

HUDSON, NH BOARD OF SELECTMEN
Minutes of the July 22, 2008 Meeting

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

2. **PLEDGE OF ALLEGIANCE**, led by Leo Bernard.

3. **ATTENDANCE**

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

Staff/Others: Steve Malizia, Town Administrator; Priscilla Boisvert, Executive Assistant; Gary Webster, Temporary Town Engineer; Sean Sullivan, Director of Community Development; Dave Yates, Director of Community Development; Jacob Nazarian, IV, Cable Facilitator ; Leo Bernard; Bill Abbott; Atty. Brad Westgate; Mike Bolko and Ray Zagars from Entegris; Bob Demers, St. Joseph Hospital; Tony Basso and Patrick Colburn from Keach Nordstrom Associates; Scott Whitney, TLT Construction; Michael Bergeron from the NH Dept. of Economic Development; Joe Cote, TEL; Gina Votour, HLN

4. **PUBLIC INPUT**

There was no response when Chairman Nadeau asked if anyone in the audience wished to address the Board at this time.

5. **NOMINATIONS & APPOINTMENTS**

HCTV -- Cable Committee (2 members, terms to expire 12/31/09 and 12/31/10)

Leo Bernard, 3 Bungalow Avenue

Selectman Jasper said he appreciated Mr. Bernard reapplying. Selectman Coutu thanked Leo for filling in when someone was needed. Things went well, with only a few minor glitches. He truly appreciated Leo's dedication and commitment to cable television and he looks forward to seeing him back on the committee.

Motion by Selectman Coutu, seconded by Selectman Massey, to waive the Board's procedure carried unanimously.

Motion by Selectman Coutu, seconded by Selectman Jasper, to appoint Leo Bernard to the Cable Committee, commencing August 1, 2008, with a term to expire 12/31/10, effective August 1, 2008, carried 5-0.

6. **CONSENT ITEMS**

Chairman Nadeau asked if any Board member wished to remove anything for separate consideration. Selectman Massey removed Map 240/Lot 3 from 6-A-1 because it was in his neighborhood and he was going to abstain on it. Selectman Coutu removed 6-B-1, Water Utility abatement, and 6-D-2, Minutes of July 8, 2008. Selectman Massey said the Water Utility has re-set their meetings for Monday nights, so the meeting in August will be on the 18th.

Motion by Selectman Coutu, seconded by Selectman Massey, to accept the consent items A 1 & 2, with the exception of Map 240/Lot 3, B-2, C, with the exception of 3, which was withdrawn by the applicant, D-1 and E, carried 5-0.

A. Assessing Items

- 1) 2007 Abatements for Map 216/Lot 11; Map 241/Lot 12; Map 190/Lot 82; Map 100/Lot 6; Map 231/Lot 39; Map 147/Lot 26, w/recommendation to deny.
- 2) 2007 Abatements for Map 165/Lot 125; Map 143/Lot 3, w/recommendation to approve.

2007 Abatement for Map 240/Lot 3, w/recommendation to deny.

Motion by Selectman Jasper, seconded by Selectman Coutu, to deny carried 4-0. Selectman Massey abstained.

B. Water/Sewer Items

- 1) **W-UTL-08-01, 8 Charles Street, w/recommendation to deny**

Selectman Coutu questioned the recommendation. The historical use shows an average monthly bill of \$250. After the second water meter change, the average bill was \$70. Even after reading the backup and the justification to deny the request, he was still concerned because, even though the meters were tested and found to be in proper working order, after a second change, the readings went down considerably. He wanted to defer for further explanation.

Selectman Massey said when the first request came in, the meter was found to be OK. The user requested a second meter, which was brand new and tested prior to and after and found to be operating properly. The same thing with the third meter. The town has done everything possible to verify that the equipment is accurate and is not responsible for the water after the meter is installed. The applicant has not been able to demonstrate the problem is with the meters.

Within the year, a user whose normal bill was \$50 a month, had one bill for over \$300. The meters tested accurately, so it was clear that there was a leak somewhere. The Town Engineer said a grain of sand in the flapper valve is enough to let an unimaginable amount of water leak out. The Water Utility Clerk bent over backwards to resolve this problem.

Selectman Jasper thought this was rental property. Mr. Malizia said there were 12 units at this location. Selectman Jasper said if tenants aren't paying the bill, they don't tend to really care. Sometimes his tenants don't tell him for a month that their toilet has been running. The applicant's letter indicated that the meters were found to be faulty, but copies of the testing showed that was not the case. He has no idea if a leak was found or if a leaky faucet or running toilet, etc. was fixed. He didn't see how the town could grant this, or what deferring would do.

Motion by Selectman Coutu, seconded by Selectman Massey, to deny the request carried 5-0.

- 2) Sewer Acceptance, Clearview Cir, Shepherds Hill, Map 177/Lot 005, Units 19 A & B; 21 A & B; 23 A & B; 25 A & B

C. Licenses & Permits

- 1) Petition and Pole License for one new Pole 257/38PB, License 21-0995, 72 Pelham Road
- 2) Raffle Permit by the Hudson Democratic Committee for August 10 at 3 p.m. at Old Home Days
- 3) ~~Raffle Permit by Johnny's Pizzeria at 35A Lowell Road to the Frost Family~~ – Item withdrawn by applicant.
- 4) Outdoor Gathering Permit by Chamber of Commerce for August 26 at 199 Lowell Road, Advanced Spa & Poo, 5:30–7:30

D. Acceptance of Minutes

- 1) Board of Selectmen's Meeting Minutes of July 1, 2008
- 2) **Board of Selectmen's Meeting Minutes of July 8, 2008**

Selectman Coutu referred to Page 12 and the motion to deny the request to dig up the road for KeySpan. The minutes showed that he and Selectman Jasper voted against the motion, but he thought the vote was unanimous, that he was not in favor of digging up that road. Selectman Jasper said the reason he and Selectman Coutu voted against the motion was because they opposed sending a letter to a utility who demonstrated that they knew what the policy was.

Motion by Selectman Coutu, seconded by Selectman Massey, to accept the Minutes, as presented, carried 5-0.

E. Calendar

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| 07/23 7:00 Library Trustees in BOS Mtg. Rm. | 08/14 5:30 Sewer Utility in BOS Mtg. Rm. |
| 07/23 7:00 Planning Board in CD Mtg. Rm. | 08/14 7:30 ZBA in CD Mtg. Rm. |
| 07/24 1:00 Trustees of the Trust Funds in BOS Mtg. Rm. | 08/18 6:30 School Board in BOS Mtg. Rm. |
| 07/24 7:30 ZBA in CD Mtg. Rm. | 08/18 5:00 Water Utility in CD Mtg. Rm. |
| 07/28 7:00 Green Team in CD Mtg. Rm. | 08/19 7:00 Cable Committee in BOS Mtg. Rm. |
| 08/02 IAFF Boot Drive | 08/20 5:30 Water Utility in BOS Mtg. Rm. |
| 08/04 6:30 School Board in BOS Mtg. Rm. | 08/20 7:00 Library Trustees in BOS Mtg. Rm. |
| 08/05 7:00 Board of Selectmen's Wkshp BOS Mtg. Rm. | 08/20 7:00 Hudson Senior Council/Aging CD Mtg. Rm. |
| 08/06 8:30 am Highway Safety in BOS Mtg. Rm. | 08/21 7:30 Budget Committee in BOS Mtg. Rm. |
| 08/06 7:00 Planning Board in CD Mtg. Rm. | 08/25 7:00 Green Team in CD Mtg. Rm. |
| 08/07 Old Home Days at Hills House through 8/10/08 | 08/25 7:00 Recycling Committee in BOS Mtg. Rm. |
| 08/07 6:30 Recreation Committee @ Oakwood | 08/26 7:00 Board of Selectmen in BOS Mtg. Rm. |
| 08/11 7:00 Conservation Commission in CD Mtg. Rm. | 08/27 7:00 Planning Board in CD Mtg. Rm. |
| 08/12 7:00 Board of Selectmen in BOS Mtg. Rm. | 08/28 7:30 ZBA in CD Mtg. Rm. |
| 08/13 7:00 Planning Board in CD Mtg. Rm. | |

7. OLD BUSINESS

A. Votes taken after Non-public Session on July 8, 2008

Motion by Selectman Massey, seconded by Selectman Jasper, to hire Ellen Brideau as Assessment Technician in the Assessing Department at \$21.27 per hour, effective August 3, 2008, in accordance with Step 2 of that position classification within the Hudson Police, Fire and Town Supervisors' Association Contract carried 3-2. Selectmen Nadeau & Maddox voted in opposition.

Motion to adjourn by Selectman Massey, seconded by Selectman Maddox, at 12:05 a.m., carried 5-0.

B. Dedication of Sousa Field (from 6/10/08)

Dave Yates, Recreation Director, said they'd like to dedicate Sousa Field a week from tonight, Tuesday, July 29 at 6:30, which is the beginning of the Women's Softball League playoffs, with whomever the Board chooses to throw out the first pitch. He has contacted Alvirne ROTC to post the colors. The rain date is July 30, same time. The consensus of the Board was in favor.

Chairman Nadeau asked for a report on the County grant. Mr. Yates said he met with the Hillsborough County Board yesterday and they will let him know the amount if a few weeks.

C. Cable Facilitator (from 7/8/08)

Town Administrator Steve Malizia said on July 8, the Board directed that he, Selectman Coutu and HGTV Chairman Mike O'Keefe interview the top three candidates for the position of Cable Facilitator. After meeting with the three candidates, they were recommending Jacob Nazarian, IV, who impressed the committee with his vision, passion and experience. Mr. O'Keefe said the committee had lengthy discussions with all of the candidates and the members were all impressed with Mr. Nazarian's background and his passion for where he thinks Hudson public access television can go. They've made significant progress over the years by enhancing the offerings and the technology. His vision--and HCTV's--is to take it to the next level and offer local programming of interest to the community. That was the focus during the interviews and Mr. Nazarian's presentation impressed them.

Mr. Nazarian thanked the Board and said during his interview, it sounded like the Selectmen were guiding where Hudson cable was heading. He has experience producing shows and in running a local cable facility and was asked to be an advisor at the Massachusetts cable board on the direction of technology and how to make streaming files available statewide. Each governing board has a different vision of where they'd like their programming to go—a one, three or five year plan of how they want things to evolve and develop. In order to accept the position if it is offered to him, it is crucial that he understands the Board's direction. He believes he brings an interesting skills set and can help Hudson grow, but his skills need to coincide with the Board's vision.

Selectman Coutu said Mr. Nazarian, a 12-year Hudson resident, was an adjunct professor at UMass Lowell and has a diversified background in cable programming and developing programming for cable systems. He perceives Mr. Nazarian as the future for cable, the person they need in order to progress with cable programming. He was impressed with Mr. Nazarian's enthusiasm and zeal. He has a clear vision of where he'd like to see cable progress and it doesn't differ much from what the Board has spoken about in the past. Mr. Nazarian would be reporting to the Board through the Town Administrator, relative to monitoring his hours and billing. If he was offered the position, he would speak of his vision to the Cable Committee and then, through its chairman, bring it to the Board. If Mr. Nazarian saw how the town could progress, he could talk to Mr. Malizia to get on an agenda for discussion. Mr. Nazarian could be instrumental in helping the town develop an actual plan and with Mike's expertise, they can do that. The rate of pay was a little more than what they had anticipated, but that \$27 an hour is a bargain, if they hire Mr. Nazarian. In terms of cable facilitation, he would put them on the map and he highly recommended the Board look favorably upon hiring Mr. Nazarian.

Selectman Maddox asked if Mr. Nazarian has done much on the municipal level, which works at glacial speed. Mr. Nazarian said no, but he is ready to go at it with lots of energy. Selectman Maddox thought Mr. Nazarian was qualified, but at a time when they are asking the employees to cut back, he cannot justify the salary increase. He didn't want to spend that kind of money up front.

Selectman Jasper said there are no taxpayer monies involved. The facility is run entirely with the franchise fee and the money that isn't spent on staff and programming goes into a capital reserve fund. He believes cable users would like to see something better for that franchise fee that just scrolling announcements. He believed Selectman Maddox was a cable user. Selectman Maddox said no, he wasn't. Selectman Jasper said then Selectman Maddox shouldn't object to this. Rather than go into an account for the future, he'd rather get something now. He'd like to see more local programming and things of local interest that you can't find anywhere else. Perhaps more outreach to the public to let them know they can come in to do programming and to be creative with what's on cable. They have been putting a lot of money into the capital reserve account. Mr. Nazarian asked what would happen with that money. Selectman Jasper said it will be put towards a facility, eventually. There is probably enough there to rent one, to retrofit something. That's something the Cable Facilitator will be involved in, as well. He hoped Selectman Maddox would reconsider or, at least, abstain from voting on the matter. Selectman Maddox said as a cable commissioner, he was going to vote. It wasn't against Mr. Nazarian's qualifications, it was the salary increase that he opposed.

Motion by Selectman Coutu, seconded by Selectman Jasper, to hire Jacob Nazarian, IV as the Town of Hudson Cable Facilitator, effective August 1, 2008 through June 30, 2009 at the rate of \$27 per hour, carried 4-1. Selectman Maddox voted in opposition.

Several Selectmen congratulated Mr. Nazarian. He thanked them, saying he looked forward to attaining some of their goals together.

D. Fiscal Year 2009 Gas and Diesel Analysis (from 6/24/08)

Town Administrator Steve Malizia said on June 24, the Board directed that he report back no later than July 22 at where the department heads might spend less in order to cover contingencies. There is a concern they may over-expend the gasoline and diesel accounts for the town, so he prepared an analysis of what was budgeted for the gas and diesel accounts, \$250,000. He looked at what they were paying, where gas may go and determined they could be at least \$209,000 over budget. With that as a starting point, he looked at the areas of the budget where they might cover that \$209,000. The first one is the fuel contingency account of \$70,000 that the Board put in during the last budget process. He then looked through the budget to determine where money could be taken. The big ticket is the Town Engineer vacancy. That position hasn't been filled because Mr. Webster has been covering that, with assistance from him. A half year is \$49,000, including benefits. In all, he has identified \$212,000. He recommended transferring the monies that he has identified into the fuel contingency account that's under the Board's control so that the money would be available, if needed at the end of the year. He thought the Board might want to wait a little while before transferring the \$50,000 contingency, just to see how things shake out, things that happen in town that aren't necessarily fuel related.

Selectman Jasper thought it was premature to transfer any money. They control the salary for the Town Engineer and for Legal. He didn't think they should take money from the Budget Committee without consulting with them, even though they already decided they aren't going to hire a minute taker. The Board could be creating some ill will if they grab \$2,000 from that budget just 22 days into the budget. With electricity, there is a rate increase coming but if there's money left, they can take it then. The Assessing

Technician salary savings is also under the Board's control; the Electrical Inspector contract savings is a projection. The \$15,000 for solid waste water quality testing wasn't going any place, unless the Board approves it, and contingency is contingency. Until the \$70,000 fuel contingency is used up, don't transfer any money. Wait and see what happens because there may be other places that are more appropriate later on. He would not support transferring any money at this time, but it was an important exercise.

Selectman Maddox thought they were looking for savings, period, not just for fuel. He hoped the Town Administrator would come back with an overview of other areas where they could save, not just make up for the shortfall on fuel. They shouldn't use the contingency because they don't know what may happen tomorrow. He didn't think they needed to transfer much of the funds indicated in the memo, but they need to be looking for additional monies to cover the \$50,000 from the contingency because they will be spending it elsewhere. This was a good exercise, but there aren't enough monies identified yet.

Motion by Selectman Massey, seconded by Selectman Maddox, to transfer from 2, 3, 5, 6, 7 and 8 the amounts indicated by the Town Administrator's memo of July 22, 2008 for a total of \$90,000 and to transfer those funds to the fuel contingency account 5940-304.

Selectman Massey said the whole budget is under the Board's control. This motion creates an image of what they are trying to do and it clearly separates the funds so they no longer are capable of being used. It sets a tone for the climate for the coming year. He agreed with Selectman Jasper that it was not appropriate to take money from the Budget Committee, so he didn't include that \$2,000 amount. If the motion passes, the fuel contingency account would have \$160,000 in it. Selectman Jasper said he could support the motion only if they used just the money for Town Engineer, Legal, Assessing Technician, Electrical Inspector and solid waste.

Vote: Motion carried 4-1. Selectman Jasper voted in opposition.

E. RFP for Engineering Review Services (from 7/1/08)

Sean Sullivan, Director of Community Development, said during the last workshop with the Board, he mentioned the desire to come back with an RFP for consulting engineer services for the Planning Board, who would review site plans and subdivisions that are submitted to the Planning Board. The RFP contains standard language; the Board has approved similar RFP's in the past. It has been about five years since they've put an RFP out for this service. It's time to do that again to see if there are savings that can be attained.

Selectman Maddox said the Planning Board is also looking for a wetlands scientist, landscape, lighting engineer—all of those, but Mr. Sullivan seems to be honing in on civil. Mr. Sullivan said most large civil engineering firms typically have some of those folks incorporated within the firm. He included a statement in the RFP that would require the civil engineering firm to provide a list of subcontractors they would use, if they are not on staff. Selectman Maddox asked why it didn't just say engineering firm. Mr. Sullivan said they wouldn't want a mechanical engineer reviewing a civil engineering design. Selectman Maddox said not having the other disciplines in their company and subcontracting that out is probably not something they want because they want to speed things up. If they are subcontracting out, that may not be any better than what they already have, if the intent is for a faster turnaround. Mr. Sullivan said he's not sure there is a multi-disciplined civil engineering firm that would have everything they want, but there may be one that has a lot of what they want. Selectman Maddox said they need to look at what they want first, a firm that has all of those disciplines within their control. If there isn't anybody, or if they think the price is unreasonable, they can go out piecemeal. Mr. Sullivan was setting his sights very low on this RFP. Mr. Sullivan said the goal was a one-step dance to see what is out there. When he goes to LGC conferences, he visits civil engineering booths and he has a stack of business cards that he will mail the RFP out to, if it is approved by the Selectmen and the Planning Board. The goal is to have something ready to go by fall, if at all possible.

Selectman Jasper said regardless of whether or not they are on staff, the turnaround time is still 10 days, so he didn't understand Selectman Maddox's concerns about contracting out. The timeframe is the same. If they look for a firm that has every one of these people on staff, they may have only one bidder. It would be more productive to find out who has what. They're leaving their options open this way. He didn't think the town was harmed with the 10-business day turnaround time clause.

Selectman Massey said the Planning Board determines who to hire, so he wondered why this was before the Selectmen. Ultimately, the town does the hiring, but the Planning Board selects their consultants. Selectman Jasper said only the Board of Selectmen could commit town funds. Selectman Massey recalled the grief the Selectmen took when they hired a consultant for RiverPlace. The Planning Board was extremely upset that they were not in the loop because the project was under its purview. Selectman Jasper said if Mr. Sullivan went to the Planning Board first and they approved it, but the Selectmen didn't, the Planning Board would accuse the Board of second-guessing them. If the Selectmen send something to the Planning Board, as approved, then the Planning Board can say yea or nay, and it would come back to the Selectmen. The first bite of the apple belongs to the Selectmen.

Selectman Massey said the show stopper was #6, "The consultant will not be under current contract nor enter into contract with any project proponent who seeks to submit a site plan or subdivision plan to the town." There aren't a lot of companies around that are not willing to enter into contract work with any developer. That's the problem they ran into when they hired VHB; only two companies responded because all of them wanted to get a piece of RiverPlace because they could make more money on the developer's side. The town probably won't get a lot of response to this RFP.

Selectman Jasper said there is no way they can hire a consultant to work both sides of the fence. That's all the more reason they don't limit it to people who have everybody on staff. The alternative is to continue with the current consultant but, as they have found out with the auditor, that doesn't always work in the town's best interest. Their options are very narrow because of that reality. RiverPlace wasn't weighing too heavily on most people right now—except for a few.

Selectman Coutu liked the RFP, which was more inclusive than exclusive. It gives them an opportunity for a broad search for a consultant that could satisfy the needs of the town. The Selectmen need to give some indication to the Planning Board how they feel. The Planning Board can modify it if they find something objectionable.

Motion by Selectman Coutu, seconded by Selectman Jasper, to accept the RFP submitted by Sean Sullivan and that the RFP is forwarded to the Planning Board for their review and consideration carried 4-1. Selectman Massey voted in opposition.

F. GNM Corp. (St. Joseph's Medical Center) Extension of Water Main along Rte 102/Map 105/Lot 12 (from 6/24/08)

Atty. Brad Westgate of Winer and Bennett said he was representing GNM Corp., a sister company of St. Joseph Hospital. On April 9, 2008, the Planning Board gave site plan approval for a 30,000 sq. ft. medical center on Map 105/Lot 12 which has frontage on Robinson Road. One of the conditions of approval was that the arrangements with the town be finalized regarding water service to the property. (He displayed a map for visual understanding.) The proposal to extend the water main commences opposite the Southern New Hampshire Medical Center facility on 102, up to which the water line is now run. The pipe would run along what Attorney Buckley calls the east side of Route 102, just beyond the Dartmouth-Hitchcock facility and then come up the Tate side of the common driveway between the Tate rental property and Dartmouth-Hitchcock, run through the back of that property and come in the back end of the St. Joseph site. When this first went to the Planning Board, it was originally proposed by the project engineers, Keach-Nordstrom, that the water line come in the back of the property and then enter the building from the rear, but the Fire Department asked that the line be extended down another common driveway, which services the recently built dance studio and come to about 112' before hitting Robinson Road for fire protection, to have a hydrant at the end of the line. He prepared a water extension agreement for the Water Utility Committee's review and for the Board of Selectmen to try to give some detail to the agreement, based on the facts of this particular extension. Attorney Buckley submitted a letter to the Board on the draft agreement and he raised a few questions, but he was OK with the proposed easements.

Selectman Jasper said his interest was bringing the main all the way to Robinson Road. There's 50 acres across Robinson Road that will no doubt be developed and it would make a great deal of sense to not have to further negotiate on private right of way and dig things up again. He asked how they could reach that goal. Atty. Westgate said that's the prerogative of the Board of Selectmen. They would need to discuss some kind of appropriate fair and allocable cost reimbursement arrangement for St. Joseph Hospital for bringing the line all the way to Robinson Road. It's about 3,170' of line from the starting point by Southern New Hampshire, up 102 cross country to where they would end the line presently. All of that up-front cost is borne by St. Joe's. Because the line didn't go as far as Robinson Road, it gave St. Joe's some ability to do some cost recovery, if it ever got further extended. The town's Water Utility regulations allow for some cost recovery on the distribution fee formula, but that is based on residential usage, not commercial. He integrated that formula into the proposed agreement, because it's the only formula the town operates from, but if the line goes all the way to Robinson Road, and other commercial uses could possibly tie in in any direction, he suggested that a different cost reimbursement arrangement be established. One would be that instead of being tied to the distribution fee rate charge that's based on domestic service, perhaps the town could consider, with assistance from Weston & Sampson or Pennichuck, having a different distribution fee reimbursement formula for commercial tie-ins. If that approach was taken, then whatever that schedule was—and it could be done after the agreement is established and just integrate it in by reference when it is adopted—that approach could at least be some measure of getting St. Joe's Hospital back a fairer reimbursement. Another approach is to divvy up the possibilities of extension—town-based versus developer-based, although he sees a lot of subjective difficulty with that. Their preference is that the line not go to Robinson Road because that's now how it was designed.

Selectman Maddox thought the Town Administrator told him there was another plan for commercial—a year's worth of water usage. Mr. Malizia said that's how the town's distribution fee had its genesis. Pennichuck, for example, usually pays back a year or so of revenue for whatever that hookup is. They have some formula where there is a return back to whoever extends the line, provided somebody hooks up to the extension they put in. If St. Joe's puts in a line on 102, and those businesses along there want to hook up to it, there's a reimbursement. Right now, it's predicated on the domestic rate schedule. This was done some number of years ago when water lines were being extended and residents were hooking up. The intent was for people to buy into their share of the system. This is the first expansion of this nature that has been contemplated since Southern New Hampshire paid for the line to come from where it currently is somewhere in the White Hen Pantry area to their facility. He didn't think there was any agreement for reimbursement. Selectman Maddox didn't have a problem with it stopping on their property. They need to have a mechanism to recoup a couple hundred thousand dollars to put that line in. In fairness, if they are going to run it down to bring fire protection to bring a hydrant on their property by their driveway, it gives the fire protection, but there isn't a town plan to get their money back.

Selectman Massey said it makes sense to get a town easement from the 112' mark to Robinson Road. If they were ever to extend the line based on current practices, whoever was going to make use of that on Robinson Road would be paying for that 112'. The town would be looking for an easement for that 112' so they could go in without having to go through negotiations. He didn't think St. Joseph Hospital should be required to extend the line at their cost down to Robinson Road because it was the Fire Department that asked them to come out the other way. The long term solution would be to extend the easement to the town down to Robinson Road.

Selectman Jasper said they are not being consistent because Southern New Hampshire had to bring the line down to the edge of their property line and go across the highway. Mr. Malizia said the town paid to go across the highway because the road was being redone at the time. Selectman Massey said the town required Southern New Hampshire to extend the line down Derry Road on the north side to a point either one or two pipe lengths beyond their property and they paid for all of that. However, because roadwork was being done at the time, the town paid to bring the pipe across the street so it would be available for future use. Selectman Jasper said it still seems a little inconsistent to tell Southern New Hampshire they have to bring it beyond their property line and not say the same thing to St. Joseph. Selectman Massey said he was suggesting they don't require St. Joe's to bring the line out to Robinson Road.

Selectman Jasper said that was inconsistent, since they told the other hospital they had to bring it two pipe lengths beyond their property line, which was a good number of pipe lengths beyond where they even needed to stop to access their facility because they just needed wherever they accessed their building, they went beyond that which was still on their frontage, and then beyond that. There should be some ability to recoup. When his grandfather bought the farm on Old Derry Road, there was no electricity except to the Hills House and after a few years, he decided to run the line down and went to all the neighbors to see if they were interested in hooking up to electricity. There was a period of two years, that if anybody hooked in, he would get some money back for the cost to bring the line in. Everybody waited until that time was up and then they all hooked in, so he is sensitive to the fact that if you do a lot of work and pay a lot of money, there should be some return if other people take advantage of that. To be consistent, they ought to be imposing the same standard. Hey, you're extending our line and to do that, you're going to go to here, and now we will have a hydrant on the street, which is going to be more accessible for other fires in the area, rather than having to go in there. That was a problem at White Hen for years. Any time they had to use that hydrant, it was a total disaster because they had to go in behind White Hen and often cars were blocking in various places and it was a mess.

Acting Town Engineer Gary Webster said with Southern New Hampshire, they went beyond the driveway of the existing Southern New Hampshire and then they ran an eight inch line so they could eventually extend that line. St. Joe's is doing the same thing on 102. Both projects are the same. Atty. Westgate said what Mr. Webster means is on 102, beyond the driveway that's past the Dartmouth Hitchcock building, not towards Robinson Road. Selectman Maddox said he thought, when the first facility was built, they went beyond the driveway to facilitate getting to that other parcel that was right next door so they wouldn't have to dig up the driveway, so they did it to benefit them, as well. It wasn't just that the town asked them to go beyond; there was a second parcel and they didn't want to dig up their driveway at some future point to connect to the pipe that's at the end of their driveway, so they ran the pipe beyond. Mr. Webster said that was exactly right.

Selectman Massey said they don't want to stop the line at a 90° angle. They want to extend it past the line going into their property so you can put a stop valve at the end of it. It was a practical matter for the town to want it to go beyond their property, as well. He thinks they are being consistent. Tonight, they were on this issue because the Fire Department has determined that they want access to a hydrant from Robinson Road. If the Fire Department had been happy with the connection to the building in the back of the property, they'd be looking at about 400' of pipe that wouldn't be there, so they are being consistent. It would be appropriate to have an easement for the town for that 112'. If the town ever decided to give water to anyone else, they would have to pay for that 112'.

Atty. Westgate said if they grant an easement all the way to Robinson Road for the last 112' then the town will have complete control over the extension of the line, at that point. St. Joseph's wouldn't bear the cost for the 112' but for whatever reason it were to be extended, it would be the town's prerogative. For the cost reimbursement concept, in the present regulations, if someone puts in a water main, they only get reimbursement based on the domestic schedule for service lines that come directly off the main. He wrote into the agreement the idea that there be some reimbursement capability, even for service lines that are past the main that they constructed on the theory that they are building the lion's share of the main to the Robinson Road area. If it went the route that Selectman Massey suggested, there would be an easement all the way to Robinson Road, but the pipe stopped at the 112' point. They would still need some reimbursement capability to share pro rata in a commercial distribution fee that's allocated on a percentage basis of how much of the main St. Joseph put in and how much beyond was extended. If they put in 3,750' and someone else extends it 1,000' then if there was a distribution fee to be had for a commercial user, they get 37/47-hundredths of that because they are putting in the lion's share of the main. They wouldn't have to think of all those concepts if the line and easement stopped short of Robinson Road, but if it doesn't, they should try to do something to get appropriate reimbursement.

Selectman Massey said this came before the Water Utility last week and referred to 4.02, saying it was reasonable to expect, based on the comment on Exhibit A, the agreement should have language that any connection off that line that was paid for by St. Joe's would be reimbursed on a distribution fee that is calculated beyond residential. The commercial use is going to have a fire suppression line and domestic water, but he didn't see that the other piece would hold because if that were the case, Southern NH would be asking St. Joseph to pay for a proportionate cost of the pipe from White Hen where it crosses the road.

Selectman Jasper said there's a cost of doing business. They are upsizing the pipe and paying \$43,000 for that and if they don't have an easement to Robinson Road, then upsizing the pipe all the way from 102 in through their property line is pointless. Selectman Massey said they aren't upsizing the pipe on their property, only on 102. Selectman Jasper said then it's going to be a useless main going... Selectman Massey said it's going to be a 12" main from Dartmouth-Hitchcock into their property, to the 112'. Selectman Jasper asked why they were doing this. Chairman Nadeau said that item was next on the agenda. Selectman Jasper said if they are going to have a 16" line... yes, they could go back across 102, down West Road or up, then they are leaving themselves... Selectman Massey said he talked with the Town Engineer and the cost of upgrading from 12" to 16" or about 1,500' would be well over \$100,000. On that basis, it didn't seem feasible to upgrade the cross country pipe. If they were to ultimately extend the line to Robinson Road, they could put a 16" line in at that point and the flow would be able to fill it up, so that wasn't a problem. They've got a 12" pipe from White Hen up to Southern NH. It's going to become 16" across the road.

Selectman Jasper said all of that doesn't make a lot of sense to him. Let them bring the line to where the Fire Department recommends. If somebody wants to tap into their private line, then they can worry about reimbursement. Selectman Massey said it's not a private line; the town owns it. Selectman Jasper said it's private property. They are putting it in at 12" for their capacity. Somebody else can come in and negotiate with them to get their water supply through their property. If there isn't an easement on there and it just ends 112' from Robinson Road, that's the end of the story. Selectman Massey said there is no way the town is going to want a private developer to own the easement. (Talking over each other.) Selectman Jasper said they are getting very complicated. They should just leave it and that's the end of it. What happens in the future would be determined then, with no town easement.

Atty. Westgate said he drafted an extension agreement that replicated the exact route that the water main was shown on the Planning Board approved plans. The easement and the pipe both ended at 112'. It would be a public main all the way. Selectman Massey said there is another proposal before the Planning Board to extend water to the cul de sac on Christine Drive. They are in the process of working with St. Joseph for that easement, which would be a town easement. If that occurs, they would wind up with a pipe on Christine Drive, which the town would own, and if the town chose to go up Christine Drive to Robinson Road, they could. They are not totally cut off from Robinson Road if that pipe ends at the 112' mark.

Selectman Maddox said they need to get back to the reimbursement, to pick either 4.02 or 4.03. He thought 4.02 was a residential type of setup and that might not be the way to go. He agreed with the Pennichuck program--a year's worth of water use. Atty. Westgate said 4.02 is a recitation of what the Water Utility regulations already provide. If they go the 4.02 route, it provides that in the event the town adopts a distribution fee rate chart for commercial users that's different than the domestic one, that that supersedes the domestic one and automatically applies for any commercial users who tie in so that in the event that, at some later date the town creates two charts—domestic and commercial—then whoever ties in pays at the appropriate rate. Selectman Massey thought that was reasonable, but to keep from any ambiguity in the future, they should identify all the lots that that could happen with.

Atty. Westgate said Atty. Buckley suggested that he identify all the lots along the main, so they know precisely what lots can get direct service. Section 4.02 only allows reimbursement for those takeoffs right on the main, so they can easily identify them. Section 4.03 was his attempt at some pro rata contribution for the fact they put in a long section of pipe, but maybe didn't put all of the pipe in and someone else does a takeoff from it and gets reimbursement that way, but that issue is less important if the pipe and easement ends short of Robinson Road. Selectman Maddox said then he has the negotiations to recoup their monies. Chairman Nadeau and Selectman Massey concurred. Selectman Massey said if the easement stops at the 112' mark, there was no need for section 4.03. Atty. Westgate said they'd like it, but it's less important. Selectman Coutu asked if Atty. Westgate would be willing to withdraw it. Atty. Westgate said if it's in concert with the easement stopping short of Robinson Road, as the plans originally said, then yes. Selectman Coutu and Selectman Jasper concurred with that. 4.03 would be removed and the easement would stop at the 112' mark.

Selectman Maddox said when they look at the commercial, he would extend it beyond five years to seven or ten. These projects take so long to get through the process, putting down a lot of pipe, they need to be able to recoup some of that. Chairman Nadeau said they would be removing 4.03. Selectman Massey said there should be language in 4.02 that if a commercial rate is established greater than the residential, that would supersede. The Water Utility would have to come up with something. Mr. Malizia said that would have to be incorporated in the final draft. Atty. Westgate agreed. He would propose that the commercial rate language be put in, but they know there is no rate chart yet. If a rate chart didn't get adopted and a commercial user tied in, probably by default, they're at the residential chart. Mr. Malizia said reference should be made that if a commercial rate chart is adopted, that chart would supersede. Selectman Jasper said or any modification made by the town of Hudson to its customer or water system access fee for either. They may modify the existing residential chart, so it'd be a modification to the policy, period. Atty. Westgate said whatever charts exists at the time someone hooks in, that's how they get reimbursed. That pertains only to tie-ins directly off the main they create, not extend the main further issue. Selectman Jasper said the amount that goes in 4.01 is \$43,487.50. Mr. Malizia said if the Board approves the next item on the agenda. Selectman Jasper said there's no need to delay this further. It doesn't have to go back to the Water Utility because the Selectmen are the Water Commissioners.

Selectman Massey asked if Atty. Westgate needed for something to be approved before August 18, the Board's next meeting. Atty. Westgate hoped the Board would approve the agreement to permit the water extension, subject to redrafting to address the issues they talked about, and town counsel's approval of the redraft. Selectman Massey said they already approved the extension; now they are talking about the agreement. Atty. Westgate said the basic redrafts are they plug in the \$43,000 figure; eliminate 4.03; they contemplate rate chart figures of different sorts; they plug in the tax map and lot numbers that are along the main so it is clear what lots they are talking about. Atty. Buckley had north, south, east, west issues, but he wasn't sure how they wanted to deal with that. He thinks of the road as going east-west and the sides as north-south. Selectman Jasper said it wasn't 100% correct, but close enough.

Motion by Selectman Massey, seconded by Selectman Jasper, to modify the proposed agreement for the extension of the water main along Route 102 between the Town of Hudson and GNM Corporation, subject to final language approved by the Town Attorney and incorporating the issues agreed upon tonight carried 5-0.

G. Water Main Sizing for Route 102 (from 6/24/08)

Town Administrator Steve Malizia said St. Joseph is required to put in a 12" main along 102 and he and Gary Webster have proposed upsizing that to a 16" pipe, which will give greater capacity, at a cost of \$43,487.50 and would come from the water utility budget

Motion by Selectman Jasper, seconded by Selectman Massey, to increase the size of the pipe for the Route 102 water main extension from 12" to 16" in the amount of \$43,487.50 with the funds to come from water utility account 5592-204 carried 5-0.

Chairman Nadeau declared a brief recess. The meeting resumed at 8:50 p.m.

H. Sewer Access Fee Policy Change (from 5/13/08 and 6/24/08)

Town Administrator Steve Malizia said the Board had some previous discussion regarding construction of multi-family dwellings and this is the Sewer Utility's recommendation to amend their policies to clarify that issue. Selectman Jasper said this addressed his concerns. The policy says you don't get charged a fee until the foundation goes in the ground.

Motion by Selectman Coutu, seconded by Selectman Massey, to approve the change to the Access Only Fee and Rate and Billings section of the Sewer Utility Policies and Procedures, as recommended by the Sewer Utility Committee carried 5-0.

I. Sewer Abatements (from 5/13/08 and 6/24/08)

Motion by Selectman Jasper, seconded by Selectman Massey, to grant abatements listed on S-08-06b, S-UTL-08-15 (4-3-08) Sparkling River, 2 A & B, 3 A & B, 11 A & B Taunton Lane, Account # 6648, 6649, 6660, 6661, 6654 & 6655; S-UTL-08-16 (4-3-08) Sparkling River, 1, 2, 4, 5, 7, 8, 9 Cricketfield Lane, Account # 6617, 6624, 6623, 6618, 6619, 6622 & 6620; S-UTL-08-17 (4-3-08), Sparkling River, 7, 9, 10 A & B, 11 Leybridge Drive, Account # 6621, 6644, 6646, 6647 & 6645, as recommended by the Sewer Utility Committee in their memo dated July 15, 2008, carried 5-0.

Motion by Selectman Jasper, seconded by Selectman Coutu, to deny abatements listed on S-08-06a, S-UTL-08-14 (4-3-08) Sparkling River, 3 Doveton Lane, Account # 6633; and S-UTL-08-18 (4-3-08) Sparkling River, 10 Brackett Lane, Account #6616, as recommended by the Sewer Utility Committee in their memo dated July 15, 2008, carried 5-0.

J. Sewer Rate Recommendation for Fiscal Year 2009 (from 7/8/08)

Town Administrator Steve Malizia said, per the last meeting, all of the accounts were going to be increased by \$2. They all went down by \$2, now they are going back up by the same amount.

Motion by Selectman Massey, seconded by Selectman Coutu, to increase the sewer rate fees, as outlined in the memo dated July 15, 2008, effective July 1, 2008, as recommended by the Sewer Utility Committee, carried 5-0.

8. NEW BUSINESS

A. Request for Sewer Capacity by Entegris

Town Administrator Steve Malizia said Temporary Town Engineer Gary Webster would speak to the capacity, as well as two officers of Entegris, Mike Bolko, Corporate Environmental Manager and Ray Zagars, Corporate Technical Program Manager, and also Michael Bergeron from the state's Department of Economic Development.

Mr. Bolko stated that Entegris was a Minnesota-based international company that makes products primarily for the semi-conductor industry. He had an sample of the product they make, a plastic tube about 8" long. He said there was a pleated filter inside, encapsulated in a plastic housing, used to filter water or chemicals used in semi-conductor industry. They currently have several leased facilities in Massachusetts. To maintain a significant presence in New England, they are looking to purchase a property in either Massachusetts or New Hampshire. They will be consolidating many of the operations that are currently in their Massachusetts facilities and they will be employing approximately 125. They would be making a significant strategic commitment to maintain manufacturing in New England and have done an extensive search of possible facilities in the area. They have come up with a short list of desirable sites that they want to pursue further, some of which are in the Sagamore Industrial Park. In order to make their product, they use a significant amount of water. A peak monthly average is 100,000 gallons a day. They've met twice with the Sewer Committee, at which time they provided detailed information on their flows. At the last meeting, the committee unanimously approved a motion that recommended the Selectmen approve the sewer allocation request of 100,000 gallons per day for Entegris at the Sagamore Industrial Park, provided the available capacity for buy-back is available. Their plan is to purchase a facility, but before they can proceed with negotiations, they need to get an official assurance from the town that they will be able to get the capacity they require. Based on their long-term commitment to the town, they are also requesting consideration of the one-time fee and an adjustment to the one-time fee.

Selectman Coutu, liaison to the Sewer Utility, said he was present at both presentations and was excited that someone was interested in moving into Hudson that would be providing good-paying jobs. It appears there is sufficient capacity to buy back to allocate the 100,000 GPD that Entegris looking for. The issue with the fees would have to be discussed separately.

Mr. Webster, Acting Town Engineer, said they went through all of the industrial buildings at Sagamore Park to try find extra capacity. The old HADCO buildings had 120,000 GPD. The Sewer Ordinance allows the buy-back of sewer allocation. There is 68,000 GPD leftover sewer capacity. They thought of buying back 65,000 from whoever owns HADCO at a hefty \$335,000. The Sewer Utility has to buy that back, then reallocate it. HADCO is now using only about 800 GPD. They found other sites that didn't have big usage. He had a list of the facilities that were possibilities. BAE has a big allocation and they don't even come close to it. Selectman Massey said BAE never hooked into the sewer. Mr. Webster said they got their own sewer line but it's part of the allocation to Nashua. Selectman Maddox said it was part of the 2,000,000. Mr. Webster said the average GPD flow for a year for Hudson is about 1.4 million.

Selectman Massey asked what the cost was for the buy-back of 100,000 GPD. Mr. Webster said \$516,000. Selectman Massey asked if that's what Entegris was asking to have adjusted. Selectman Coutu said Entegris was not requesting 100,000 gallons because there is already an allocation to that building. Selectman Massey asked if Entegris was asking that the town pick up that fee, if they came to Hudson. Mr. Bolko said they would like that, but they were asking for consideration. Mr. Zagars said their decision to come to Hudson is not solely based on economics, but economics is a part of the decision and some communities have no one-time sewer access fee, so that has to be part of their consideration. Selectman Massey asked if the town picked up the entire amount, what commitment Entegris would make to remain in town for 10 years and maintain the employment at or above what it was at the start. If

the town was going to invest \$500,000 in their company, what's the return on the town's investment? Mr. Zagars couldn't make any guarantee on behalf of the company, but to consider the fact that they were buying, not leasing, the building and the land. They would be uprooting several facilities in Massachusetts and the equipment is expensive to move. The reason they are buying instead of leasing is because they want to do this one time and not have to do it again. He could say with a high degree of certainty they would be here 10 years from now, but he couldn't say that without a doubt. Selectman Massey said that was fair.

Selectman Jasper asked what it cost for someone to hook into the sewer system who had a requirement for 100,000 GPD. Mr. Malizia said it was the allocation cost, the \$516,000 figure that was quoted. Selectman Jasper said it's not unreasonable for the town to buy the capacity and sell it to this company coming in and the town is made whole. It shouldn't matter whether the town has to do this or not, because this is what they would have to pay if the building didn't have the allocation. On the other hand, they have this theoretical number where they have allocated flow all over town. Right now, they have 80 some odd thousand, but the reality is they are flowing a ½ million gallons a day less than they have. The town could just sell them the 96,000 without buying anything back because they haven't actually gone over the flow. All that matters is how much is sent to Nashua and they are not close to 2,000,000. He didn't see the reason for the buy-back. If somebody wanted to sell some capacity back to the town for, say, half price, that might be something that when they get near their capacity... he didn't see why they should pay someone \$500,000 when they don't need to. Selectman Maddox kind of felt that way, too, but they've got only 60,000 left. If everybody decided to use it, what then? They need to look at the big picture and they can't sell the same cigar twice.

Selectman Massey said last year, the Town Engineer looked at all of the current lots that are inside the existing sewer district that do not have sewer hook-up and estimated what that would cost in terms of gallons and, basically, they are 105,000 short of supplying the theoretical maximum to the set of lots he identified. Selectman Maddox felt there was probably a middle ground. One of the reasons Entegris is probably looking here is because the tax rate is pretty low, compared to other New Hampshire communities.

Selectman Jasper said a lot of people are hurting now, so they could go around and see if someone wanted to sell back some capacity at some reduced rate, and it would work for both sides. Selectman Maddox asked if they send the Town Engineer off on a capacity hunt and buy it back at half price, if that's what the town will charge Entegris. Selectman Jasper said yes. Selectman Maddox said it also makes the property more attractive. Selectman Jasper said they've got ½ million gallons a day to play with; sell them the 100,000 at the full rate and, at some point, if they get closer, start looking to buy it back and the sewer rate payers haven't been harmed.

Selectman Coutu said Gary Webster has already done the search and it's not a question of approaching a company to buy it back; the town can just cut them a check if there is a flow chart that indicates their average use does not exceed X, then they can allocate that amount, plus a little extra. Mr. Webster said that was correct. Selectman Coutu said it's available and the town can just take it. Selectman Jasper said the question was paying for it. The answer to Entegris is yes, the capacity is available; yes, you can have the flow and, as they sit there today, it's at the going rate. If there is something else they want to work on, they can. Mr. Webster said there are a lot of empty buildings in the industrial park because everything is going overseas. A company like Entegris will add valuable jobs and that's what they have to look at. Some of those other industrial buildings may be torn down because there's no use for them. He has a chart of all of the sewer usage, but it's up to the Board.

Selectman Jasper said one of the scenarios is just to sell them the flow at the regular price, or if Entegris wants to go and talk to the companies and they are willing to sell it at a certain price, they could put together their 100,000. They can then inform the town the amount and the price and they town can buy it at that price. It keeps the town out of the negotiations and from acting on behalf of a business. The company could identify the flow and the price they'd be paying for it. That might be the better way to go.

Selectman Coutu asked if they've identified a building. Mr. Zagars said they've talked about 28 Executive Drive quite openly, but they are interested in a couple of other locations within that park. They need a certain size building and then they have to evaluate what upgrades need to be made and factor that into their budget. There are two or three locations within Sagamore Park they are considering. Selectman Coutu said he got the impression that time was of the essence because their leases are running out in some of the facilities they are in. His understanding is that no offer has been made on any building. Mr. Zagars said they were still in the process of due diligence. They've invested in a phase one environmental assessment for one of the properties, and that is out of the pocket fees to a third party. There is also some due diligence with third party industrial contractors to look at the buildings and recommend what additional investments need to be made. Selectman Coutu asked if they had a target date. Mr. Zagars said the goal is to be signed, sealed and delivered on a property by the end of September. Selectman Coutu asked if that still was feasible. Mr. Zagars said yes.

Selectman Maddox said this is one of the places where the town can help. The Sewer Utility Clerk and Acting Town Engineer have a much better idea of the buildings where flows are available and they could be the facilitator to do some of this. He didn't think it was practical for Entegris to knock on doors, asking to buy sewerage. Selectman Jasper asked if the town would do that for everyone that wants to buy capacity and didn't want to pay full freight. Selectman Maddox said yes, for 100,000 gallons or more. Selectman Jasper said as long as there is some cutoff. It's a fine line either way, but when the town is doing it, it's a little different than somebody else conducting what is essentially a private transaction. He's OK with the town saying OK, if you can find it, the town will agree with the 'Yankee Swap' versus the town doing it. The best thing to do is tell them to buy it at the ½ million price and worry about the capacity issues down the road. That's the cleanest way.

Selectman Massey asked if the buyback formula has been adjusted over the years. Mr. Webster said no. Selectman Massey questioned HADCO paying \$500,000 to hook into the sewer system. Mr. Zagars said that was part of their logic for thinking it was reasonable to ask for some consideration. It was difficult to think the rates haven't changed over a period of time. They weren't

asking for a handout. If the town was buying back at a lesser rate because it was allocated at a lower rate, they'd like the lower rate and would pay for that so the town wouldn't be losing anything.

Selectman Massey asked what the average starting salary was for an hourly Entegris employee because he was trying to get some sense of what the economic impact to the town would be since they were talking about 125 jobs. Mr. Zagars said what they use for budgeting and planning purposes for hourly folks is \$50,000 a year. There is a range from entry level to very experienced people. This is high-end manufacturing, not for someone who can just press a button. Selectman Massey said he knew that, coming from the printed circuit industry. He asked if Entegris was making the wafers. Mr. Zagars said no, they supply products to the people that make wafers, the people that make the Pentium chips and to the people that make the equipment that supplies the people that make the chips. Selectman Massey said he knew why they needed clean water for plating and the chip process, but couldn't understand why they needed that much water for the product they had with them.

Mr. Bolko this product filters the chemicals or the water that the (not discernable) uses. They have very low tolerance on metal contamination within those products, in the parts per billion and now they are even talking about parts per trillion. Assuming the sample product was clean, if he touched it after touching the microphone, it would be contaminated to a point where it couldn't be used by the end user. The metal contamination just coming off his hand would be too high, so they use a lot of pure water to clean the filters and they also use some cleaning chemicals. Mr. Zagars said they would take town water and run it through a multi-million dollar water purification process before they actually used it.

Selectman Coutu said he knew the Board of Selectmen was committed to look for and entertain a resurgence of industry coming back to Hudson. Short of what they heard tonight, a general endorsement of working out whatever needs to be worked out to acquiesce the 100,000 gallons, they were very loud and clear. He believed the Board was endorsing Entegris' concept and embracing their coming into Hudson with open arms, looking forward to having them. He'd like them to cease and desist entertaining other towns. They would be welcomed in town and if they want the Board to be more specific, they can address it now. He hoped they got the message that the town would love to have them and they could work with staff to resolve whatever the needs are in order to accommodate Entegris' needs and the Board agrees if they get a lower rate, that's the rate that will be passed on.

Selectman Massey asked if they needed site plan approval. Selectman Maddox thought so. Selectman Massey thought they'd then probably be looking at a minimum of two to three months for a site plan. Selectman Jasper did think they needed a site plan if they can show the traffic generation is at or below the traffic that was approved for the site plan, and if they don't make any exterior modifications to the buildings or grounds. Selectman Maddox said there were many open ends. Is there a site plan for that plot? Mr. Webster said yes, they all have site plans. Selectman Maddox asked if they were going to make modifications. Selectman Jasper said traffic calculations and whether the buildings and grounds are going to be modified are the key. Selectman Massey said they should at least make an inquiry to the Zoning Administrator tomorrow. He'd hate for Entegris to go through a lot of hoops and then find out there is a timeframe they hadn't counted on. The town owes them that in terms of their planning. Selectman Maddox said Entegris has to pick a building first because it might not have a site plan. Mr. Webster said all of them in that park do. Selectman Maddox disagreed. Mr. Webster said the buildings Entegris was looking at have site plans.

Selectman Coutu thought all they were going to do outside the building was put up a sign. Mr. Zagars said when they discussed it, that was true. As they've looked further at the buildings, such as one they focused on at 28 Executive Drive, the roof structure is not adequate for mounting some of their air handling equipment. They are going to be putting in clean rooms, etc., with quite a bit of air handling, so there's probably going to be things on the roof that aren't there right now. Selectman Jasper didn't think that applied; it was the footprint of the building, parking and the grounds. Mr. Zagars said they had no plans to do that. It was be mostly interior modifications to beef up the structure, etc.

Selectman Maddox said the Selectman need to step back so some decisions can be made on their (Entegris') end. The Selectmen want to help, but he wasn't ready to say Entegris doesn't have to go to the Planning Board. The Selectmen don't need to meet Entegris' timetable; they need to understand there is a process and it may have to go to the Planning Board. This Board can't waive that. Mr. Zagars said they didn't expect to bypass any process that was required. Wherever they settle, they anticipate having to get approval for their plans from the town, so they are not looking for someone to let them run off and do whatever they want to do.

Selectman Jasper said if the town wants to encourage people to come in, they need to be business-friendly and realistic. If there is a site plan, and the traffic generation is the same, and they are not changing the footprint of the building or the parking, then they have to have a logical reason why someone needs a site plan. Putting something on the roof, or doing any modifications to the inside of the building has got nothing to do with a site plan. The Selectmen need to be cognizant of that and to look at that. If that becomes an obstacle, they've got to do something in town to change things. They can't be putting up obstacles to the commercial base when there is absolutely no need. Sometimes it's just curiosity; some people want to see every little thing that's going on and that's unnecessary.

Selectman Maddox said the chance of their building lining up with what is there is slim and none. They can't be giving away things they can't be giving away. Selectman Jasper said he wasn't suggesting that. Selectman Coutu said they agreed they would abide by whatever process was necessary. Selectman Maddox said the Board was arguing for Entegris when they weren't asking for it.

Selectman Coutu asked if Entegris understood they were wanted in town. Mr. Zagars said yes, loud and clear, but he didn't know what to assume, and they need to make some assumptions. He heard loud and clear if the town can buy back the sewerage at a lower rate, Entegris would pay that lower rate, but it sounds like he should assume they would pay the full price, as they assess one site versus another. Selectman Jasper said yes, but not to let that be a deal breaker/ Come back to see the Selectmen. Selectman Coutu wholeheartedly agreed. Mr. Zagars said that was very fair.

Selectman Maddox asked if it was the Board's intent that staff start to look for capacity. Selectman Massey said it has already been found. Selectman Maddox said they've just identified buildings that have unused capacity. Is town staff doing that, or are they sending Entegris off to hunt it on their own? Selectman Massey said the town should do it, not Entegris. Selectman Jasper said if they are going to be looking at a lower price, then Entegris ought to be doing the bargaining because it's a slippery slope if the town starts doing it unless there is a policy saying they'll do that if they are going to employ 100 people and have 75,000 gallons. They have to have a policy. Otherwise, it's fine for individuals to go out and identify the flow and make the deals and buy 100,000 of flow--here's the price, we cut you a check, you cut them a check and it's a wash. He'd rather do it that way with a private enterprise.

Selectman Massey asked if the town wanted to give a discount of all or some of it, where would the money come from? Selectman Jasper said no one has talked about a discount off of what the town pays; the town is going to be made whole. The town either buys it at a reduced rate, or Entegris buys it at the full freight. Or, the Board could say \$500,000 access fee for 100,000 gallons is ridiculous and they could modify the rate structure when you get above a certain flow. In theory, they still need to buy the capacity, but they could decide the numbers are whacked. Selectman Massey said he'd want to do that because this is the type of business you want to have come in town. He can't conceive of that many businesses that have that water requirement—a plating industry or something of that type—so they could look at how they arrived at those formulas and adjust them accordingly is another way of getting at it. Selectman Jasper said that was reasonable because they are going to be a big user. Is there any reason for the town to get that kind of money up front? Selectman Massey said not based on the water rates. Selectman Jasper said maybe that's something they should look at immediately. On the surface it seems that \$1/2 million is outrageous. Selectman Massey asked who the appropriate person on staff was to go do that. Mr. Malizia suggested they start with the Sewer Utility Committee, who has control over the rates.

Selectman Maddox said this is 5% of the entire allocation. They need to be cognizant of jumping into this. It's \$1/2 million, but they've seen bills from Nashua and it doesn't take long for them to spend \$10 million. Some day, there's going to be upgrades to that facility that are going to be very costly and the town needs to have the money there. This is just willy-nilly; they need to base it on something, but just didn't know what that number may be. He asked if a volunteer board was going to go out for the capacity. Selectman Jasper said they haven't given anyone any direction. He thinks the Sewer Utility Committee will be asked to look at the rates, if \$1/2 million is a reasonable number. The Board hasn't come to a consensus if there is going to be somebody out there looking for buy-back at a reduced rate. What they ought to look at is what they paid. Mr. Webster said he'd have to check those documents that are in storage.

Selectman Coutu said it could be significantly less. He said when Mr. Webster is researching the original allocation and sale, that is what the town is obligated to pay, not a cent more. If it comes in at \$250,000, that's what the town would buy it back at. Mr. Webster said he'd find the price they paid. Selectman Coutu asked him to give a copy to the Town Administrator, who could copy the Board. Selectman Coutu asked if Bill Abbot understood the direction on the rates. (Mr. Abbott nodded his agreement.) Selectman Coutu thanked Mr. Bolko and Mr. Zagars for thinking of Hudson and asked them to keep in touch with the Town Administrator to keep him informed of their progress in this process.

B. Sewer District Extension, Ridgewood Estates, 68 Pelham Road, Map 192/Lot 017

Town Administrator Steve Malizia said this request was to extend a sewer line outside of that district, which received a favorable recommendation from the Sewer Utility Committee.

Selectman Jasper said he had very strong feelings about this. Northridge Estates, across from Alvirne HS, was outside of the sewer district. The developer went so far as to have an agreement with the School District and he put the pipe in the ground under the parking lot, but the town said no. They ended up going to court and the town won. When Lowell Road was being extended down towards Stewarts Corner, the Board, at that time, had the opportunity to put a dry sewer pipe in the ground, but they said no because it was outside of the district and they didn't have the capacity or any anticipation that they would have more. This should not be done as it would be inconsistent with what they've done. It might also be putting different classes of housing and people in different categories. They would be saying this is more important because it's workforce housing. Everybody should be operating under the same set of rules. They cannot arbitrarily say we like you better than somebody else, so you get an extension. The town will get sued. It's discriminatory and it shouldn't happen. It's not in the district and they can't expand the district without the capacity and without a plan to expand the whole district. He hoped the Board would support that concept.

Selectman Coutu couldn't agree more with Selectman Jasper. It's outside of the district. He reviewed it over and over, to try to justify this. It's a no-brainer. It absolutely should not be allowed. They do have an alternate plan, and the cost may be even less for them to go the alternate route. There's no way he can support this. Selectman Massey asked what the current status was of workforce housing legislation. Selectman Jasper said it was signed by the Governor, as far as he knew, but Hudson is in good shape—Shepherd's Hill, Elmwood, Roosevelt—a lot of apartments and condominiums. Hudson is not an Amherst or Windham. It would be a hard case to make that Hudson does not have a good variety of housing. Somebody may come up against the town, but they aren't going to be able to come up against them on sewerage because that's a policy—a district—a capacity. They are not preventing workforce housing; they can still build that, and he has no problem with that, but they don't get a special break or get above everyone else; they are not more important when it comes to sewer capacity. Selectman Maddox opposed this because it violates the Sewer Utility's policy and procedures. Unless there is capacity, the district can't be expanded. He didn't know how the Sewer Utility got to its vote. This is a case where they shouldn't go outside the district. Selectman Coutu said it would be a violation of the policy and he would not support it.

Motion by Selectman Jasper, seconded by Selectman Coutu, to deny the request for a sewer extension outside of the sewer district carried 5-0.

C. Upgrade of Traffic Signals at Wason Road and Lowell Road Intersection

Selectman Maddox said at a recent Planning Board meeting, they voted to forward a favorable recommendation to the Board of Selectmen relative to the expenditure of up to \$42,000 from the \$50,000 account for improvements to the Lowell Road corridor to install upgrades to the controller at that location, which is on its last legs. When they moved the lights and did the upgrades to the intersection, they put in new loops and all of that, but they just moved the controller. They are bubble gumming and paper clipping it and it's too important an intersection to not have working properly. It got struck by lightning and they were amazed that it came back, so they are living on borrowed time. Monies are available for this, made available from Stop & Shop for improvements. This is a case where they have a resource to be able to pay for something that needs to get done. It's also the striping on Wason Road and that's where they're looking to spend this money.

Motion by Selectman Jasper, seconded by Selectman Maddox, to expend up to \$42,000 from the remaining \$50,000 Stop & Shop contribution to the Lowell Road Corridor Improvements Account, as recommended by the Planning Board on 7/9/08, carried 5-0.

D. Acceptance of a \$1,500 Donation from the Nash Foundation to the Police Department's K-9 Unit

Motion by Selectman Massey, seconded by Selectman Jasper, to accept the \$1,500 donation from the Nash Foundation to the Police Department's K-9 Unit, with the Board's thanks and appreciation, carried 5-0.

9. OTHER BUSINESS/REMARKS BY THE SELECTMEN

Selectman Coutu didn't have any items.

Selectman Massey said his first item was the Lowell Road sidewalk project. The preconstruction meeting is tomorrow and it is anticipated the mobilization will occur either Friday or early next week.

On Friday, the mock assessment for the upcoming CALEA re-accreditation took place. There were about a dozen folks from around the New England area that came. The overall results were positive; there were no show stoppers. Sgt. Dinapoli has a lot of paperwork to do, having to do with the way things are being filed, not content. It was positive and they should look forward to good results when the actual assessment team from CALEA comes in November.

Much to his surprise, when he read the Telegraph this morning, he found that he voted not to grant raises to the town's management team. To those people who read the Telegraph, the vote was 2-3, not 1-4. Selectmen Jasper and Massey voted on all three votes to give the raises. He sent a Letter to the Editor, asking them to correct the error.

Selectman Maddox said those who watch this program regularly know the saga on the lights at Library and Central. The island has been removed, the easiest solution. He was disappointed that it was the town that had to figure that out. That bulge in the roadway makes no sense to him, but he's not a traffic engineer. He was disappointed that the island went away. He thought it should be there for safety, but in order for tractor trailers to get out of the end of the road, that was the only way they could go. At some point when things slow down after the summer, he'd like the Acting Town Engineer to give them a review of how that got to where it got so they don't go there again.

Tonight, the Town Administrator provided him with the Category 6 wiring information he asked for awhile ago, but he still didn't see a copy of a contract. He still has more questions, so he'll still be a pain in the butt, which he is good at.

Selectman Jasper said a fire engine is still out of service, which has been at the repair facility for some time. The axle was cracked, which will be replaced by the manufacturer, but they have to either make one or pull one off the assembly line, so it's still a couple of weeks away. While it's down there, some modifications are being made to the cabinets and a latch is being fixed.

The Fire Department Building Committee has met twice and will be meeting again on Thursday. At this point, the focus has been on location. They have a narrow corridor they are working within which meets the criteria of the department. He is focused on the most cost effective, being the land they can buy for the least amount of money. There are some lovely locations for a fire station that would probably get no votes from the Board. He thinks they located one that is suitable and probably available at a reasonable price. Once they've nailed that down, they'll bring it to the Board. Once that is out of the way, they will start focusing on the building and what they are looking for with that. They've had some preliminary discussions about that, but not detailed, at this time.

Thanks to Selectman Nadeau for his help last Wednesday. He helped those who were helping at Alvirne school farm put in hay. Selectman Nadeau drove the tractor for awhile and then helped stack from hay. A good time was had by all.

Selectman Nadeau said the Highway Department have reclaimed and repaved Fuller, Putnam and Cutler Roads. Derry Lane had the finish pavement today. There was a roadblock the other day on Roosevelt Avenue with the heavy rain, but that is scheduled to be paved. The Bush Hill paving should be completed this week, weather permitting. A portion of the drainage construction on Library Street will be complete. Milling and paving are on hold until the sidewalk project is complete on Library Street. They ran into a snag where they didn't have a certain section of curbing and sidewalk stuff done over there, like they did on Derry Road. They are working on that before they can pave. The Highway Department has been redoing some catch basins and they are putting in the bleachers at Sousa Field so it will be ready for next week. There was a lot of street flooding with Monday's rain, but there was no infrastructure damage. There are a couple places in town that they will have to look at again. On Monday, he actually saw a manhole cover float on Lowell Road. Selectman Massey said there was an article in the

Boston Globe last week that said manhole covers are one of the great theft items, which is a safety concern. You can get about \$25 for each one. Selectman Jasper told him to be quiet and not to give anyone ideas.

There was a request for an Outdoor Gathering Permit, but the School Board has to be contacted first, because the request is to hold it on school property. There needs to be a signoff on the forms when an organization uses school or town property to make sure they've given authorization for use of the property. Selectman Maddox said Selectman Coutu brought up an interesting point relative to the Board granting permits. This is something the Board needs to look at. One recent request indicated to the Board that they had approval, but they didn't. They need to clamp down on this and find a better way of scheduling this. It's something to discuss at a workshop, or whatever. They show up at the last minute and half the information isn't there. Selectman Coutu said that was case where the permit came in at the last minute and he didn't even know what the organization was. The letter clearly stated they had approval from SAM's, but they did not. It was like they were trying to just shuffle it through. They do need to look at the process. Perhaps they could direct the Town Administrator to come up with a better procedure. Submit them two weeks in advance, or make a phone call to whatever company is planning this, Wal-Mart, SAM's Club, Market Basket, etc., and confirming that the request is for. They have to look at these more closely. If it's anything to do with SAM's, he's going to go down there personally and ask them if it was approved, but it shouldn't be the Board members' individual responsibilities. Selectman Massey thought the policy should be a letter from the establishment; the burden should be on the applicant. If someone says they have approval from SAM's, as part of the application, there should be a letter from SAM's, saying yes, this organization has our permission on such and such a date. Selectman Maddox said Market Basket does that because he's seen them. Selectman Massey said SAM's does, too, sometimes. Chairman Nadeau said they'd put a new checklist together for Outdoor Gathering Permits.

10. NONPUBLIC SESSION

Motion by Selectman Massey, seconded by Selectman Jasper, to enter Nonpublic Session 91-A:3 II (a) The dismissal, promotion or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him, unless the employee affected (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted; (b) The hiring of any person as a public employee; (d) Consideration of the acquisition, sale or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community; (e) Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed against the body or agency or any subdivision thereof, or against any member thereof because of his membership in such body or agency, until the claim or litigation has been fully adjudicated or otherwise settled carried 5-0 by roll call vote.

Nonpublic Session was entered into at 10:15 p.m., following a brief recess, ending the televised portion of the meeting. Any votes taken upon exiting nonpublic session will be listed on the next agenda. Nonpublic session ended at 11:35 p.m.

Motion by Selectman Jasper, seconded by Selectman Massey, to hire Daniel Skafas and Anthony Smith as call firefighters, (non-exempt positions and not represented by a bargaining unit), effective August 1, 2008 at \$7.50 per hour and then to \$10.50 per hour after successful completion of probation, as recommended by the Fire Chief, carried 5-0.

Motion by Selectman Jasper, seconded by Selectman Coutu, to hire Benjamin Crane as firefighter/EMT-1, a non-exempt position in accordance with IAFF Local #3154 union contract, at a rate of \$14.58 per hour and then to Step 1 at the completion of probation, as recommended by the Fire Chief, carried 5-0.

11. ADJOURNMENT

Motion by Selectman Massey, seconded by Selectman Coutu, to adjourn at 11:40 p.m. carried 5-0.

Recorded by HGTV; transcribed by Priscilla Boisvert, Executive Assistant

HUDSON BOARD OF SELECTMEN

Benjamin J. Nadeau, Chairman

Richard J. Maddox, Vice-Chairman

Kenneth J. Massey, Selectman

Shawn N. Jasper, Selectman

Roger E. Coutu, Selectman