the tenants come in on their driveway. So his daughter's bedrooms are right outside that property line - 15 feet from the property line, seeing and overhearing everything, seeing the police responses, etc. So we needed to install a fence. Like he said because of the elevation levels, the 6 foot fence was not going to do any good for them. Better off not having it. His wife grew up in town. She's been here her whole life. He's been in this town for 20 years. We love this town. We moved away for about 3 years back in the early 90s. We wanted to come back. He's been coaching in this town for 15+ years. He has a lot of friends here.

Basically what's happening is if we have to take our fence down, we have to move. It won't be across town. It's going to be out of town. We don't want to do that. Not to mention that right now we're being sued for \$40,000 for installing a fence to protect himself, his family, his property value and they don't understand what the ZBA has against granting a variance when they've done so in the past. There are multiple homes out there with taller than 6 foot tall fences. There are properties out there that have 10, 12 foot fences around their tennis courts for convenience. That's not a safety concern, that's a convenience concern. They don't want to have to chase tennis balls. They don't want to have to chase baseballs or whatever the situation.

Our property, our fence it was installed. It cost us \$12,000 to install this fence 120 feet long. For \$300 more, \$300 total, or \$500 total we could have gone higher. We could have gone 2 feet higher. We did not do this. It is not a spite fence. We could have gone 12 feet high for \$300 - 400 more. We have the quotes. We showed the quotes to the ZBA. We talked to them. We tried to explain the situation. They just did not want to hear it from us. All he's asking is he's not sure what the Board can do, but it's not fair that we're sitting here - my wife, my kids, my family and the town's coming after us for \$40,000 plus and having us remove a fence that no one has complained about. The abutter likes it. It's her privacy too. It's added value to her home. It's value for her tenants. It's added value to our home. It's given us a piece of mind. My kids can go back and sleep in their bedrooms at night. The ZBA and the town is coming after us to take it down. He just doesn't understand. It baffles him and everybody he's talked to about it. It just baffles why the town wants to take something out on us. He doesn't know what he did to anybody on the ZBA. We've expressed our concern throughout the process over the last 3 years. He doesn't believe he was rude to any of them. They stated their concern. They had concerns. Right now they granted the property next door a duplex in a R1 zone, which the town ordinance says they can't have. But now they're going to enforce us not having a fence over 6 feet high. It doesn't make sense.

He did want to just make the statement. Like he said, he does have to leave and he apologize. He knows he's on the agenda and he's going to try to get back here. He didn't know how long the Eayr's Pond thing will go. He does appreciate them putting it on the agenda and letting him address it tonight. For the record, Chairman Coutu has received his letter. They've had it in their packets. They've all had an opportunity to review it, and they will take it up in the order in which it's prescribed in the agenda. He would expect that Eayr's Pond is going to take some time. Hopefully you'll be back at that time. We'll review the matter and make a decision at that time.

5. NOMINATIONS & APPOINTMENTS

6. CONSENT ITEMS

Chairman Coutu asked if any Board member wished to remove any item for separate consideration

Motion by Selectman Massey, seconded by Selectman Nadeau, to approve consent items A-E with the appropriate actions as indicated, carried 5-0.

A. Assessing Items

- 1) 2009 Supplemental Tax Bills, Map 247, Lot 2; Map 182, Lot 92

B. Water/Sewer Items

C. Licenses & Permits

- 1) Request to Solicit Funds by The Salvation Army
- 2) Request to Solicit Funds by the Merrimack Youth Association
- 3) Raffle Permit by St. Kathryn Church

D. Acceptance of Minutes

- 1) Minutes of the Board of Selectmen's Budget Review Meeting of October 20, 2009
- 2) Minutes of the Board of Selectmen's Budget Review Meeting of October 22, 2009
- 3) Minutes of the Board of Selectmen's Meeting of October 27, 2009

E. Calendar

- 11/10 7:00 Board of Selectmen in BOS Meeting Room
- 11/11 Veteran's Day - Town of Hudson Offices closed
- 11/12 5:30 Sewer Utility Committee in BOS Meeting Room
- 11/16 6:30 Hudson School Board in BOS Meeting Room
- 11/17 7:00 Cable Committee in BOS Meeting Room
- 11/17 7:00 Benson's Path and Trail Subcommittee in Community Development Meeting Room
- 11/18 5:00 Water Utility Committee in BOS Meeting Room
- 11/18 7:00 Planning Board in Community Development Meeting Room
- 11/18 7:00 Library Board of Trustees in BOS Meeting Room
- 11/19 7:00 Benson's Park Committee in BOS Meeting Room

11/19 7:00 Budget Committee in Community Development Meeting Room
11/23 6:00 Recycling Committee in BOS Meeting Room
11/23 7:00 Budget Committee in Community Development Meeting Room
11/23 7:00 Energy Committee in Administration/BOS Conference Room
11/24 7:00 Board of Selectmen in BOS Meeting Room
11/26 Thanksgiving - Town of Hudson Offices closed
11/27 Day after Thanksgiving - Town of Hudson Offices closed
11/30 5:00 Hudson School Board in BOS Meeting Room
11/30 7:00 Budget Committee in Community Development Meeting Room
12/1 7:00 Board of Selectmen in BOS Meeting Room
12/2 7:00 Planning Board in Community Development Meeting Room
12/2 7:00 Budget Committee in BOS Meeting Room
12/3 6:30 Recycling Committee in BOS Meeting Room
12/3 7:00 Benson's Park Committee in Community Development Meeting Room
12/7 7:00 Budget Committee in Community Development Meeting Room
12/8 7:00 Board of Selectmen in BOS Meeting Room
12/9 7:00 Planning Board in Community Development Meeting Room
12/10 3:00 Trustees of the Trust Funds in Community Development Meeting Room
12/10 5:30 Sewer Utility Committee in BOS Meeting Room
12/10 7:30 Budget Committee in Community Development Meeting Room
12/10 7:30 Zoning Board of Adjustment in BOS Meeting Room

7. OLD BUSINESS

A. Vote taken after Nonpublic Session on October 27, 2009

- 1) Motion by Selectman Massey, seconded by Selectman Nadeau, to hire Valerie Marquez for the position of full-time Water Utility Clerk at a starting rate of \$14.77 per hour (Step 1) of the Admin./Support Union effective November 16, 2009, carried 5-0.
- 2) Motion to adjourn at 9:21 p.m. by Selectman Jasper, seconded by Selectman Maddox, carried 5-0.

B. Eayr's Pond Park

Chairman Coutu would first like to recognize for the purpose of giving some clarity to what is being proposed, the Recreation Director and any member of the Recreation Committee who would be available to answer questions. Would you please step forward and give us a general overview of what is being proposed without getting into a lot of the specifics. Just give a general overview because we're aware of what's been proposed because you presented it to us in the past. As he understood it at their last recreation meeting, they did make one minor potential modification. For those of you who are in the room who are interested in this hearing, Chairman Coutu wanted to them to know that - and if he stands corrected, the Recreation Director will do so and he would appreciate that he would. This is a conceptual plan. He would hope that if there is support for this and the Board of Selectmen are willing to move forward, that the Recreation Director and he as well as other members of the Recreation Committee will provide an opportunity for all of you to sit down with us so that we can formulate the design plan that would be most appropriate for your neighborhood. First he wanted everybody to get an understanding of what the concept of this plan is. He has received several phone calls. He's received letters. He believed at least one of you may have a letter in your possession you would want to hand to him so he could read it into the record. He's spent a considerable amount of time in the neighborhood, looking over the whole neighborhood, speaking to people. He's had people come to him at the store. People who have called his home. He has a very good understanding of what the plan is. He is the selectman representative to the Recreation Committee, and he's gone through this plan thoroughly.

As Chairman Coutu said, David Yates indicated that this is only a conceptual plan. We brought it to the Board already. The Rec. Committee initially created this plan. At their last meeting last Thursday after some input they received from the public, they tweaked it a little by adding a tennis court to the plan. The plan is over to his right. It would be a quiet park unlike the first proposal that was proposed years ago where they wanted to bring a soccer field and there would have been a lot more traffic. This is proposed to be a small park. We'll probably clear about 3 acres of that parcel to put a tennis court in, a volleyball court, a play structure, and it will have some green space in the middle for playing ball, tossing a Frisbee around, or whatever. We have met with a contractor down at the fields. Selectman Coutu was there with him at the lot, and we do have prices of what it would cost. Doing what you see here is well within the \$122,000 that we

have in the rec. fees. So we're here tonight just to talk about it and see if the neighbors and the Board of Selectmen are willing to go the next step. The next step would be to go to the Planning Board and get permission to use M fees and also you'll have to get an engineer out there. Like Selectman Coutu said, we'd also welcome any input. That's just a conceptual. We can move things around if that's what the neighbors choose that they want to go in this direction.

Before Chairman Coutu calls anybody forward, Jeremy Griffus is here. He's the Chairman of the Recreation Committee. He knows Jeremy welcomes the idea of having people meet with the Recreation Committee to go over the conceptual plan to finalize the plan. If there's anything you want to add Jeremy, please feel free to do so.

Mr. Griffus would have to agree and echo Dave's comments that it's much significantly different than the plan proposed years ago. This term has probably been thrown around a lot. This is passive recreation. We at no time will be holding any soccer events or any organized sports. This park is specifically designed just to service the need of the residents on that side of town. Chairman Coutu asked both David and Jeremy to sit next to a microphone. He wanted everybody to know who's interested in the Eayr's Pond project that they've extended a courtesy to the neighborhood. This is not a public hearing. This is something for the Board to decide. We felt that the neighbors should have an opportunity to come before us and tell us what's on their mind. We'll be here to answer any questions that you might have at this time. Chairman Coutu asked if anyone in the audience had letters. He'll read the letters into the record after the presentation has been made. If anyone wishes to step forward, please do so at this time. Please state your name and address for the record.

Dave Wilder, 40 Eayr's Pond Road. The last time he was here was 8 years ago. I see you've guys spiffed up the place since then. That's good. When he was here 8 years ago with the soccer plan, one of the concerns they had was there was poor communication on the plan of what was going on. We didn't feel that the neighborhood was included. That was one of the things that had bothered him. Also the way it was run, the public had all the input. We'd have all the facts, but all we have is hearsay because there was no - the public input happened first and then they presented a plan. So he does appreciate that they got the overview first. He's definitely in the minority of the opinion of the neighbors because he personally thinks this could be a good idea. He does have concerns about the lighting because it's very dark in that area. The streets are very narrow, and they're worried about the maintenance of the park. Like we've seen in other parks in the area, teens hanging out and drinking. Safety and security for the kids. Knowing Dave Yates, he thinks he probably does have a plan to address these. He would like to hear what the plan is and he's interested in seeing this park go forward at least to see what the next phase is. He's definitely not in the majority of opinion with his neighbors, but he thinks they owe it to Dave to see how he addresses these issues. Again, he appreciated that they got to hear the overview before the public input. That's an improvement over 8 years ago. Thank you for your time. Chairman Coutu thanked Mr. Wilder for his time.

Michelle Moore from 4 Elder Street. She is not too familiar what's going on with the project. She just learned of it through the newspaper. She herself is leaning against it. She doesn't know all the details to it. She would like to learn more. She does feel that there are safety concerns in the neighborhood. They are small streets. It is a quiet neighborhood. People are out walking dogs, riding around with their kids on bicycles, tricycles, whatever they are. There's a lot of young children in the neighborhood. Yes maybe a playground is nice, but there are also other areas in Hudson that already provide that. She knows the Benson's Park is looking into creating different avenues for walking parks, potentially dog parks, etc., to her the money is already being spent at the Benson's facility. Why do we need to continue to spend additional money for a park in a quiet neighborhood that will potentially bring in people from Massachusetts? It's not necessarily going to be Hudson residents. How do you control it as far as teens drinking, activity at night late at night? We'd like to keep it that way. The potential for maintenance of it as far as cleaning up trash if it's a picnic area who's going to maintain that? Are we paying for that through our taxes? How does that happen? Is there going to be fundraising to maintain it or is just solely a tax base park? Just a lot of concerns that she doesn't know if they've been address yet. Light is also an issue where it is a dim neighborhood. It's nice and quaint. Then we have major lights in the middle of the night. She doesn't know how that is going to work.

Just for the record, Chairman Coutu said there will be no lights in the park. So it's not going to be a nuisance for an attraction at night because it's going to be lit up for kids to go there and play late at night. They have no intention with lighting the park whatsoever. It's a daily passive recreation park is what's being proposed for daily use. Ms. Moore asked if will be patrolled by police or...Chairman Coutu would hope so. It's a park. That park comes under the jurisdiction of the Highway Department, and Mr. Burns will undertake the maintenance of that park and the mowing. It's going to be a grassed field in the center with a walking track around it, a potential tennis court, and a potential play gym play area, as well as some picnic tables. We envision it as a neighborhood park. If a grandparent or babysitter is minding kids and they want to bring

them to a place that's safe, and open to play Frisbee, play catch, swing, slide, or whatever that's what it is intended to be. There will be no visible signs that he knows of that are out on the main streets advising people that's where to go to go to a park. It's designed as a neighborhood park. Chairman Coutu didn't know if that allays any of her fears or if there are any other questions.

[Chairman Coutu] We plan on having an oval track. There's going to be a considerable tree buffer around the park abutting the homes that are on the back side. As you can see on that picture, that big round area you see near the brown line on the right of the picture that's a tree buffer. There's going to be a walking path all around. That will be groomed and maintained. What was the recommendation Dave Stone dust? We had thought about a volleyball court. What he doesn't like about volleyball courts is the sands. Sand attracts a lot of fleas. We opted instead - we had some people in the neighborhood said that they would really enjoy having something local to go and play tennis at. So we thought that was a good recreational activity that's lacking in the south end of town. Then the rest of the park is geared towards passive recreation. An open grassed field in the center for people to go there with their kids and hit a whiffle ball, or throw a Frisbee. Chairman Coutu has had some seniors approach the Board and said that would be nice to have a place that we can go to that is private that's in our backyard and we can walk around. So that's basically it. Again, even though he's familiar with the plan, he's not endorsing it unless the neighborhood wants it. He lives in a neighborhood that's structured somewhat like yours. We have 5 private streets behind Wal-Mart. Most of you know where that is. If his neighborhood if something like this was being proposed and his neighborhood overwhelmingly objected to it, he would support that. If they were in favor of it and they understood the concept and felt it was of some practical use to the neighbors and they supported it, then he would support it. We're not going to ram this down your throat. Trust him, there's enough of that going on in government. This town is not going to do it.

Beth Lane, 21 Eayr's Pond Road. She has a couple different things. She did call in reference and inquired about putting the tennis court in because she thought it would be a good idea to have a park there. She is also concerned about the safety and such. She has also talked to some neighbors and the possibility of why couldn't we do a conservation park leaving the trees and the wildlife in tact. Why do we have to put in the passive equipment and such. That would be her concern in regards if we could just leave it as is and make a conservation park rather than making it into a passive park.

[Beth Lane] The other part of that is if the conservation park is not approved type of thing, would this land be sold to a developer? If that's the case, then Ms. Lane would definitely - if the conservation park does not get approved type of thing, then she would go with a passive park rather than having it sold off to a person to develop.

Jason Rainville, 42 Eayr's Pond Road. This is basically in my front yard. We bought a year ago - my wife and 3 kids we bought the last house on a dead end road. My kids can leave their bikes in the front yard. We leave the keys in the truck. We don't lock the doors. You're getting the picture. Now we have this. He knows they're talking about a buffer but he grew up going to Greeley Park in Nashua, which is not too far - it's not exactly what this is but he doesn't want that in his front yard. We've been in the neighborhood for a year. He knows Chairman Coutu has been in the neighborhood. He doesn't know that you can drive 2 cars down the street the whole length. So that \$112,000 that they came up with maybe good for all that but they're not considering the neighborhood. They're not considering that they're not going to be able to drive 2 cars down that street while he's walking with his son or walking his dog. He's new to the neighborhood and he's not liking this very much. The buffer would have to be a pretty big buffer to get people from just not wandering towards the pond, towards the water at that end. He has turkeys and stuff that go through there to the pond. He was going to bring a bunch of pictures but he felt he could just say it. You got the picture. Now the turkeys are gone. What else is gone? He hadn't thought about any other parks but make it a conservation park like the last one said. He sees the residents in this neighborhood have New Hampshire plates. All of their guests have Massachusetts plates. So this is going to be a park for Massachusetts residents in his opinion, or 50/50 maybe if that's the way you want to split it.

[Jason Rainville] With Benson's being developed, he grew up - he was born in Fitchburg, Massachusetts, and grew up going to Benson's. Now people from Fitchburg are going to go to Eayr's Pond Park. He's not a big fan of it. The gun range that isn't too far away. He knows his children get afraid of it from now and then. He doesn't know if they want to expose the rest of the world in this cheerful environment to guns. Chairman Coutu thanked him for his concerns.

Lori Lockhart, 14 Walnut Street. She actually doesn't think it's a bad idea to have a nice neighborhood park especially because you said it's not going to be advertised necessarily. It's just for the residents in that area. Her biggest concern is where the parking is going to be. Chairman Coutu showed the parking on the left hand side of the map. There will be a designated parking area right there. As he understands it as well

Dave, Eayr's Pond if you look on that map on the left hand side beyond the parking area dead ends. There's a dead end at the end of Eayr's Pond. It's an unmaintained road but one of the problems was brought to their attention is needing to make a turnaround there. Mr. Yates asked if he was talking about Chestnut Street. He has talked to the Fire Chief, and he's going to recommend if this needs to go to the next step to have a little bigger parking lot so that he can turn his trucks around in case of an emergency. The dead end is Chestnut. Again, this is only a conceptual and if we have to change the plan, it would probably take a bigger parking lot also. Ms. Lockhart wondered if anything is going to be happening to the land on the other side of Chestnut Street. We live on Walnut Street. Our house is only about 20 feet from the end of the property. So we just want to make sure all those trees aren't going to be cut down. Chairman Coutu stated that we own that parcel on the other side as you know. There are no plans at all for that parcel of land on the left hand side of the road. None whatsoever. We're going to leave it in its natural state. That serves as an additional buffer on that side of the road. If that's the case, Ms. Lockhart thinks it could be a very good plan because there are a lot of small children in the area. It would be great. She has been to pretty much every park in Hudson with her daughter. Most of them are completely dead and there's nobody there. So she's not sure there's a real need for another park. Living in that corner of the neighborhood she wouldn't mind taking her walking down the street instead.

Mike McGee, 10 Chestnut Street. It looks like this is different than what was in the newspaper. So some of his concerns have been addressed with the volleyball courts at the other end. There's so many of them, it didn't seem like there was enough parking. But changing it to tennis courts with one volleyball court makes a little more sense. Chairman Coutu stated there would be one tennis court. They're too expensive. Mr. McGee's biggest concern is safety in the neighborhood and generating traffic and that sort of thing. Emergency vehicles if something happens there and the emergency vehicles need to get there, can they get there quickly enough so the town's not liable for a situation of that nature. Another concern is the condition of Chestnut Street. It's very poor at this point. It's all crumbling. Is that going to be upgraded? Is this something that is being considered? Mostly he wanted to try to have as many things considered as possible before and not after.

Chairman Coutu said he could not speak for the Road Agent. All he can say is it's a matter of major concern to this Board that we don't have enough money to stay on top of all of the paving needs of our entire town. We have financial constraints and as a result of that in trying to keep taxes low or in reverse like your recent tax bill, it is very difficult to commit the kind of monies that are necessary to keep all of the streets into a cycle of continuous paving to keep them upgraded like on a 20-year cycle. He's aware of the conditions of the streets in that area having gone down those streets several times. He knows of what he speaks. We're only here today to talk about the park. The thing that was of a major concern to the fire department, and if this conceptual plan is approved, it will then proceed to the Planning Board. They will take a look at it, and they will address the same concerns that you might have or we might have, and they're going to want them addressed.

We obviously wanted the fire department to take a look at the property to see because they are also in charge of the ambulance service to make sure that we had adequate access through the property in case any child was injured on the property. At the same time, provide an adequate turnaround in the event that many times they go by the house that they're intended to going to. So they hoped that there was provided a turnaround. So the Fire Chief had suggested to Mr. Yates that we widen the parking lot to afford that exact opportunity for the vehicles to be able to turn around. A fire truck is not a Volkswagon. It's a fire truck and it needs a lot of room to maneuver. Ambulances you don't want them making very sharp turns. We want them to have adequate space to make a fairly safe turn in the event that they have passengers on board that need to be taken to a hospital immediately. So those concerns are going to be addressed in the redesign of that conceptual plan to adhere to the safety requirement of the fire department. Other than that, Chairman Coutu can't address his street problems. That's a topic for another day and something that does concern them.

Mr. McGee wanted to know if the park impact that if all the parking places are full and people are going to need a place to turn around. Right now the plows, the mail delivery, everyone turns around pretty much in his driveway which is at the end of the street. This summer the town came and sort of cleared some area off so that it's better. If there's no place to park, people are going to come down the street and they're going to end up in his driveway. So that's a concern he has.

[Mike McGee] The other concern is or another one is buffers - he's right at the bottom of the page there. Chairman Coutu indicated he turned around in his driveway. He got stuck there one day. Mr. McGee asked if this buffer is something that's going to be planted or just leave what's there? Is it conceivable to put some sort of a berm to - if the playground is down there and there's a lot of activity and noise. Chairman Coutu said they weren't sure that the playground was going to be there. That is just a conceptual plan. He's had several people tell him they would prefer we reverse it and put the tennis court at the bottom side and the

playground equipment on the top side. He thought about and he looked at it and he went back down by Mr. McGee's house and looked at it again. He said that makes a lot of sense to put the playground up at the other end and put the tennis court down at this end. In any case, Mr. McGee said an earth berm just sort of to deflect some of the noise. Will there be some sort of facilities for people? Bathrooms or that sort of thing? Chairman Coutu said that being that it was intended to be just a neighborhood park, he didn't foresee and he doesn't think the Recreation Committee foresaw all these people coming in from Massachusetts going to a little 3-acre park. It's a 5-acre parcel of land. We want to keep 2 acres as a buffer and just develop 3 acres for a very passive small recreation area. There's not going to be any room there for kids to come in and organize a baseball game. There's just not going to be any room to do that, or a football game, or even soccer for that matter. But there might be an opportunity for you if you son wanted to practice goal tending to set up a portable net and have him just shoot at the net and you can play goal tender if you think you could take the strikes from him. We saw it strictly as a passive recreation.

We didn't in our design plan ever foresee large volumes of traffic pulling in there, which would organize sports, would have done many years ago. He saw it strictly as a neighborhood park. Grandparents who would want to take their kids their. A babysitter who's taking care of children in a 2-partner working environment that staying with the kids and watching them would have a place to take them. He didn't see this influx of people from Tyngsboro and from other parts of Massachusetts coming up there going into 3 acres. Mr. McGee asked if there was any way we could ensure that. Chairman Coutu said no. We can't police it and say are you are Tyngsboro resident? Are you a Mass. or a Hudson resident? There are no insurances for something like this. Selectman Massey said that he could have the town enact a sticker that you need to have a town sticker to use the property. Chairman Coutu said they could do that. That would be something to consider. That's possible.

Selectman Massey has a question to clarify. Chestnut Street in winter time. Does the town plow that street? Mr. McGee said yes with some difficulty. Selectman Massey said they back up if he recalled. They plow down and then they back up. So there's 2 streets there where they have to back up to plow. Mr. McGee said he often wondered why they didn't use a smaller - he sees them on other streets where they have a pickup truck with a plow on it that would be able to now with what they have turn around. Haven ridden on the plow on that route, Selectman Massey said it's because at the time they have the plow out doing all the other streets. So it's very easy for them to go down and do that street. Mr. McGee stated that if they created a spot to turn around that people don't have to go to the end of the road, he thought that makes a lot of sense. He doesn't necessarily object to the park conceptually, he's more concerned about everything being addressed beforehand so that he doesn't get left holding the bag. The picnic area, which is down at this - that concerned him a little bit just because of the trash and maintenance that's going to be blowing. If there's a berm there, that might restrict some of that. Again, Chairman Coutu said if there was a favorable recommendation for the park, that's an item we can look at and eliminate. He's had mixed feelings about that himself as a result of some concerns expressed that especially about the rubbish. He doesn't care how big a barrel you put, it's going to end up on the ground. Mr. McGee said he pretty much does the trash now on the street. There's a couple of bags a couple times a year. That's with nobody there - just the ducks.

Selectman Maddox wanted to get clarification. You are going to allow people from Par Lane to come over. Chairman Coutu said yes. Selectman Maddox said it's going to be the south end of town. As well, he would think that this would have a port-a-toilet like Merryfield Park has now that type of thing. Chairman Coutu said it was conceivable. Selectman Maddox said so there is the possibility of that. That's what the other parks have, right?

Mr. McGee wanted to know if there are any stipulations that we can make - he read in a newspaper article that you would vehemently oppose any sort of organized sports. Hopefully that doesn't mean that unorganized sports will be going on there, which could be whatever. Is there any way that if things change - you know how things always change in the future that someone would come along and say there's room here and you're not here any more. Chairman Coutu said that question Sir was raised many times. One person said to him well you guys aren't going to be sitting there forever. What if some other board comes along and somebody else says hey look that's big enough we want to put a soccer field in. Selectman Maddox when this goes before the Planning Board is it strictly going to be to look at the plan for the release of the funds or can they put a stipulation on the park. Selectman Maddox stated it depended on what this Board decides to do. If they decide to enact 674:54, which he would be vehemently opposed to. This is the kind of thing that we could put into the stipulations if it was clearly laid out as this and you put on it that this is for passive recreation, then that's the way it would be documented that it would be on there that was a stipulation for 10, 15 years from now and somebody else says that very system.

Selectman Jasper wouldn't be quite so quick to come to that conclusion. While we can do that, it's one thing when you're actually building a building. The building is built and everything is done. It's another thing when

you have a piece of land. A future Board of Selectmen could say all right we're waiving that. We're going to do what we want there. There's nothing the Planning Board can do about it at that point. It's under the control of the Board of Selectmen. So a piece of land like this, that stipulation would mean nothing except to the board that agreed to make it go before the Planning Board. Then a future board could say all bets are off. No we have a need to use this as a soccer field. He's not saying that would happen. He's just saying don't make promises like that because we can't bind into the future board. Chairman Coutu's response was primarily that. This afternoon the person he spoke to said that if we can put stipulations but stipulations can be removed just like we can enact - legislation is enacted every day and 2 years from now it's undone, and unraveled, and they change the laws. Again, there would be no guarantees.

Mr. McGee said if that's the case then, he would have to come out on the opposed side. Things can change. It's going to dramatically affect the property. He moved there 5 years ago for the peace and quiet. We've been enjoying that. If there's a chance that that's going to turn into a soccer field or whatever where there's a lot of organized activities with multiple - the situation folks and stuff, he'd have to be opposed to it at this point.

My name is Kerry Riley at 27 Eayr's Pond Road and she's opposed to it. She had all the same concerns that everybody else had voiced. She didn't see the need for it. It's being used right now by the kids in the neighborhood. Her kids ride their bikes on it. They walk through it, run through it. She knows a lot of other people that use it to jog through for cross country to keep in shape. She does have all the same concerns that everybody has. She won't go over them again. She thinks the conservation park is more the way to go. There is a lot of wild life. When you brought it up to her kids, they were devastated. They see the turkeys every spring with their babies. There's a beaver dam back there. They're always back there hunting and looking for salamanders. She didn't see a use for it like another person said that the parks that aren't being utilized in the other parts of the town. We're not in the city where we need a residential park. People have yards. Her kids play in her own yard. They have a basketball hoop. Chairman Coutu said that whole neighborhood is dotted with basketball hoops. Ms. Riley said if it does get passed, she thinks the basketball court would be a better way to go than a tennis court because the kids do play basketball in the neighborhood. Chairman Coutu said it would be a lot cheaper. So you're in opposition? Mr. Riley said she is. There is a lot of wild life there. She likes the trees and the peace. It's a very congested neighborhood. It's all dead ends. All those streets lead to no where. There's no place for a fire truck to really - you're going to make a turnaround that's going to be huge. It's going to take up a huge chunk of that area. There's just no through way. Chairman Coutu thanked her for expressing her opinion.

Scott Gagnon. He lives at 12 Walnut Street. He's opposed to it as well. He's part of the "target audience" that you're talking about. He has 2 small children, and we have all the land all the space they need. His kids play in their yard. Seven or eight years ago, they came to the decision that nothing was to become of this land and they were just going to leave it as is. That's what everybody was told. That's kind of why we moved to the neighborhood. About 5 years ago, here we are 7 years later and this is being proposed. You say there's not going to be any lights, but a year or two down the road someone comes up with some money and they decide okay we're going to put some lighting in there. His backyard pretty much abuts where the playground would be. He doesn't want lighting or potential for any of that stuff in his backyard. He's happy where he is. He's happy the way things are. The other thing too is that was said is that there is a need for something at that end of the town. He'd rather wait and see what shakes of the golf course and see what happens there first. There was plans for this big recreation area there. If that ends up coming through or depending on what happens with that, this would be useless. That's where he stands.

Chairman Coutu read the following letters:

Mae and Mike Morrill -

"To the Board of Selectmen:

I want to start by thanking the board for listening to those of us that live in the neighborhood. I know that you are not required to do so and could have just gone ahead and built the park without our input. I would also like to thank Mr. Coutu for answering my questions and listening to my concerns.

As a longtime resident of this neighborhood my first response is to object to a park in this area. First because of a safety concern from the firing range across the pond. Secondly it would be great if this piece of property could be left undisturbed because it helps this area feeling rural. I understand that the town is not making any money off of this "blank" piece of property but with the south end being built up so much, it would be nice if the town could keep this as a "conservation" type area.

One of the rumors I heard was this piece of property would be sold to a developer and duplexes would be built if the park does not go in. I called and asked Mr. Coutu if this was true and the answer was most likely the land would be sold. As far as duplexes - it isn't zoned for that but a developer could request an exception from the zoning board.

Since the choice seems to be: have a developer come in and build houses (or possibly duplexes) or put in a passive park that will keep some of the trees. My choice would be the park.

One of my questions was: A couple of years down the road, once the trees have been cleared, what is to stop someone from saying, "Oh, this park isn't being used like we thought it would, let's convert it to a sports field because we need more fields?" Mr. Coutu said that there could be something written up that would state that the intent is for this park to remain as a passive recreation park only. That, hopefully, future boards would abide by that.

It is my understanding that not all five acres will be used. Probably about three acres of park and two acres of the woods would remain as a buffer. The police would check regularly to help keep the area safe. Also, maybe a small group of neighbors (chosen by the neighborhood) could sit down with the recreation department and have some input so as to the layout and what would be included in the park. Hopefully in this layout the firing range will be kept in mind.

One of the things mentioned was that there would be changes done to the road. There would be a turnaround installed for the plow trucks and fire engines. After thinking about this I have another question - why? According to the conceptual plan there will be a parking lot put in; wouldn't that provide a turn around space?

If this does go forward I sincerely hope that there will be more information provided to the neighborhood and that we will be kept involved. It really is appreciated.

Yours truly, Mae and Mike Morrill"

Chairman Coutu stated that this person is Mae Ellen Morrill and Michael Morrill. They're generally in opposition of the park that is opposed to having the land sold. They would rather have a park.

Chairman Coutu has another one from Meredith Cestrone.

I strongly support the park project proposed for the Eayer's Pond area. There are no parks for the families on the south side of Hudson. I feel that this would be a great asset to the community.

Thank you. Meredith Cestrone, 8 Cherry Street"

"I support a park to be built on Eayers Pond. I believe it would be a great asset to the community. Jennifer Guerrero, 10 Cherry Street"

"To whom it may concern - I am writing to let you know that I would like for the park project to be approved. It would be nice for the kids to have a place to go and play. Thank you. Donna Sintins, 3 Cherry Street"

Chairman Coutu also received one in the mail, mailed here to Town Hall.

"Dear Selectman Coutu,

I am writing in regards to the proposed park at Eayers Pond. Overall, I embrace the idea of a place for quiet, passive recreation. I especially look forward to walking/jogging trails. I do have a couple of concerns: increased traffic and potential for noise pollution. My hope is that police patrol the area regularly to stop potential crime and silence loud music.

I bought my property here 10 years ago because it is safe and quiet in addition to being an easy commute to my Massachusetts job. This neighborhood offers a good quality of life. I cherish the undeveloped woods that give this place a rural feel. I also appreciate the fact that most neighbors generally respect one another by not turning up the subwoofer. My hope is that park visitors respect the neighborhood in the same way. Nothing destroys quality of life faster than the constant beat of low frequency noise that cannot be ignored, masked or drowned out.

Once again, I feel the proposed park for Eayers Pond is an excellent idea to provide for quiet recreation and reserve the quiet and rural-like character of the neighborhood. People already come to this pond for fishing, canoeing and kayaking. Creating this park gives children big and small a place to play free from motor vehicle traffic.

Sincerely, Jeannette M. Senko, 11 Eayers Pond Road"

Selectman Jasper indicated that as they know every few years a proposal for this piece of land comes forward and generally speaking the same as tonight the people who are most impacted by it are opposed to it. He does know this area very well having known the Keenans and visited their home on numerous occasions. As he said before, once even for a fire. He has a great deal of concern about Chestnut Street. He also has the concerns that the Road Agent has voiced in his memo that this would become and expensive proposition to properly deal with the street. As the man who now lives at the Keenan's former property said, everybody turns around in his driveway and unless we put a cul-de-sac in there if people came in here and the parking lot were full. That's what would happen. They would go down and turn around. He didn't think that was a situation that they can approve of.

Moreover, Selectmen Jasper thought that when they look at the Benson Park project, which is probably roughly 10 minutes from this site and we're anticipating that most people would be driving here to go a few minutes more to get to the 55 acre area that's going to be maintained as a park. As this Board has, he thinks, rightly demonstrated times are tough and we're not looking to put a lot of money into that project right now. He thinks it's time where we work together as a community and build one really good facility that everybody can use instead of essentially taking all of the money that the Recreation Committee and impact fees, which were not paid just by people in that little area, they were paid all over town, and really develop a good facility. We can do much more than what is proposed here on the Benson Park. He thinks there may be a misunderstanding of what can be done there. We talk about passive, but these are passive activities. These are all things that are - he's not sure of the tennis court. He hasn't looked at that recently in the deed. But certainly the rest of the things are things that can be done at the park and everyone can enjoy them.

[Selectman Jasper] The bottom line is we should not be imposing something like this on the immediate neighbors and disrupting their quality of life. These are the type of things that people come to town for a certain character. Sometimes things get built and you get more neighbors, but potentially we're looking at many more cars coming in here on a regular basis with many more people that you would if you developed this into house lots. It could be much more disruptive for those who live there. Selectman Jasper didn't see any reason to sell this. He agreed. It's a beautiful piece of property. It should be left as it is. We're always talking about conservation. It's down near the pond. That's been the conclusion that previous boards have come to. He thought they should just say we've heard what the immediate neighbors have said. We haven't heard from other people who have taken the time to come down here in support of it. A few people have written letters. Certainly he just doesn't think this is the right thing to do for that neighborhood. By the time we get time - in his opinion, it would have to be sent to the Planning Board. The Planning Board would look at this very carefully. He thought this would become a much more expensive project than what we're seeing here. The Road Agent has touched on some of these things. It then becomes a project that really isn't something we can afford to do any how.

Selectman Massey said that as they always say, the devil is in the details. He would agree with Selectman Maddox. If this were to go forward, he would not want to invoke 654 and bypass the Planning Board. He thought there are too many critical issues. The serious ones have been raised by the Road Agent. Eayr's Pond Road is 17 feet wide, which he thought if you were to reflect on what one of the people who spoke here tonight, he didn't believe that 2 cars could pass each other on that street at 17 feet wide. The standard in town for a town approved street is 28 feet. We had a lot of Sturm and Drang when the Center Farm Road development was built to have only a 24 foot wide. He has been on this street, Chestnut, when the plow is doing it. He can tell them it's pretty quick when the go down that street to plow it. But when that individual is plowing it back, it is a problem.

[Selectman Massey] If we were to go forward with this, we have to address the issues of access. He didn't think that Chestnut Street could remain the 45 degree angle that it is. He thought it would have to be rounded off. Quite frankly tonight by his count, it was about an even split between people who were in favor of this and people who were either not in favor of it or had mixed feelings about it. It's far from a slam dunk in his mind right now. The idea that it already has been used as - and he's never heard of that term before - "conservation park", but the fact that seems what it's is being used for right now is certainly something that is useful. The one fear he would have is there is no doubt in his mind that if at some time down the road another Board of Selectmen and it certainly won't be as long as he's on this Board, looked at this 5 acre parcel on the right side of Chestnut and if you look on the left side, it's abutting several lots that he would

suspect are quarter acre lots. It would be very difficult if the town decided to sell this for the Zoning Board not to approve quarter acre lots simply because that entire acre - Cherry, Walnut, Ash are all quarter acre lots. The streets are all about 17 feet wide. How they ever got approved, we won't go down that road. He thinks that we could never guarantee what this would be used for. But he would certainly say that as long as he's on this Board, he would never vote to sell this property. Selectman Jasper is right. Again, the big concern is the access. The last piece of it what the Road Agent said. We already added additional duties to him by providing him with an intern in the new budget if it gets passed. He's raising this that we're adding another responsibility on to him. At what point do we then look at additional people in the Highway Department to take care of these obligations. Make no mistake about it; if it gets built the way it is built, we then have an obligation to maintain it. So Selectman Massey at this point would have to see a lot more detail about how this would work before he think he would be ready to move it forward. Thank you.

Selectman Nadeau heard a couple of interesting comments tonight, and he heard a couple over the weekend when he was out. He, too, thinks it's about a 50/50 from what he's talked to people. He has some of the same concerns that the Road Agent had as far as drainage, road conditions. He drives an F150 quad cab pickup truck. He drove down there this weekend. There was a little car that was coming down the road the other way and he, too, looked at the end driveway as where he was going to end up turning around. But he didn't have to. He heard an interesting concept tonight, and he's talked about it in the past. Its conservation parks. He thinks that the walking trail around the perimeter is nice, improving the edges of the parking making it so that they could turn around there if they had to, putting in some parking spots wouldn't be a bad thing, but maybe the tennis court, the volleyball court can go, and just put in a little playground such as a little neighborhood style playground so not to attract the people would be playing tennis and volleyball. We have tennis courts up here at Dr. H.O. Smith School. It might be something that we can look into to put at Benson's that would be a bigger park to handle such traffic and volume that we're looking at. He didn't think having a walking trail around it and maybe fixing the roadway improvements, and the parking, and maybe a little playground wouldn't be a bad thing down in that area for the residents. If you put something of this magnitude and from what the residents have said, the wildlife, he definitely would have to agree with the neighbors that wanted the conservation/park. He thinks the improvements are needed down in that area, but he didn't think the magnitude of this park is what would fit in that neighborhood.

Selectman Maddox thought they needed to look at the expense and how much you're going to really get out of this small neighborhood that you're trying to restrict only a very small area. He's going to have to agree with Selectman Jasper that the monies would be better spent feeding the Benson's area. He would say that it he thought it would be something they should definitely look at into zoning this or trying to sell this land with a limited number of house lots. If we said you could sell it, rezone it some how or another. Again, something down the road to be able to say there's no more than 4. It won't change the character of that neighborhood. We're not going to be able to ever use it for recreation. We've seen that come before us twice. There's nothing. Conservation parks is a nice name, but it serves no purpose. It's just open land that no body knows whether it is town land or its private property. If it was sold off as 4 house lots, then it couldn't be developed as anything else. Maybe that's the solution. That puts money into the recreation at a much more centralized location and takes this away from ever being developed as anything else. Maybe we want to look at that option as well Mr. Chairman. Thank you.

Chairman Coutu stated for the record that he had this vision of having some sort of a park at the south end of town. The Stop N Shop project fell through as you all know. He had made 3 commitments when he became a member of the Board of Selectmen. Those 3 commitments were to acquire the Benson's property - which we did, hopefully erect a Senior Center somewhere in town - we're on the path to doing that, and developing a parcel of land in the south end of town for a passive recreation area. There were 2 pieces of land that were left available in the south end. One of them was loaded with ledge and is impossible to work on, and the other one was Eayr's Pond. He had proposed that they look at that area for its potential development. As a result of that request, it had come to his attention that an attempt had been made several years ago to put in a soccer field down there and that the overwhelming majority of the neighborhood had voiced objection to doing that. Having seen the property and having been in there as many times as he has, he certainly can understand it and he wouldn't even want it in his neighborhood and we probably have more land that if it wasn't privately owned, we could develop and had more room. Our streets are wider than yours. They're in better condition than yours are. He listened to their concerns. He understands where they are coming from. The more you spoke the more you convinced him that maybe it's not such a good idea after all.

Chairman Coutu is going on the record and say this, and this has nothing to do with you, it has to do with the governance of this town. He will be unalterably opposed, and he will fight this hammer, tooth, and nail of taking any money out of the recreation account to be spent at Benson's. That money should be used to be spent to upgrade and maintain the parks we presently have. If Mr. Burns is going to have a hard time taking

care of an additional 3 acres, then we'll put the \$118,000 into the parks that we have and help them maintain those.

Selectman Jasper said that was an interesting comment, but he thinks that you have to look at the fact that these are as far as he knew were impact fees which have to be spent within a certain period of time. Selectman Maddox said no Sir. They are contributions. There is no time limit. Selectman Massey said a voluntary contribution. Selectman Jasper said that's fine. He still thought regardless of that he hoped that the majority of the Board at some point would consider and hopefully both the Benson Park Committee and the Rec. Committee have talked about having a joint meeting separately. We've talked about that. Hopefully that will happen. He would hope that if the Benson Park Committee and the Rec. Committee come up with a plan that the Board would consider that favorably. He doesn't know that that will happen. It certainly won't happen if the Recreation Committee doesn't approve it, but he thought it is something they need to consider.

Motion by Selectman Maddox, seconded by Selectman Massey, to send the Fayer's Pond Park proposal to the Recreation Committee, to take the input that they heard this evening, and to come back to the Board of Selectmen to see what the Recreation Committee would like to do.

Selectman Maddox indicated that they heard people that were opposed and they had some concerns. But we also heard people that said they were for it. Is there a scaled down version of this that may work? Is there time to just pull up stakes and do something else? He didn't think they needed to make this decision this evening. He thought the Recreation Committee has put a lot of work into this, and he didn't think at this point they should just pull the plug. It was 50/50. So Selectman Maddox would like to hear what they have after looking after they saw tonight.

Selectman Massey echoed everything that Selectman Maddox said and just reemphasize. This is a proposal from the Recreation Committee. He thought they owe it to them for them to come back with what they've heard to give the Board their recommendation. He didn't think they should usurp their purpose in life.

Selectman Nadeau hoped that the residents in the area that aren't here tonight and didn't write a letter if they were either way opposed or in favor of this to either get letters to the Selectmen or get them right to the Recreation Committee. If they have some different ideas to make the park either smaller, better, less impact, if they're looking more for a conservation park, at least get us those things so that we know and the Rec. Committee knows what people want to do in that area.

Selectman Jasper thought the one thing that the Recreation Committee needs to do is speak with the Road Agent. That was part of the problem here. He didn't care if it's a scaled back version or not. If it is anticipated that people will be driving there and parking there, not only will the development of the park involve the Highway Department, but the road considerations are going to have to be taken in. He didn't care how little you have if there's a park, people aren't going to go oh well Mary and Bill are there today I'm going to go tomorrow. You could still have the same number of people in a small park potentially showing up and trying to get in there. You've got a park and you tell people to come there. Nobody knows. There isn't going to be a sign out on Dracut Road or River Road saying park full today. So the traffic could potentially be the same, so we have the same concerns. He thought that if they do consider anything, they've got to sit down with the Road Agent and talk about the roadway concerns. Those are going to be there as long as anything is developed here. That doesn't really change.

Selectman Massey added to that that it would be incumbent upon him to also touch base with both the fire and police departments. If they're going to have to - depending on the type of activity that is there, we heard already people are going to expect if there's a park of this magnitude that it would be patrolled by the police. The police typically aren't going to be able to spend once an hour patrolling that park. The problem was the fire department we already heard some of them the ability to get the emergency vehicles down there. So it would be appropriate to talk with all 3 departments to determine what if anything should be done.

Chairman Coutu will be supporting the motion primarily because there were a lot of concerns that were raised. He would like the opportunity as their agent on the Recreation Committee to sit with the Recreation Committee and go over the minutes, this particular portion of the meeting with them and ascertain what direction they'd like to go. He will obviously support the recommendations of the Recreation Committee and present them. Not necessarily support them, but he will present their recommendations back to this Board for consideration. He would hope that the Recreation Committee before we decide on this Dave, he would hope that in the event the Recreation Committee despite any of the objections that were raised here this evening express a concern to a willingness to either scale it down or to proceed that they would afford an opportunity for some sort of a meeting with the neighborhood and as well take into concern those things that

were raised by both Selectman Jasper and Selectman Massey in terms of meeting with the Road Agent, the Fire Chief, and the Police Chief. So you and Eric, you're on the Recreation Committee; Jeremy you're the Chairperson; the former Chairperson is here Sue, congratulations on a successful event for the Broncos Booster Club are all here. They've heard what the people had to say. We'll wait to see what happens at the next meeting.

Vote: Motion carried 5-0.

Chairman Coutu moved for a 10 recess at 8:27 p.m. and returned at 8:37 p.m.

8. NEW BUSINESS

A. Budget to Actuals

Chairman Coutu recognized the Town Administrator.

As you are well aware, Mr. Malizia indicated that they've just been through the budget process for FY2011. These are the actuals for FY2010 through October 31st. We're one-third of the way through the year. We were spending in a linear fashion would be 33 percent. When he took a look at most of our expenditures, we seem to be on target with where he would expect them to be. He doesn't see any anomalies as far as their expenditures go. Just for everybody's edification, we are on what we call a default budget, so we are still adhering to that budget. We've made, he believed, the transfers we needed to make to accomplish the things that we've discussed accomplishing. At this point, he didn't see anything this early in the year that indicates a problem for us. Again, it is still one third of the way through the year. We do not spend everything in one-twelfth chunks. But the things that we do, we're on target with. The things that we don't we seem to be in reasonable shape at this point in time.

Selectman Massey said to Mr. Malizia that he looked at it and wondered for the land use change tax fund. Are we going to be making a transfer to both the conservation capital reserve fund? Mr. Malizia said there is in both. There is only one - he believed 50 percent of the unexpended monies are going to the reserve fund. So whatever the town meeting dictates, we will do. Selectman Massey asked what it was for this year? Mr. Malizia asked what is what for this year. Selectman Massey said at the end of June...Mr. Malizia stated he'd have to look at the audit report to (inaudible)...Selectman Massey said that there is nothing indicated that's gone into it. That's the only question he was asking. There should be something now that should be going into it. Mr. Malizia would have to look at the audit once they get the final report. Then we'll know what we're transferring once they've reconciled that.

Selectman Jasper indicated that maybe his head is not on straight tonight. We have 2 property tax collections a year. One is July 1st. The other is December 1st and yet we're showing that we're at 100 percent collected for the year on the property tax. We've only got one bill in there. What is he missing? What got him to there was he looked at the bottom on general fund that said we've already collected 72 percent of our revenues for the year. He asked how did we do that and he looked there and said something is wrong here. Selectman Nadeau asked if the taxes were due on January 1st and July 1st. Mr. Malizia said no. They're due approximately December 1st. This year he thought its December 5th. The second billing is due...Besides, Selectman Jasper said that our fiscal year starts July 1st. So this is only a revenue report from July 1st. Mr. Malizia said we just did a billing last week. Selectman Massey said actually we haven't even collected any revenue. Right [Selectman Jasper], so this should be showing 50...Mr. Malizia said that revenue is recognized when it's billed and not when it's collected. Just be careful. Selectman Massey said that we should only be seeing a half a year's revenue. Mr. Malizia isn't saying the percentage is correct; you bill out half of the bill in December. Well that would explain it because the run was today [Selectman Jasper], so we're recognizing it. We held it. If you look at those numbers Steve, Chairman Coutu said this is where we're running into this problem of the 100 percent showing up. They're negative figures in the month-to-date revenue and the balance. They're negative figures and remember that skews the percentages at the end if it's a negative figure in revenue. So that number, 100 percent, obviously is not correct. It's just the way the computer...Mr. Malizia said correct. This is a fixed can program software that's not perfect. You have billed the first half or you have billed a tax bill. That's when you recognized the revenue not when you collect it, when you bill it.

Selectman Jasper said the problem with that on particularly with the general property taxes, it makes us go along through the year thinking we're dumb, fat, and happy and nobody may have paid a thing theoretically. You could have a cash issue, which is a different problem than having a revenue situation. In the end, we will get something. Selectman Jasper said he knows, but the problem is looking here you would think that you've collected - if we looked at this last month and we billed half, it's all come in, and nobody owes

anything substantial. So that's something that we need to be concerned about keeping an eye on in the future. Perhaps when we have this report, we need to be looking at what the actual cash in through the tax collector is so we have an idea how we're actually doing on collections. Chairman Coutu asked if they get that from the treasurer anyway. Mr. Malizia said they get reports every month that show you what the cash is in the bank at all points in time. Selectman Jasper said that showing us what the cash in the bank is doesn't tell us how we're doing on collections...as opposed to where it's being collected from [Chairman Coutu]. He hears what Selectman Jasper is saying. We don't know where it's generated from, and it would be interesting to know that. He understands.

Chairman Coutu said it looks like as far as revenue is concerned excluding the 4100 account, that we're not that far off on some of the projections. Again, Mr. Malizia thought some of them were conservative for this year in anticipation of where we were going to be based on what we saw economically. We don't receive things always in a straight line fashion as he's said countless times before. Again, some of it just the activity in building permits, it could be the time of year, or whatever the case may be. Revenue if you look for example on page 8 you get to the bottom and it says use of fund balance; we have used fund balance when we set the tax rate. We haven't recognized that yet. There are certain things that don't even happen until the end of the fiscal year when the auditors come in. So this is only just a guide if you will. He doesn't mean to imply that it's not important but on the other hand, we can get very wrapped around the axle and we can go back to accounting 101. He guessed the implication is that for most of these revenues, they are an actual revenue. Taxes are different because we bill them. Everything else comes in. We recognize those revenues when we get it. Taxes is the one exception because we send out a bill. Everything else, that's when we recognize that revenue. You come in and get a permit, that's when we recognize that revenue. You've already done that activity. We don't extend you credit for those things. But taxes because of the billing is different. He would also point out that water utility and sewer utility have the same basic situation for filling on their services. If you think about the water bill it goes out. We recognize a revenue. We don't always collect the money immediately. It's a 30 day payment. Some folks are behind. We do collect. So cash flow and revenue can be two different things.

Well Chairman, Selectman Maddox said our favorite bugaboo is the automobile registrations. Based on the nice report on page 11 that Steve did, it shows that we're tracking pretty close to where we were last year. Again, it looks like we're going to be down. Mr. Malizia said it is quite possible. He cannot, again, we all know the difficulty in predicting what people are going to do. Those are the numbers. He expects that it could be down. We're also up in sales town property because we recognized the sale of 8 Pine Road. So hopefully the ups and the downs will balance out in the long run. Selectman Maddox indicated that we gave half of that to the school department. Mr. Malizia was only talking about the half we recognized. Selectman Maddox said it is something we need to keep an eye on. This revenue is tracking the same as 91 percent last year. We just need to be cognizant of the fact that we could be down 9 percent on this line item for \$1 million. So we do need to be careful of that. He will give us some optimism Mr. Chairman. The Planning Board meetings for the next 3 meetings are full. So there are things that are coming into the pipeline that hopefully will boost up that line item. But the auto registrations certainly is one worth watching Sir. Thank you. Mr. Malizia said that's why you get the special report at the end.

Selectman Jasper said the big problem here that we're not going to make up any place is the interest on investments, which we budgeted half a million dollars and we've taken in \$5,000 so far. Again when we look at those, Mr. Malizia said we have a lot of things in CDs or investments that we recognize it when we receive it. So he just cautioned us. We're not going to take in half a million, but we're going to take in more than....Selectman Jasper understands that. Mr. Malizia said the investment climate is not good right now. We recognize that going into FY2011. He thought they scaled that back by quite a margin. Again, this one here that is the projected revenue. We won't hit that.

Selectman Massey said that they have to be careful. Because we all have set the tax rate, if our revenues are down, we have to look at 2 things. We have to look at two things. We have to look at - we will not be able to change the tax rate by making any adjustments to the operating expenses but we may want to when it comes times to set the tax rate for next year and be looking very closely at those line items. We've already scaled back the motor vehicle taxes. He thinks we're just going to have to caution - the problem is because of the way things happen, the revenues and the operating expenses are basically two separately things as you go forward once you've set the tax rate.

Selectman Jasper has never seen this one before Steve. Interest on our checking account. We're in the negatives. Mr. Malizia said he'd have to look into it. That's what Selectman Jasper is saying. Would you look at it? It appears we're paying the bank for having checking accounts. Mr. Malizia said we don't pay the bank for checking accounts. Selectman Jasper said it's showing the negative \$1,300 right now. We may pay fees Mr. Malizia said, but we don't get negative interest.

B. Modification of Personnel Policies, Section H, "Use of Computers, E-mail, Network, Internet and other Communication Devices"

Chairman Coutu recognized the Town Administrator. Mr. Malizia stated that Ms. Nute, the IT Director, is here to explain this, so he'll defer to her. Chairman Coutu welcomed Lisa Nute and asked her to explain this. Ms. Nute is asking that you approve some of the changes that she put in for various reasons. On your page, section 3, Policy - Computers (c), she's expanded on the password section. This was done in light of the recent audit that the FBI did at the police department. The Chief of Police had mentioned it during his budget presentation. We were required to enforce stronger passwords for police personnel on the IMC software that they use. As you know, the audit was done because we use spots in NCIC. So there was a little added security. So we did add that and take care of that.

On page 5, Ms. Nute added a new section, letter (e). We've always done this anyway, and the FBI recognized that we do, in fact, are fine this area but she thought it would behoove us to put that in writing so that even future (inaudible) personnel should she not be on board and John Beike and Vin that this doesn't get lost in the shuffle. That it continues to be done so that we know it's for a specific purpose. It's also just good practice. We've always wiped out systems before they go to town inventory. FBI requires as well that even a system that gets reused within the police department that was previous used as spots also gets a drive wipe before it gets reissued and she's using the Department of Defense specifications.

On page 6 at the request of the department head and current events, Ms. Nute has expanded upon (j) adding the word "correspondence". In 2) she added the word "video". For both numbers 2 and 3, she added the identical sentence which addresses not just e-mail going out, which we've always addressed but also coming in. This was at the request of the department head.

Selectman Jasper supposed it's not a big deal, but it seems that adding "or video" to images is redundant. If a video isn't an image, he doesn't know what it is. Selectman Massey said an image is a picture. Selectman Jasper said a video is a series of pictures. Selectman Massey thought it makes sense to be explicit.

As Ms. Nute was saying on 2 and 3, we've always addressed what happens if our employees send out, and that's been prohibited, but should things come in which has been the case, we provided some guidelines there. In number 4, the Police Chief asked that it just get reported to her so that it's logged anyway, but that way it can't be done by (inaudible). It calls more attention to it. On the very final page, it's just simply the update of today, 2009.

Selectman Massey had a couple of areas. First of all he knows that in the original policy we defined employee and member. In some of these, as an example on number 4 on page 6, you just indicate member. He would think that in every place where we're going to do this it should reference both employees and members so that it applies to...Ms. Nute said okay. Like she has on letter "f" with the slash. That would be in her new sections here where she left that off. If we go back to - Selectman Massey asked if strong passwords defined in the definitions. Ms. Nute said it is defined within that piece of software. It is called strong passwords. That is specific to one piece of software. It is the IMC software that the police department uses and it's referred to as strong passwords. If Selectman Massey might follow up, if you're not physically required to enter a strong password, what's to prevent somebody from saying I thought I entered a strong password if we don't define what it is. Ms. Nute said it is IT that forces it. This is mostly for IT. We set the policy that says we will now use strong passwords in IMC, and the user has no choice but to follow certain things. They can't do anything but what the software is now forcing them to do. Chairman Coutu said so what you're saying Lisa is basically what you imposed on us you told us specifically we needed one cap. At least has to be in upper case. Then you had so many numerics. You can create a password format that they are mandated to use or they won't be able to access. Ms. Nute said right. You either turn that on or you turn that off in this particular instance. Chairman Coutu said ours is not necessarily hard, but it's close.

On page 4 again, (c), where it says by IT personnel, Selectman Massey hoped that what that means is that this includes all equipment and software in town. Ms. Nute wanted to make sure that she's understanding where in that password paragraph. Selectman Massey said well it says, "the IT department will keep an inventory of all equipment procured and/or maintained by IT personnel". Is there another policy somewhere that says no - he knows there's one about software. There's other parts here that talk about you may not introduce software into the system, etc., etc. How about hardware? Ms. Nute said that's what this is. Selectman Massey said it just says maintained. It doesn't say that no unauthorized hardware may be attached to the town. Ms. Nute said that is a separate section. She has not touched that part of the policy. This is just a new section on actual equipment procured and/or maintained. Before it leaves through town auction or recycling, or gets reissued within the town, it gets wiped.

Then on page 5 (g), Selectman Massey thought it should say without the written authorization of the Information Technology Department at the very bottom of the sentence. Otherwise somebody will say well the IT Director told me I could put this piece of software in the system. What that's really saying is they shall not copy, transfer, and install any programs without the authorization. He thought it should say written authorization so that there's clearly a record that yes they did have permission to put free cell on the system or whatever it winds up. Would you agree? Ms. Nute said that's not a problem.

Lastly the item (i). This is going to be Selectman Massey's continued drum beat. You do not have any assurance of confidentiality if you for town e-mails use a non town hudsonnh.gov account. Anything outside the fire wall is open to anybody who happens to be on any server anywhere in the world where that e-mail passes through. If you want to understand it, sometime do a ping on your file and you'll find that sometimes up to 15 to 20 jumps go through the Ethernet before your message finally arrives at its final destination. He really implore all of his fellow members that if you're not currently on town e-mail, that you put yourself there. You cannot be assured of security for any confidential e-mails you submit to anybody else in town if it's not inside the fire wall.

Motion by Selectman Massey, seconded by Selectman Maddox, to accept the changes to Personnel Policies, Section H, "Use of Computers, Email, Network, Internet and other Communication Devices" as recommended by the IT Director as modified, carried 5-0.

- C. Approval to apply for to the New Hampshire Highway Safety for a \$5,664.00 grant to combat the problem of intoxicated motorists

Chairman Coutu recognized Captain Avery.

Captain Avery is before the Board of Selectmen to ask for their approval to submit a grant to set up a sobriety checkpoint, which we have done two previous years in the Town of Hudson. We're asking for \$5,664 from the Highway Safety Agency which will fund this checkpoint. We're asking for two checkpoints that will take place between May 1st and September 1st of 2010. In the past, the checkpoints have been located on Lowell Road in the area of Wal-Mart. He would expect this year that they will be in the same location if this grant is approved.

Some statistics from two previous years that Captain Avery would like to give to the Board and why we're in favor in applying for this grant. During a 12 hour period, which on a Friday and Saturday night in 2006 in conjunction with the NH State Police, we made 6 DWI arrests, 1 possession of cocaine arrests, 1 open container arrest, and 1 individual had an outstanding warrant. He's unsure what the warrant was for. In 2007 we also teamed up with the NH State Police and, again, it resulted in 6 DWI arrests, 5 possession of drug arrests, 3 individuals were placed into protective custody, and again, we had an outstanding warrant on an individual that came through the checkpoint. As you will see, some of our statistics over the last 3 years there is an average in there that the Hudson Police Department has made 271 DWI arrests on average throughout the last 3 years. In speaking with a member of the NH Highway Safety Agency, we are among the top department in the State of New Hampshire in that area for DWIs. Captain Avery asked him how are we compared to agencies our size, he thinks that most departments make on average between 150 and maybe 200 being tops in the State of New Hampshire. As you can see over the last 3 years, we're making 250, 296, 269 arrests a year on DWI. So we do have a very serious problem in Hudson. We are aggressive in combating and identifying impaired drivers. He's asking the Board to approve these checkpoints.

Motion by Selectman Massey, seconded by Selectman Nadeau, to approve the grant application for sobriety checkpoints from the New Hampshire Highway Safety Agency in the amount of \$5,664.00.

Selectman Massey thought that we've seen that these are effective. We also know that the course of rule but because of the way they do it, which is totally random, that they do not target any specific individual. They pass muster for legality, and anytime we can get impaired people off the road is to the advantage of the citizenry. So he supports this.

Selectman Nadeau will also support this. In the past, he has not been in support of this until he saw it first hand. When he saw it first hand, it was really and eye-opening experience. So he thinks this is a very worthwhile grant to apply for.

Just so when you hear Selectman Maddox's no, it's been consistent that he just doesn't feel that this is the best drunks for the dollar. He has problems with just stopping cars. There's better ways. One of the things we shouldn't be looking at Mr. Chairman is where these people are getting served and go after some of those licenses of people that over serve. The checkpoints he has a problem with. If it was roving patrol,

he'd be to make the motion, but this one he has trouble with. To be consistent, Selectman Maddox will vote no.

Selectman Nadeau said a lot of these that we see we have no jurisdiction over where they're coming from.

Vote: Motion carried 4-1. Selectman Maddox in opposition.

D. Approval to apply for a Highway Safety Grant for \$5,500.00 to combat the problem of speeding motorists

Once again, Captain Avery said the Highway Safety Agency has offered funding to assist police departments in combating - it is a speeding grant. However if this is approved, they're not going to be limited to just enforcing speeding or stopping violators for speeding. Some statistics that he can provide the Board with is they do issue and they do stop, as most people in this community realize, we are aggressive not only with speeding motor vehicles but traffic control devices. The leading cause of accidents in Hudson - there's 2 leading causes - following too closely and failure to yield the right of way, which seems to be a big problem. Third would be your speeding vehicles traveling too fast for the existing conditions.

Contrary to what many people believe that the Hudson Police target or stop young motorists. It's quite the contrary. Most of the individuals that are committing these violations that are being ticketed are between the ages of 36 and 55 years old, both male and female. Just looking over some accident statistics, our accidents every year continue to rise. At this point in 2009 with about a month and half left to go, we are at 501 accidents, which is extremely high and disappointing to see. Again, we're going to use these funds to try and combat and reduce the amount of motor vehicle accidents in the Town of Hudson.

Would you say Captain Avery that - Chairman Coutu is going to support the grant obviously, but that the bulk of the accidents are as a result of speed or as a result of people going through stop signals and lights? Captain Avery said the bulk of our accidents is following too closely with a rear ended collision that you've all seen on Lowell Road, 111, Derry Street, and also failure to yield the right of way. It seems to be pulling out of a - failure to stop at a red light or failure to pay attention to traffic as their pulling or exiting out of a stop sign. The other one is people not paying attention. Either using portable devices while they're driving and such.

Motion by Selectman Massey, seconded by Selectman Jasper, to approve the Highway Safety Project grant application for speed enforcement patrols in the amount of \$5,500.00.

Selectman Nadeau wanted to know how are we going to go about using this grant money. He knows how they do the DWI checkpoints. Are we going to have 2 officers on certain shifts? Captain Avery said there's going to be a total of 22 patrols and they will be 4 hour blocks. The 4 hour blocks he has assigned by running their statistics where they have the most problems with accidents. It's going to be between 6 a.m. and 10 a.m. and again from 3 p.m. to 7 p.m. are high traffic times through Hudson.

Vote: Motion carried 5-0.

E. Request for Rehearing 49 Burns Hill Road

Chairman as a matter of procedure. Selectman Massey said that the Zoning Board heard this case by a 3 to 2 vote and denied it. A request for rehearing was held, and that motion was denied. The next appropriate step if the individual wishes to go any further is to apply to Superior Court. We are not in a position after a request for rehearing has been adjudicated to request a rehearing by the Zoning Board. Chairman Coutu told Selectman Massey to look at his packet relative to this item, you'll notice that in the second paragraph at the bottom a note there by the ZBA Chairman that the ZBA has scheduled the request for reconsideration for November 19, 2009. So on the basis of that, he would think that at this point it's moot. Selectman Massey said the Chairman had something he didn't have. Chairman Coutu directed him to the first page of his packet. Mr. Malizia said that's what we were told. It was scheduled for the 19th of November. Mr. Radziewicz didn't recall that. Chairman Coutu indicated that comes from your Chairman. Mr. Malizia said he did it last week. It was his understanding it's going to be at the Oakwood Street facility because of room space. Chairman Coutu said he had called him about not being able to have space and asked him if you had to be televised. He said Mr. Chairman in light of the fact that we can't provide cameras everywhere. As long as he properly posted the meeting, Chairman Coutu would allow him to use another building in the municipality. So that's where he's going to hold it.

Just for clarification Mr. Chairman, Selectman Massey said it sounds to him like the Zoning Board denied the request for rehearing. Now you're going to be acting on a request to reconsider your vote. Is that what he's reading into this? That's Mr. Malizia's understanding.

Normand Martin, 3 Edgar Court. He can't speak for the Zoning Board of his Chairman, but he can speak as a member that sat on that case. He thought the request for reconsideration he hadn't heard about because he's going to be at a budget hearing. He thought that the request for rehearing that's in front of the Zoning Board on the 19th is another property. Mr. Malizia said that was not what he was told. When he said that, he meant that's not what we were told in the administrative office.

Chairman Coutu asked Mr. Radziewicz if he was going to speak to step up to the microphone. He's going to make it very limited. So if you want to come up and tell him if he received a phone call, why don't you come up and tell us about it. Pete Radziewicz - we did receive a phone call concerning the 19th, and they were going to reconsider the rehearing. He didn't know where that's going to lead them. Chairman Coutu said that renders this moot at this point for us. We'll defer to the ZBA.

Selectman Jasper said maybe the request is moot but in reading the letter there are a number of things that concern him. He thought that we ought to ask that the Zoning Administrator respond to the allegations leveled at him within the letter. He'd like to find out. He doesn't like to read things like this and then just go merrily on his way. Chairman Coutu indicated that this has been ongoing. Selectman Jasper understands. Selectman Massey thought that we should let the actions before the Zoning Board play out before this Board gets involved at all. Everything becomes moot if the Zoning Board votes to reconsider and then votes to grant the variance.

What concerns Selectman Jasper in the letter have nothing to do with whether or not it's reconsidered or not. There are charges leveled against our Zoning Administrator, and he would call their attention to the second page of the letter dated October 30th where it specifically says - "That the fence standing in our yard today is not solely our responsibility. It's there for several reasons. It's there due to Mr. Oleksak's negligence and competence, or ineptitude." He certainly is concerned about that. He doesn't think from his experience with Mr. Oleksak that he is negligent and incompetent or inept. But he would like to hear what he has to say. There are specific charges leveled here, and he thinks it's their responsibility to get to the bottom of complaints leveled against people who report to the Board of Selectmen. Chairman Coutu understands and appreciates his concern, but this nothing new. These statements were made in front of Mr. Oleksak at the ZBA meeting. Selectman Jasper said he wasn't at the meeting. Chairman Coutu said no but he watched them and he chose not to respond. But as a selectman receiving this letter dated October 30th, Selectman Jasper said there are charges here and he would like to have a response. It concerns him if the Board does not want a response. Chairman Coutu asked what is the wish of the Board. Selectman Jasper said he's the only one who cares. That's what he's hearing. Nobody else cares whether the charges are true or not.

Selectman Maddox does care and he took a file of all the various correspondences in regard to this and read through 85 percent of it. This is ongoing and whatever. So he does care. What he saw was the ZBA's purview. Now the comments that you're talking about are something that concerns him. He was concerned that no letter, no request in writing about a 10 foot fence was made. Just go ahead and do it doesn't sound like what the Community Development department does. He can't believe that somebody just said go ahead and do it. That's the allegation. He agreed that they should ask for Mr. Oleksak's side of this. Again, this is the area of the ZBA. They are quasi judicial and he thought this is one of those areas where we best watch and not participate. Mr. Radziewicz asked to make a comment to that because that's incorrect. Chairman Coutu said no he may not.

Again, Selectman Jasper is not talking about the ZBA here. What the letter alleges is that a resident came in and asked information of the Zoning Administrator. The Zoning Administrator does not work for the ZBA, does not report to the ZBA. Statements are made relative to Mr. Oleksak's response to those questions. He would like to know what Mr. Oleksak said. He could go ask him, but because it's in a public document here, that the response needs to be in writing as well. It's got absolutely nothing to do with the particular case before the ZBA. It's got to do with what Mr. Oleksak knows or doesn't know. Selectman Massey said it has everything to do with the ZBA. These charges are being leveled. It's a basis of why the variance should be granted. That there was some effort on the part of the town to make this whole thing happen. So these are charges that are reflective of why he believed the applicant thinks that the permit should have been given and why the variance should be granted. He believed Selectman Maddox is correct. We need to be very careful on treading on quasi judicial board before they make their final decision. There's all sorts of relief that the applicant has if they feel they've been harmed.

Just for clarification, Selectman Maddox said yes we could get involved. We could ask for the rehearing. But that's already been done. Yes we could. Again, it's an area that he thought should be played out in front of the ZBA. If Selectman Massey might, the answer is applicable. If a decision by the Zoning Board or the Planning Board is rendered, the selectmen could ask for a rehearing. Once the Zoning Board or the Planning Board accepts the request for rehearing and denies that request, then we're no longer in a position to go forward. He thought again Selectman Maddox is clear. We need to be cautious on this.

Selectman Jasper is not talking about requesting or not requesting a rehearing. He's not talking about that at all. He guessed he needs to be a little clearer here. He read the first part. It said, "Mr. Oleksak told me directly that he didn't know whether I could put it there or not. He didn't know whether he needed a variance or not or even what type of variance. That he would check into it immediately and that if he did need anything further he would get back to me within 2 to 5 days of October 8." He did not. Selectman Jasper wants to know whether that is an accurate statement or not. That just doesn't sound like something like Mr. Oleksak would say, but if he did, why he didn't get back to him. He thought this is an issue having to do with service of the public, people coming in, and customer service. People coming in asking questions and needing to get the information. To me it doesn't have anything to do with the variance. It may have for the ZBA, he didn't know. For him, that's not what he's concerned about. He's concerned about if somebody comes in to our office and they ask a question is this the type of answer they get, and is this the type of response they get. That's what concerns him. Chairman Coutu said he's sure we all share that concern. However, this evidence was presented to the ZBA and was determinant in their decision rendering. He thinks that at this point where they're going to allow - they're going to reconsider whether or not they're going to hold another hearing for us to get involved at any level. We can't just not assume that this isn't going to end up in the court of law. We shouldn't interject ourselves at this point.

Selectman Jasper didn't see how that interjects us. We have a letter here to the Hudson Board of Selectmen. Chairman Coutu said that the person who wrote the letter isn't here. Not that that matters. Selectman Jasper said that doesn't matter to him. It's just a simple question. There's been a charge leveled against an employee, and he thinks its incumbent on to...Chairman Coutu said let me tell you why that might be relevant. If in fact this took place, if in fact it took place, they put the fence up anyway. Being that Selectman Maddox is the liaison to the Planning Board, he gets it twice. We get packets of paperwork coming out of the Community Development office - letters from Mr. Oleksak saying per your request. Answers every week and he's guessing 8 - 10 pages a week from Mr. Oleksak to various people within the community requesting whatever. He's seeing that he is answering the questions that are put forth to him. If he didn't in this case, that obviously impacts this case. He's seeing a vast amount of paperwork come out of that office answering questions that people have proposed.

Selectman Jasper understands that. The problem here is, and this would be the problem to some degree for the ZBA, it says that if he did need anything further he would get back to me within 2 to 5 days of October 8th. He did not, which tells him okay he didn't get back to the person because there was nothing further. The ZBA needs to know that. We've already heard testimony that Mr. Oleksak chose not to respond. His job here as a selectman is not to protect the town, it's to make sure that we provide the best service to the citizens of Hudson. So whatever the truth is here, it needs to be compelled.

Selectman Massey said if this were a brand new incident where a citizen of the town came forward to the Board of Selectmen and said I was treated such and such and such by a member of the town, we would have an absolute obligation to investigate that. The problem with this one is its being done in the context of an action before a quasi judicial board and for us to insert ourselves into that now before that board completes its work could potentially be prejudicial to either the applicant or to the Zoning Board. He agreed that if this weren't before the Zoning Board, we would have an obligation to respond to any citizen who makes allegations against a member of the town staff. He can't see right now with it being before the Zoning Board that we should inject ourselves into the process. The process needs to run itself first. Where Chairman Coutu thinks it's also pertinent Selectman Jasper because it references a member of the ZBA is if you go to the next page and you look at the second large paragraph where it begins "Mr. Martin" and you read that paragraph carefully, that seriously impacts the whole nature of what we're talking about.

Selectman Jasper said this is what concerns him in this whole thing. He's not trying to insert himself, but he's concerned about the situation. He doesn't know what else to do here even if he did want to insert himself. Our duty is to the taxpayers of the town and not to protect employees or anybody else. If the ZBA doesn't care, and frankly they don't have the ability apparently to find out one way or the other whether this statement is true. If the statement is true, then that should change the whole situation. If nobody is concerned and obviously at this point the ZBA has denied the variance request, they denied the request for rehearing, now they're saying all right we'll take up a reconsideration. How does anybody get to the truth? How does a citizen of the town if everybody just clams up here and says this could impact the case so we're

not going to ask the question, it's not right that people should have to go out and spend money on lawyers to get to the truth. We ought to provide the truth. We ought to be providing the truth. What is the truth here? This information should be found out, and this information should be provided to the ZBA. The ZBA apparently doesn't have the truth right now. As he's been told here, Mr. Oleksak declined to respond. Apparently the ZBA said oh well and moved on. Selectman Jasper doesn't see how we serve the citizens of the town well if we don't say we need to find out this information. The ZBA has to have this information to make an informed decision. It wasn't where he was going to start with, but this is where he ends up. Chairman Coutu said again, we all appreciate your concerns and he thought at this point it's moot. It's not going to go anywhere. We ought to do, and he would suggest that he supports him in this, is that we ask our administrator to ask our legal counsel whether we should get involved in this while it's the potential of litigation. He'd rather have legal advice before we interject ourselves into something that we could haul into court for. That's the concern. Frankly, Selectman Jasper doesn't share his concern about getting hauled into court. If we're wrong, then we're wrong. Then we can have the opportunity to prevent getting hauled into court. What matters here is what is true and not what's in the best interest of the corporate entity of the Town of Hudson. What's important here is what is the right thing to do. He doesn't understand how it is moot. If the ZBA has new information on the 19th which will be before we meet again, so we don't have the opportunity to meet with legal counsel and to find out, he just doesn't understand how it's moot. The ZBA needs to have the truth.

Not to keep this going, Selectman Maddox indicated that Selectman Jasper has asked some interesting question, but he would hope that they would have been asked at the ZBA. Mr. Oleksak did you get asked about how to put up a larger than 6 foot fence? Did you feel that there was no need...he would have thought that these are questions that have already been asked at another board. We can certainly call him in and ask him those questions as the selectmen. He just doesn't know where it's going to go. Again, unfortunately if it has to go to court, then he has to raise his hand in court and swear that he did X, or did not do, or whatever. He just didn't see where we're going to go with this. First of all, Selectman Jasper was told at the beginning of this conversation that that question was asking Mr. Oleksak declined to comment on it. Chairman Coutu asked who said that. Selectman Massey said the letter from the applicant says that. The fact of the matter is, Selectman Jasper said you're right. They should have been asked. He doesn't know if they were. He doesn't know if the building inspector did or didn't answer the question. What he knows is that the best interest of the taxpayers of the Town of Hudson is not to go to court over something if we're wrong. If we, the Town of Hudson, didn't give the information and said well if you need to do anything else, we'll get back to you and in fact we didn't get back to him and that turns out to be the truth, we're going to have wasted a lot of people's time and money, taxpayer money, and resident money. There is no good reason to do that if we can get to the truth. Now the ZBA should do this. This is a one-sided letter. He's the first one to admit that. There are questions raised and when there are questions raised he thinks the Board has a fiduciary duty to the Town of Hudson to get to the bottom of that and find out. He doesn't understand. He spent a lot of time over his years as selectman trying to avoid going to court and has been very successful in a good number of instances in doing that. This is one where it seems there is a big problem. Unfortunately we're not meeting again before this request for a reconsideration takes place. He's sorry but reading everything he's read in here and what he knows of what's going on, it doesn't seem like that's likely to happen. So he thinks we end up in court for no good reason perhaps. He doesn't know. He doesn't have the answers.

Selectman Maddox knows he did it for a while, do we have a selectman that sits at the ZBA. Chairman Coutu said yes, Selectman Nadeau. Selectman Maddox asked Selectman Nadeau if Mr. Oleksak asked that question. Selectman Nadeau didn't remember if he was asked that. Chairman Coutu asked Mr. Martin if he was asked. Mr. Martin didn't recall if he was asked that question. As long as we're going down - he might as well ask the writer of the letter if...Chairman Coutu said the writer of the letter is not here. Mr. Radziewicz said he was asked. It's on the DVD. If you go to the DVD, you'll actually see it. It was asked. He did not make a comment. He declined to comment. There was a comment further on at a different point where he stated that that office was changing from Shawn Sullivan being there to him. So there was confusion and there was some information. Just kind of an excuse. He was asked. He basically admitted to not responding to them. It's on the DVD. If you watch the meeting minutes, it's just plain.

Before Selectman Massey would be willing to interject the Board of Selectmen into a matter that's before the Zoning Board, especially given the history of this particular case, he would absolutely support your thought of asking town counsel what if anything they should do. He's really mindful of the legal responsibilities that the Zoning Board has that we don't share those same when it comes to land use statutory requirements. If you want a motion to go that way, he'd be willing to do it Mr. Chairman, but he's not prepared to do anything on this case without some indication from town counsel that it would be an appropriate action for the Board of Selectmen to take.

Motion by Selectman Massey, seconded by Selectman Nadeau, to request input from Town Counsel for an opinion relative to the Zoning Board of Adjustment reconsideration of their decision to deny a rehearing on the matter of an Area Variance for a fence over 6 ft tall on property located at 49 Ferry Street.

Selectman Jasper indicated that if we're going to do that and he doesn't have any objection to it, there is a timeliness issue here that we would need to do this before the 19th with sufficient time if in fact the attorney were to say that it was an appropriate question to ask, that there would have to be enough time for that answer to be supplied to the ZBA on the 19th. He's suggesting that if we do this, we would need to see if we could meet with town counsel perhaps next Tuesday night or Wednesday at the latest. Anything other than that is a waste of money at this point. If we don't have the opportunity to talk about it and ask the question and they can tell us what to do. If he says oh yes you can ask this question, we don't meet until the 24th or whatever the date is, what's the purpose. The ZBA would have already voted on their motion.

Selectman Massey withdrew his motion. The more he reflects on this, we just cannot get ourselves in between this applicant and the Zoning Board at this point in time. Anybody else is free to do something, but if the seconder would agree, he'll withdraw his motion. Selectman Nadeau withdrew his second. Chairman Coutu indicated that the motion is withdrawn.

Selectman Jasper didn't understand, first of all, how we are getting between the ZBA and the applicant. He didn't understand that at all. Getting information as to what an employee gave to a resident, the ZBA's question is to whether or not to reconsider their denial. He doesn't know that this is getting in between and maybe providing information to them. That is at the best what it's doing - providing information to the ZBA. If they go forward and they don't have any new information because we haven't asked the question, he anticipated we'll be in court. Then we find out what the answer was potentially that yes this is an accurate statement. Well now we really don't have much of a leg to stand on. What do we do then? The ZBA can't do anything else so we just continue along court or we then have to deny the funds for the ZBA to defend their decision because we believe they're wrong. Now that's really getting in the middle of things. Say no you can't have any money because you're wrong, or we have to settle. Everybody spends money. He has never been faced with such a situation where a Board of Selectmen is faced with potential litigation and doesn't want to know what the facts were. It has never happened to him in all his years sitting on this Board.

Selectman Maddox said he may not be the brightest bulb in this marquee but he's got to say that we've hammered this around enough that he would think that question is going to get asked on the 19th. Knowing Mr. Oleksak as he does and professionally with various zoning and building items over the years as a selectman and on the Planning Board, he's a standup gentleman. If that question is put to him, he believed he would answer it. So with a member of the ZBA here and watching this ordeal on television that that question would be asked. If it is not, then it would be incumbent upon us to then deal with it if it was denied. He would think that information would be new information to the ZBA that would in turn cause a number of levers and wheels to be moved. He thinks they should wait until the 19th and on the 24th then Selectman Jasper may be in line for making another motion to do something where he has been headed.

Chairman Coutu would concur wholeheartedly that we shouldn't usurp their responsibility or authority to ask the right questions to ascertain whether or not there is new information available. That question should have been asked and they should have insisted on a direct answer because he's responsible to provide them with the information that they need to make their decisions. He agreed with him. He thinks that if after that request for hearing and the question is answered or is not answered, then we take appropriate steps at that point.

Selectman Jasper said they've heard evidence here tonight that the question was asked that the Zoning Administrator or Acting Zoning Administrator at that time sort of went around Robinhood's barn with it but essentially said well there were things going on and essentially from what he's hearing gave an answer that that was correct and the ZBA didn't go any place with that. So apparently he doesn't how anything is going to change. In order to be judicious Sir, Chairman Coutu said that's one side. We haven't heard the other side. Selectman Jasper understood, and that's why he suggested perhaps we should have another meeting. There's a lot of things here that concern him greatly in this whole thing. Chairman Coutu said they concern us as well. We just want to tread lightly. Selectman Jasper is not one for treading lightly in this situation. He doesn't think it serves the town well.

Selectman Maddox asked if staff could provide the Board with a copy of the DVD of that meeting. Selectman Nadeau indicated that they could watch it on line. Selectman Maddox asked that they get the date for them for that meeting. Again, we only have one side. We're heading down a path we don't want to go Sir. Chairman Coutu asked Leo Bernard if he had the date of the meeting and could he make a copy available. The date of the meeting is August 27, 2009.

What we're going to do, Chairman Coutu didn't want Mr. Radziewicz to leave here without - obviously he's going to have another hearing - the Board will reconsider a hearing. In the meantime, we're going to watch that video and see what, in fact, took place to try to refresh our memories those of us who had seen it. Mr. Martin was there and participated and can't even remember exactly. So there was a lot of matter that evening as he remembered it. Selectman Massey asked Mr. Martin if he remembered which case that was so we don't have to sit through 2 hours of 3 other cases. We could fast forward. Mr. Martin believed it was the second case. Chairman Coutu said they're going to watch this and do what meet next Tuesday. The Selectmen said no. Chairman Coutu said they're just going to watch it and see what the answer was.

F. Sale of 47 Ferry Street

Chairman Coutu recognized Mr. Malizia.

Mr. Malizia stated that this is the property on 47 Ferry Street. The one for the library that we're selling. We entered into a 3 month listing agreement with Harmony Real Estate. That agreement expires today. He's recommending that we renew for another 3 months. He thought Ms. Droznick has done a very credible job of marketing. Our problem or what seems to be scaring buyers off at that price point is the asbestos that's known to be on the property. The feedback we're getting basically is - I don't know what that cost is going to be to fix it if I bought that house. I'm concerned I can't get a mortgage. I can't get financing. Mr. Malizia has asked Gary Webster to get him some information from Dunne's Asbestos Removal who's done some work on Library Street to get an idea what it may cost to cap or put a membrane down - some surface material, and do the requisite DES permitting and permissions. That's working. We're working on a separate track for that but he does believe that it will be in their best interests to renew for another 3 month term with Harmony Real Estate for the continuing marketing of 47 Ferry Street. At this point, it hasn't cost us any money to do it. She's done a terrific job. She's had clients come through. She's even tried to work, or she's even given him some information from sources she developed for asbestos. Mr. Malizia thought it was better to work with people we're familiar with. His recommendation is to re-up for another 3 months with Harmony Real Estate for the sale of 47 Ferry Street.

Chairman Coutu has one question based on a statement that Mr. Malizia made. That's in reference to people saying to Harmony Real Estate that they can't get financing. Are they saying they can't get financing as a result of...Mr. Malizia said the standards are very difficult nowadays with the FHA. A lot of these buyers are trying for financing. Until that property is certified or whatever the case may be with DES, unless you're a cash buyer, it's difficult to get a mortgage. That's the feedback he's gotten. Chairman Coutu has no objection with extending the contract for another 3 months but he's concerned with how quickly are we going to get the information in terms of what the cost is going to be to cap the property. Mr. Malizia hoped to have something for tonight, but he didn't get it in time for tonight's meeting. He would anticipate or at least expect for the next meeting we'll have some idea of at least a rough order of magnitude if not a proposal to do the work.

Motion by Selectman Massey, seconded by Selectman Maddox, to extend the contract with Harmony Real Estate, Inc. for the sale of 4 Ferry Street to February 10, 2010.

Selectman Massey thought for the reasons that the Town Administrator has indicated, we're not going to see much activity during the holidays anyways so rather than trying to build a whole new relationship on such short notice, and he thought it was to our benefit to continue with Harmony.

Selectman Maddox thought that staff should probably look at the asbestos issue. What is that price point? It's something that we're just going to be sitting on this for another year. Some other information, some comparisons maybe from the Assistant Town Assessor to say whatever. Again, he thinks it's just a matter of...Mr. Malizia said we've had no offers. He didn't think we could give it away right now. We didn't give it away when we had the auction for the 2 bidders. Selectman Maddox said that Hudson was blessed with free landfill and now they're cursed with asbestos. That's not the only property on Ferry Street or Hudson that has asbestos. He understands the concern of people. If he had small children, he may not want them digging out in the backyard if there's know asbestos. It's not the only property in town. Again, Chairman Coutu doesn't have a problem with extending the contract with Harmony but that doesn't mean that we shouldn't go back to the Assistant Assessor and have him take another look at the appraisals. Selectman Maddox asked if other properties on that street selling. Selectman Massey said the one next to it isn't. Chairman Coutu said that there's also some problems with the amount of work that has to be done inside the property as well isn't there. Mr. Malizia said some of that is in the eye of the beholder. The mechanicals as he understands - the water heater, the furnace - they're in good working condition. He believed the electrical service has been updated to a circuit panel. So he's not aware of any big deficiencies. Cosmetically, yes you'd probably want to change things. That's to your taste.

Selectman Jasper thought the primary reason at this point to extend is because it's expiring, extend. We'll get more information in a couple of weeks. At that point, then we can make a decision as to knowing what it will cost to mitigate it. We could then drop the price by that amount. He didn't think we're going to be in a position to take the money and mitigate it. Then guess what, the Library Trustees get all the money. So that wouldn't be very good from our point of view. So we can certainly adjust the price accordingly but we'll have a reason to do it.

Vote: Motion carried 4-1. Selectman Nadeau abstained.

G. 2010 Deliberative Session

Mr. Malizia didn't think there's a lot of discussion really with this with the exception of the parameter are, the meeting cannot be earlier than January 30, 2010, and cannot be later than February 6, 2010. He saw that the School Board has set January 30th for their date. That basically leaves us the following Saturday, February 6th. So from a logic perspective, that's the date. Selectman Jasper indicated that they didn't have to do it on a Saturday. Mr. Malizia said no we don't.

Motion by Selectman Massey, seconded by Selectman Maddox, to set the date for the First Session (Deliberative) of the 2010 Town Meeting for Saturday, February 6, 2010 at 9:00 a.m., carried 5-0.

9. OTHER BUSINESS/REMARKS BY THE SELECTMEN

Selectman Nadeau - Just a reminder that tomorrow is Veteran's Day and that the Town Hall will be closed tomorrow. On that note on Saturday, the VFW had a flag burning ceremony, which he was unable to attend. But they still have the drop box outside the door here at Town Hall if you have any used, torn, tattered flags that you need to get rid of. They have a box right outside to get rid of them. The next one was there will be a Toys for Tots drop off box here at Town Hall for those people in town who wish to drop off toys for the Toys for Tots. Just a thank you to all the Benson's volunteers that were there this weekend. He went on Saturday and ended up burning brush with Selectman Jasper and quite a few other people. There was a lot of brush that they burned. It was a very good time as usual.

Selectman Massey - He attended the flag burning on Saturday. He thought he was just going to go see a bunch of flags being put into a pit and burned. He learned quite impressively that there's actually a ceremony for flag burning. It takes about 20 minutes. It's very elaborate. It's very respectful and it honors the purposes of the flag. What he also learned is because they have not ever been able to do this before; they've been piling up flags. They probably had a good 2 hours of flags to burn. The garage in the back of the building was chock-a-block with boxes of flags that they had been accumulating over the years. He thought they probably will intend in the future now that they figures out what the ceremony is to do it on a more regular basis. He thought it was very simple but very moving to see all the gentlemen from the VFW going through this ceremony. There are as he also learned these red, white, and blue former post office mailboxes around town. He saw one at the police station the other day. He would encourage citizens who have a flag that needs to be replaced to bring it to one of those boxes and the VFW members will take care of it.

Tomorrow is Veteran's Day. Selectman Massey thought it's a day where we sit back and we reflect on all those who have served our country and we especially pay honor to those who gave the ultimate sacrifice. He thanked every one of the Veterans in our community who have served our country. The VFW will be having their annual Veteran's Day program. It will be tomorrow night at 7 p.m. at the VFW hall on Bockes Road. The public is invited. He thought again it's a good place to go and say thank you to all the veterans who have served us through all these many years. That's what he has for tonight Mr. Chairman. Chairman Coutu asked if there was a flag box at the south end of town. Selectman Massey said he doubted it because there are no public buildings at the south end of town.

Selectman Jasper -

Motion by Selectman Jasper, seconded by Selectman Massey, that the Board of Selectmen approve the expenditure of \$250 from the Benson's account for brochures for the soft opening to be held on November 14, 2009 from 10 a.m. to 2 p.m.

Selectman Jasper said that is a request of the Committee. They've gone out and got a couple of prices. This will allow us to get somewhat over 500 brochures, which is about the number that we went through at the first soft opening. If we didn't go through them all, which we probably will, they would be still usable for

future openings. Selectman Nadeau asked if it would be appropriate to print out more of them. Would it be cheaper if you put \$1,000 into it this time instead of doing \$250? Selectman Jasper didn't know. There may be changes depending on the weather. He didn't know when the next soft opening would be and the Committee may want to change something in the brochure. He didn't think there's going to be a great deal of saving here. He thought they got a pretty good price here on this. From what he understood, there won't be much savings by going with a higher quantity.

Vote: Motion carried 5-0.

Selectman Massey would like to follow up because he watched that part of the program the other night. He understood why they want to go do it. He got to thinking that we've just gone through and put together a budget for next year for the Benson's Committee. He thought it might be appropriate that they give thought. He would ask if the Board thought it was appropriate that we ask the Benson's Committee to consider putting a pro forma budget together for the remainder of this fiscal year so that we understand. We have a limited amount of funds right now in Benson's. We do have some responsibilities for the buildings. So he thought it would be appropriate if we had some idea going forward what the pro forma budget would look like for the rest of this year through June 30th. Chairman Coutu asked Selectman Jasper if he could ask the Committee. Selectman Jasper thought that once we get through the cleanups and the soft openings, we can do that. He had to ask them right now, we're down 2 members. So we're only at 6 right now. Selectman Massey said he wasn't asking for it to come back next week. He was just saying to bring it to the Board and ask them if they could consider it. Selectman Jasper said as we get into the winter months and have less physical work to do, this is something we will need to do. So he'll certainly put it on his list.

Motion by Selectman Jasper, seconded by Selectman Massey, that the Board of Selectmen approve the removal of 3 small sections of fence on the back side of Swan Pond to allow for the passage of wildlife.

As Chairman Coutu is walking down to the pond, those are fences on the right hand side as he's walking down from the historic...Selectman Jasper said actually no. If you will, if you're on the side of the pond where the pavement is where the Norway spruce is to your back, you'd be looking directly across the pond and the fence is up on the hill. The intent is to make the openings not so large as to allow for an ATV to pass through. Chairman Coutu has some confusion when they were discussing it the other night. He was trying to picture exactly where it was. When they started talking about how narrow they were going to make it so ATVs - he didn't know where they were talking about. He thought they were talking like where the gates were or something.

Selectman Nadeau said that by making these wildlife passages does it open up the park to people walking through at this point. Selectman Jasper said on the back side there there's already the opening by the end of the pond where the drainage swale. You already have that section opened. It's blocked off in a couple of areas to ATVs. So there already is a hole in the fence if you will because there's no gate there. Well over to the other side towards Flying Rock Road, there's also a gap in the fence. So there's gaps at both ends. It's essentially right now a section of fence that doesn't connect to the rest of the fence. There isn't really any activity in that area in terms of people or ATVs that he's aware of at this time. This is a request of the Committee.

Vote: Motion carried 5-0.

Selectman Jasper's next request on the part of the committee and this really goes beyond the ability of the Committee to really get this job done. Under the terms of the deed, we're supposed to have no motorized vehicles on the property and no hunting. We are having issues there. What Selectman Jasper didn't realize and he'd have to admit he was mistaken is that in order for people not to hunt on property, it has to be posted "no hunting". So we need to post that property. While we're doing that, it really ought to also be posted for no motorized vehicles. He's guessing that the only way we're really going to get that done is through the Highway Department. They have the ability to go out and drive stakes in and put up signs. It's really more than we should be asking the Committee.

Motion by Selectman Jasper, seconded by Selectman Nadeau, that the Board of Selectmen direct the Assistant Town Administrator research the laws to find out what the posting requirements are for no motorized vehicles and no hunting, and then inform the Highway Department of those requirements and direct the Highway Department at their earliest convenience to order the signs and to post the property accordingly.

Selectman Nadeau indicated that the signs are available at True Value. The no hunting signs are available at Wal-Mart or True Value in a big roll, plastic signs, \$9.95 a roll for the not hunting. Chairman Coutu said he

also wants to research it on how far apart they have to be and things of that nature. Selectman Jasper doesn't care where they buy the signs. They need to be something that's going to last. He'd leave that to the Road Agent to decide what is most suitable for that. That's fine. Chairman Coutu agreed with that. Selectman Massey is only at this point would only support the first piece of it to find out what it is. Before we authorize the Road Agent to go out and spend money, we should know how much money we're talking about. He didn't think a cardboard sign for this property is going to be appropriate. We need permanent signs. As a result, we need to know what it's going to cost. His understanding is to be properly posted, but again, it's an understanding, he doesn't know the law, is every 50 feet. He thought they need to get the definitive answer. That's going to drive how much cost we're talking about. It is true that the State Statute says if you do not have a posted sign, then public property is automatically open for hunting.

Selectman Massey heard last night at the Conservation Commission that folks are walking down on the Musquash conservation area and they're encountering hunters. It's a little scary. Unfortunately on that piece of property you could not post it. It's part of the deed restrictions that we got when we took State monies to buy that conservation property. It cannot be posted. Chairman Coutu said that hunting has been ongoing there since he's been in town. Selectman Massey stated that it's a little disturbing for people to be walking and being approached by somebody with a gun.

Selectman Maddox asked where this money is coming from. Selectman Jasper indicated the Benson account. Again, Selectman Maddox didn't want to take it out of Kevin's if we're going to spend \$1,000 on signs. As a follow up Mr. Chairman, if we bought the plastic signs and put up X amount of them until we do all the research and get the permanent signs, he just thought if we don't do something quickly, hunting season starts tomorrow. Selectman Nadeau stated it already started. They are plastic signs. They are yellow - black and white which is the standard "no hunting, no trespassing, no fishing" signs. You'll see them used up north in the town forests and stuff up there. They're stapled right to a tree or a post. It could be done pretty quickly. He knows that it would be nice to have nice signs, but if we're looking to post it quick, that's the way to do it. Selectman Jasper said that may be the way to go. He did see a memorandum that came through a committee member who went - he believed for hunting its every 500 feet. That would not be as bad. It's in that vicinity. It's not 50 feet. It's at least 500 he believed. That's why he'd like to see this done as quickly as possible. He's not sure where the property lines are. Hopefully they can to some degree GPS that and maybe able to do the coordinates out there. Some of it stone wall and some of it isn't. Chairman Coutu asked how many were on a roll. Selectman Nadeau believed 100 at \$9.95 or \$14.95. He bought some about a year ago and posted somebody's property. He knows that they are in big rolls. You can get them at Wal-Mart or True Value - even Home Depot or Lowes he's seen them there too.

Chairman would think that if it's that minimal a cost, it's just a matter of getting somebody out there to staple them to trees. It behooves us to get them up as quickly as possible until we can research. Selectman Massey will vote yes on that basis and equally important given that there's that many on the roll. He would err on the side of caution given that its brand new and put them a lot closer than 500 feet. Mr. Malizia wanted to point out 2 things. One, the property isn't open. So he didn't know why anybody is going out there to do anything unless you give them permission. Two, don't you need an ordinance? We need an ordinance for everything else. We need an ordinance for motorized vehicles. We went through 2 hearings and we didn't do an ordinance. He's concerned that they're acting without - what's the authority to do it? Selectman Jasper said it's a deed restriction. By accepting the deed, that's a requirement that we have. Selectman Maddox said that's something a homeowner or an owner of the property can post their land as "no hunting". We own this property. Selectman Jasper indicated we didn't have an option here. We don't have an option because we can't say there's hunting on there. The only way there can be hunting on the property is joint approval of the State and the Town, but the deed restriction is clear. There is no hunting and no motorized vehicles.

Mr. Malizia said they went through 2 very lengthy hearings for motorized vehicles and it says that too and we still had the hearings and we didn't pass it for ordinances. He's concerned that...Selectman Massey said that was to impose a town ordinance. Mr. Malizia said Benson's was the catalyst for that whole procedure. That wasn't for every other property. It was specifically that and everything else. Just a word of caution. He's not sure if you throw a tape up you have any authority beyond see the sign. Chairman Coutu said that they do have a restriction on motorized vehicles on town property. Mr. Malizia said no you don't. You never passed it. Selectman Jasper said that was the determination is that we didn't need it because...Mr. Malizia said there might be State laws, but you don't have an ordinance on the town books. Selectman Jasper said they were told by the Police Chief that yes he could enforce based on State law. The only thing we were doing was passing more rigid fines. Selectman Massey stated the thing on the ATVs is the State statute reads that unless otherwise approved, you may not go on public lands. That's why the Chief was able to enforce it. Look at this point, he thought that we need to do it as soon as possible. If we then need to have an ordinance to put it in full force. Selectman Massey is inclined to agree with Selectman Jasper. The deed

says we must do it. What would you do if we put an ordinance up and a public hearing everybody said don't do it. It's kind of like we don't have to go before the Zoning Board to get variances if we chose not to. He agreed with Selectman Jasper. We need to get it done as quickly as possible. That's why he's going to now support it. If we're going to do it with the signs on a roll, it would be...Chairman Coutu said the motion wasn't to buy signs though. Selectman Jasper stated actually it was. It was to research to see how often they needed to be posted and direct the Road Agent to acquire the signs and affect the posting. Chairman Coutu asked if they were still going to need this study. Selectman Jasper indicated Mark could look it up Thursday.

Vote: Motion carried 5-0.

Selectman Maddox - For those of you that are riveted to your televisions watching the Planning Board meeting, a discussion from the Conservation Committee about the prime wetlands. So he will be looking for direction from this Board as to what you would like him to vote in regards to - they're looking to put a warrant article to enact prime wetlands in the Town of Hudson. That would increase some buffers, designate 21 areas as prime wetlands which have certain other requirements. One of them being going to the State. The Planning Board had much discussion about having the State come in and why we couldn't do it locally. He watched Conservation last night and they basically said they're going to go for it all and put it in. He's looking for this Board, so he doesn't need this answer tonight, but he's looking for guidance how you want us to proceed with that. There is importance in protecting our aquifers but also looking at other issues. As hard as it is sometimes for Chairman Coutu to watch those meetings, you are the liaison. He didn't see a problem with it. Would you agree that it's in the best interests of the town to...?

[Selectman Massey] Here's where it's going to come down to, and this is why the Conservation Commission last night voted 5 to 2 to move forward with the prime wetlands designation. If you believe that it is critical to the town and to the area to have these areas that meet the definition that the State has put down, there are something like either 14 or 20 markers that make a wetland eligible for the designation prime wetland. They are all based on a standard that the State has developed. So it's not subjective. This is what it is. It was done independently by Vanesse Hagen. These 21 areas were determined out of the 38 that Vanesse Hagen looked at to be of sufficient importance to meet the definition of a prime wetland. Selectman Maddox is correct that if the town adopts the prime wetland designation, they automatically meet certain requirements of the State which implies that you have a 100 foot buffer instead of a 50 foot buffer. You are required to make application to the State, and the State has to respond. It's going to really boil down to this. If you think that the watersheds need to be protected, then you have to accept this State involvement. If you don't think that the waters are important, then local control is what it's going to be. He thought that the discussion last night and if you chose to do it, you should probably look at the meeting because there was an extensive discussion on it last night. The final analysis was he thought the majority of either 5 to 2 vote it was they are important enough to bring it to the attention of the Town residents as to their importance for water protection and also for wildlife. It's the real water protection that's driving them.

Selectman Maddox followed up on that. The other side is - well an analogy would be if you believe there should be a park on the south end of Hudson, there should be a park at the south end of Hudson. There are impacts to a number of different areas. These are spread all over the town. There will be additional costs to the land owners. Again, he thought some of this stuff needed to be worked out and maybe by the time they come back to the Planning Board, some of these answers will be obtained. If you wanted to put a deck off the back of your house and you're now going to be within that 100 foot, how much more are you going to have to go through instead of just applying for a building permit in Hudson, you're now going to have to go to the State. Again, no one knows those answers. So the Planning Board's vote was 4 to 3 in favor of. So again, there was some questions as to what this would cost. If you could take a look at it and see where we want to go.

If Selectman Massey might follow up. The vote was actually 3 to 3 and our selectman's representative. It was 3 to 3 not to approve this to go forward to the warrant. It was to request that the proposed language of the warrant article be vetted by our town council. So the vote 4 to 3 was basically just to get the Town council's vetting of the language. The Conservation Commission last night took it upon themselves that they're going to contact at least 3 towns - Londonderry, Salem, and Pelham who all have these prime wetland designations in their area. They're going to ask them the specific questions that Selectman Maddox talked about. What is the basic requirements? If you're going to add a shed, how does the State get involved with that? The wetlands specialists that they've talked to basically says that the State and like everybody else is strapped for funds. It's highly unlikely, but that's what they're going to look at. They're going to do everything that the state statute says they have to do for a deck as opposed to somebody who's proposing to dredge and fill in one of these prime wetlands. They want to get those. They're also going to invite the person who manages this program for the State to come to the Planning Board to answer any and all questions that the Planning Board has. He thought Selectman Maddox was right though. The Board at

some point in time probably needs to weigh in and let him know. If he's the voting member for whatever reason and he's not there, how we should cast our vote when the warrant article is being considered for forwarding to the ballot. Selectman Maddox said especially where it was so close Mr. Chairman 4 to 3. Chairman Coutu said to give it special attention then.

Chairman Coutu - He wanted to echo your remarks Selectman Massey with regards to the Veteran's today. It is there special day and he hoped everybody will at least take an opportunity to remember those who have served and have passed on, and remember them and their souls in their prayers, and to take a time to reflect upon the safety that we're provided by those who currently serve in the service. If you know someone who does, make a special effort to contact them and thank them for their service.

The only other thing he had to say is he wanted to congratulate the Alvirne Broncos football team for achieving a playoff birth. They kept us on the edge of the seat the past 3 weeks. They won 1 out of 3, but it was enough to get them a playoff birth. It's going to be tough going but if any of them are watching or their parents, remind the kids that upset. That's all he can say is upset.

Selectman Jasper reminded him that a once very prominent member of our community has passed on. We want to entertain having a moment of silence. With that, Selectman Jasper knew him a lot better than he did. Chairman Coutu recognized Selectman Jasper. [Selectman Jasper] was saddened to learn that on October 31st Paul, better known as "Moose" Anger passed away in Arizona. Moose was well known throughout the community and work for the Highway Department for a number of years. His son, Joe, is one of the longest serving town employees. He didn't know how long he's worked for the town, but nearly 30 years now. He wanted to extend their sympathy to the Anger family. He will be greatly missed by all of us who knew him, and he would ask that everyone join him in a moment of silence in his memory. Thank you Mr. Chairman. Chairman Coutu received a phone call today. He didn't know if they're planning some sort of a memorial this Saturday and if they're going to make it official, he's sure they'll notify the newspaper. It's going to be held at Kings Court on Sunday from 5 to 7. It was Selectman Jasper's understanding that there will be a notice in the Hudson News.

10. ADJOURNMENT

Motion to adjourn at 10:28 p.m. by Selectman Massey, seconded by Selectman Maddox, carried 5-0.

Non-public session - Labor Relations Discussion

Recorded by HGTV and transcribed by Donna Graham, Recorder

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