

HUDSON, NH BOARD OF SELECTMEN
Minutes of the January 12, 2010 Meeting

6:30 p.m. Attorney-Client Session, pursuant to RSA 91-A:2 I

1. CALL TO ORDER by Chairman Coutu the meeting of January 12, 2010 at 7:12 p.m. in the Selectmen's Meeting Room at Town Hall.
2. PLEDGE OF ALLEGIANCE, led by Hudson Litchfield Bears Cheerleading Squad.
3. ATTENDANCE

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

Staff/Others: Steve Malizia, Town Administrator; Mark Pearson, Assistant Town Administrator; Donna Graham, Executive Assistant; Fire Chief Shawn Murray; Deputy Chief Rob Buxton; Harry Schibanoff; Mike O'Keefe

4. PUBLIC INPUT

- 1) Certificates of Achievement presented to the Hudson Litchfield Bears Division 10 Cheerleading Squad

Chairman Coutu wanted to tell each and every one of the girls how proud they are as the Fathers of the Town of Hudson, the members of the Town of Hudson, you have brought so much pride and honor to our town. You helped put our town back on the map. It's not just Benson's. It's the youth within our community that bring us so much pride. We have some of the greatest musicians in our school systems, and we certainly have the best cheerleaders in the entire country and your group because you represented us well in Florida, and you brought back the trophy and the medals. We're proud of each and every one of you. As one of your Town Fathers, Chairman Coutu want to tell you that he Board of Selectmen wishes to congratulate the Hudson Litchfield Bears 10 Cheerleading Squad and read the following:

"The Hudson Board of Selectmen wishes to congratulate the Hudson Litchfield Bears Division 10 Cheerleading Squad in winning first place at the American Youth Cheerleading (AYC) National Championship.

On Saturday, December 12, 2009, the Hudson Litchfield Bears Cheerleading Squad took center stage at the Amway Arena in Orlando, Florida, for the American Youth Cheerleading Competition. The squad has won every major competition they have competed in, and has become the only Bears team in history to win a national title!

As the team prepared for each successive competition, the coaches added more difficulty to the routine and challenged the girls to perfect new skills. Their effort and determination paid off as they continued their winning streak at the state and regional levels.

The team consists of 23 girls ages 8 to 11 years old. A number of the girls have never cheered or had any formal gymnastics or dance training; others have had limited cheer or tumbling experience; while others are veterans with three or more years of cheerleading and tumbling experience. With the varied levels of experience, they persevered through their enthusiasm, hard work, and dedication to hone in on their amazing skills to get them where they are today. You bring pride to the Town of Hudson and we thank you for your spirit."

Chairman Coutu wanted to tell the girls that thinking back about what it cost you to have to go down to Florida. He wanted them to know that his fellow board members, Selectman Maddox, Selectman Jasper, Selectman Massey, and Selectman Nadeau joined with him in allowing an exception in allowing you to be able to go out and raise funds. It was a last minute request, and we don't usually honor them. We knew that you were going to win, and you did. It was a worthwhile effort. With that Chairman Coutu called the girls by name and asked his fellow selectmen to join him in presenting these certificates to the girls. Chairman Coutu read off the names of the cheerleaders: Amber Bardsley, Jacqueline Bethea, Carisa Blais, Emily Chaisson, Grace Condon, Meaghan Connors, Kailee Darisse, Catherine Donahue, Lauren Ferentino, Mallory Floyd, Cassidy Griffith, Sarah Linnehan, Alexandra Pace, Juliana Page, Rachel Perron, Corinne Prestia, Kayla Riendeau, Olivia Roberts, Kirsten Rourke, Alicia Salvalzo, Shaye Thyne, Haley Tuck, Amanda Wetmore, Christine Bardsley, Head Coach; Heather Chaisson, Assistant Coach; Kristen Condon, Assistant

Coach; Gina Salvalzo, Assistant Coach; Johanne Riendeau, Assistant Coach; Shannon Blais, Assistant Coach; Corina Olsen, student demonstrator; Maddison Wilson, student demonstrator; Mary Linnehan, Team Mom.

Again girls if my fellow members want to say anything, I'm going to let them. Congratulations. Thank you so much. You should be very, very proud of what you accomplished. Chairman Coutu hoped they had a good time when they were in Florida. We're so glad to be able to do this for you. Again, you made us very, very proud. Thank you very much.

Selectman Massey wanted them all to know that you are following in very good footsteps. There was another Bears team not to long ago that won the mid Florida bowl, which was the eastern equivalent of the super bowl. You're following great things. Thank you very much for what you do for the Bears and the whole Pop Warner Football program. Thank you.

Chairman Coutu thanked them all and for the parents for coming. Congratulations once again.

Chairman Coutu declared a 5 minute recess at 7:22 p.m. so that the parents and the cheerleaders can leave the hall. The meeting resumed at 7:25 p.m.

5. NOMINATIONS & APPOINTMENTS

A. Recreation Committee

Robert Iannaco (Incumbent)

My name is Bob Iannaco, 7 Hilindale Drive. He's reapplying for another term on the Recreation Committee. He's been a member for the last couple of years. He started out as an alternate and became a regular member last year. He's looking forward to continuing at the Rec. Committee. He felt that they have a pretty dynamic committee right now. Some of the things that we've accomplished - setting up some by-laws for the committee; we did a strategic plan 2 years ago. The thing that he's really most proud of are some of the changes they made to the basketball recreation program over the last year. As a coach, and he's actually going to coach right after this, we've seen some nice changes. Some of the kids that really never got to play in previous years have played this year and are much more involved. He knows Steve is a coach and I think he's seen some of the same things he's seeing. He's looking forward to continuing with the Rec. Committee.

Chairman Coutu can say that serving as your liaison to the Recreation Committee. He's served with Bob and he doesn't just participate, he's involved. Last year he recorded all of our minutes for us. This year he's taken an even greater and a more active role. He looked forward to his continued participation as a member of the Recreation Committee. He hoped that they joined with him in voting to reappoint him to the Recreation Committee where he felt that his input is critical to the progress of our recreation programs in the Town of Hudson.

Selectman Massey wanted to comment that he's been going to the young girls' basketball games on Sunday for the last couple of months. They really are fun to watch. This Sunday was a real treat because it's the first time he's ever known that clocks go forward rather than count down. It was going every minute so the game started at 5:06. It finished at 5:41. The clock wasn't going down. There was something wrong with the clock. The fun thing about it, by the way, was the participants were paying no attention to the clock. They were just having a great deal of fun. It was really nice to watch. They were 4th and 5th graders. Chairman Coutu said you of course was watching the clock. Selectman Massey said of course because they were trying to figure out what was going on.

Motion by Selectman Massey, seconded by Selectman Nadeau, to appoint Robert Iannaco to the Recreation Committee with a term to expire 12/31/12, carried 5-0.

6. CONSENT ITEMS

Chairman Coutu asked if any Board member wish to remove any item for separate consideration? You'll notice that there are no assessing or water/sewer items this evening.

Motion by Selectman Massey, seconded by Selectman Nadeau, to approve consent items C, D, and E, as noted or appropriate, carried 5-0.

A. Assessing Items - None

B. Water/Sewer Items - None

C. Licenses & Permits

- 1) Request to Solicit Funds by the Hudson Girl Scouts

D. Acceptance of Minutes

- 1) Minutes of the Board of Selectmen's Meeting of December 22, 2009

E. Calendar

01/13 7:00 Planning Board - Community Development Meeting Room
01/14 5:30 Sewer Utility Committee - BOS Meeting Room
01/14 7:00 Zoning Board of Adjustment - Community Development Meeting Room
01/18 Town Hall Closed - Martin Luther King, Jr. Day
01/18 7:00 Energy Committee - BOS Meeting Room
01/19 7:00 Budget Committee - Community Development Meeting Room
01/19 7:00 Planning Board - BOS Meeting Room
01/20 5:00 Water Utility Committee - Community Development Meeting Room
01/20 7:00 Library Board of Trustees - BOS Meeting Room
01/21 7:30 Budget Committee - Community Development Meeting Room
01/25 6:00 Recycling Committee - Admin./BOS Conference Room
01/25 7:00 Hudson School Board - BOS Meeting Room
01/25 7:00 Benson's Subcommittees - Community Development Meeting Room
01/26 7:00 Board of Selectmen - BOS Meeting Room
01/27 7:00 Planning Board - Community Development Meeting Room
01/28 3:00 Trustees of the Trust Fund - Community Development Meeting Room
01/28 7:00 Zoning Board of Adjustment - Community Development Meeting Room
01/30 9:00 a.m. Hudson School Board Deliberative Session - Community Center
02/01 6:30 Hudson School Board - BOS Meeting Room
02/02 7:00 Board of Selectmen Workshop - BOS Meeting Room
02/03 7:00 Planning Board - Community Development Meeting Room
02/04 6:30 Recreation Committee - BOS Meeting Room
02/04 7:00 Benson's Committee - Community Development Meeting Room
02/06 9:00 a.m. Town Deliberative Session - Recreation Center
02/08 7:30 Conservation Commission - Community Development Meeting Room
02/09 7:00 Board of Selectmen - BOS Meeting Room
02/10 7:00 Planning Board - Community Development Meeting Room
02/11 5:30 Sewer Utility Committee - BOS Meeting Room
02/11 7:00 Zoning Board of Adjustment - Community Development Meeting Room

7. OLD BUSINESS

A. Vote taken after Nonpublic Session on December 22, 2009

- 1) Motion by Selectman Jasper, seconded by Selectman Nadeau, to seal the minutes of the nonpublic session, carried 5-0.
- 2) Motion by Selectman Massey, seconded by Selectman Jasper to accept Chief Lavoie's recommendation to promote an acting captain to \$84,141.00 (Step 5) and an acting lieutenant at \$72,598.00 (Step 4) in accordance with the Hudson Police, Fire, Town Supervisors Association effective 01 July 2009; and to elevate an acting sergeant at \$31.48 per hour according to Police Union Local #3657 (Step 5) effective 01 July 2009. The elevations in rank would be effective Sunday, 27 December 2009. Chief Lavoie to come back to the Board of Selectmen with an update no later than May 1, 2010, carried 5-0.
- 3) Motion by Selectman Massey, seconded by Selectman Maddox, to forward to the Fiscal Year 2011 Warrant the multi-year contract negotiated between the Hudson Board of Selectmen and the Hudson Administrative and Support Staff Union for wage and benefit increases, carried 5-0.

- 4) Motion by Selectman Massey, seconded by Selectman Maddox, that the Budget Committee Liaison vote no for any increases above zero percent for the first year of the school contracts, carried 4 for, 0 opposed, and 1 abstention. Selectman Jasper abstained.

Just for the record, Selectman Massey said the reason why Selectman Jasper abstained was because he's the Budget Committee representative from the Board.

- 5) Motion to adjourn at 10:40 p.m. by Selectman Jasper, seconded by Selectman Maddox, carried 5-0.

B. Prime Wetlands (updated by Selectman Maddox)

Chairman Coutu recognized Selectman Maddox.

Selectman Maddox indicated that in their packets they have the prime wetlands report from January 6th that they heard at the Planning Board. You also have a copy of the presentation that was provided at the Planning Board meeting from the Conservation Committee. This is an important vote. It was unfortunately deadlocked at 3 to 3 in his abstention. So he's looking for the guidance of this Board as how the liaison to the Planning Board should vote on this prime wetlands issue.

[Selectman Maddox] As an addition, the original one failed due to a tie of 3 to 3. On the 19th, and folks for the record of those of you watching at home, it was originally scheduled for the 20th but because of the constraints of the requirement to have the public hearing no later than the 19th, its been moved to the 19th, has 2 parcels that are being removed from the prime wetlands. He did talk to the attorney today because he had some question whether we could remove something from a report. We were kind of accepting this prime wetlands document. According to the attorney, we can remove - and help me out Selectman Massey...Selectman Massey said actually there's 2 pieces. Number one, the report itself does not specify what are the prime wetlands. The document that specifies the prime wetlands is this other document, the one that we have in front of us. The two parcels that are being removed to go forward with the public hearing on the 19th is parcel #18A, which is the Limit Brook wetland and 18A actually 1,000 feet of it is on the right of way for the circumferential highway layout. 17B which is the south - that's the northern piece of the Limit Brook section and the southern end of the Mile Swamp wetland area which is 17B is being removed. So the public hearing will be based on relooking at the request with those two wetlands removed from the designation as prime wetlands.

Selectman Jasper asked Selectman Massey to repeat which two were - Selectman Massey said it was 17B, which is the Miles Swamp southerly section, and 18A, which is the Limit Brook northerly section.

Selectman Massey added one more thing. The Conservation Commission met last night in their regularly scheduled meeting and they voted unanimously 6 to 0 to recommend to the Planning Board the change in the designations of the - they approved effectively going forward without those 2 wetlands being part of the designated prime wetlands.

Chairman Coutu said those are the 2 parcels that he spoke of when he spoke before the Planning Board. He said he could support it provided we would make these exceptions. It doesn't mean that we cannot revisit them later on. We can revisit this later on and make them prime wetlands. We just want to remove those areas which might impede the access road that potentially could be built from 111 down to Lowell Road. Eventually, we're going to have to address the traffic woes on Lowell Road and putting obstructions in our path such as designating those particular 2 areas as wetlands could serve as an impediment to the progress of developing that road. I'm not averse to revisiting that later. He had said then Selectman Maddox, and he repeats tonight, with those exceptions he will support the proposal as it is presently written. Does anyone wish to speak in favor, or opposition, or any comment on the proposed ordinance?

As much as Selectman Nadeau is in favor of this proposed ordinance, this does put a lot of restrictions on homeowners and landowners in this town. With this going to the ballot, he really does hope that the people take the time to read into this and look at the restrictions and vote on it. With taking out those 2 parcels, he will vote in favor of this at this time.

Selectman Jasper would ask each of you who have just now committed to voting in favor of it to really think long and hard about that. We're doing that because of prime wetlands which may affect a town project are affected. You wouldn't recommend it otherwise. So you're using that parochial not in my backyard type thing if it doesn't affect me I'll vote for it. Look at these maps and look at the wetlands that are affected. I know a lot of you won't really be familiar with all the parcels that you look at that aren't developed. These

wetlands around them for the vast majority are already fully developed to the degree that they can be. A large portion of them the land is either already protected owned by the town or simply not buildable. So what this does is negatively impacts the hundreds and hundreds of single family residents who already about these. A lot of these are not extremely large lots. Now you're saying you can't have essentially a shed within the 100 foot buffer. Many of these homes are already well within, because they're older homes, many of these homes are already within the 50 foot setbacks. They were built before we had any of these. Now they're going to be further impacted. This will be devastating to the homeowners that are already there in most of these areas. He would question why we need 100 feet. One hundred feet is a good long way. We're trying to protect the water sure. But you know, Mother Nature is a very forgiving and a very accepting environment. She purifies. She constantly is able to reclaim what happened. We have our septic systems within 150 feet of our wells. Why? Because that seepage, the leach is purified within that from our own drinking. That's 150 feet, and this is 100. We're not talking about putting leach fields within 100 feet of the pond. We're talking about sheds. We're talking about almost anything. I just think that this is really going to be potentially so onerous to the people that's around here.

Selectman Jasper looks on these maps and most of the areas - he looked at Robinson Pond. It's fully developed. The parcels that aren't are pretty much already town owned. You look at Chase Brook Swamp over on Map 2. That's in the area of the old landfill. We already are cleaning that up. But so much of that - there is no opportunity for development. I look time and time again here and look and say these areas can't be any further developed, but we're going to impact the people. So we're not really protecting land that hasn't been already developed. We're just passing very onerous restrictions on people who are already there. I would urge the Board to not recommend this. He thought we all need a lot more understanding of how many acres, and where, and what we would actually be protecting, and what we would actually be doing. He heard two members commit to supporting this before we've even talked about what the restrictions are. I don't think that's in the best interest of people of the Town of Hudson. Thank you.

Selectman Massey has several things. First of all, this was not something that was arrived at willy nilly. It was not something that did not take a lot of time. It's actually been 2 ½ years in the makings to come forward with this. Secondly, any current property that is impacted by these designations as prime wetlands will be grandfathered. That is any structure that currently exists is grandfathered. We heard from the DES on Wednesday night that for the typical things like somebody wanting to put a shed in their backyard, the oversight from the State is not going to be nearly the same as it would be for putting a road through the Miles Swamp or the Limit Brook areas. Point of fact, most of the things that they would have to do to go forward, they have to do anyway if they want to encroach in wetlands. So the primary reason for wanting to do this first of all, there's something like 450 wetland areas in the Town of Hudson. Of that 450 some odd wetlands, the consultant for the Conservation Commission only looked at 41 as deemed worth looking at in terms of - finally when the consultants evaluated these 41 wetlands, they used a set of objective standards that are prescribed by the State of New Hampshire, and there are 14 of them, to come up with a weighted value for these wetlands. On the basis of that, the Conservation Commission selected 29 that would fall under this designation as a prime wetland.

[Selectman Massey] If you want to understand what the 100 foot buffer is all about, he would take them to the last page of this presentation. You will see that for sedimentation and phosphorous are taken care of essentially at the 100 foot level. But nitrogen, which is another significant component of water degradation doesn't even start until you get to the 100 foot. The State essentially thinks that 100 feet is the appropriate level if you're going to go forward without having as he thought the words that Selectman Jasper would say, "an onerous affect on everybody". He thought in truth what we're really looking at is from the Planning Board's perspective if you believe that this issue is critical to the quality of water in town, then in his judgment and it was basically the consensus of the Conservation Commission last night that they would rather have a loaf than no loaf. At some point in time, they would definitely want to come back and have the town relook at those other two areas. In their minds this is such a critical quality of life for the town that they are willing to forego if they can get the Planning Board to agree to move this forward without having those 2 wetlands designated. They're not for a minute saying they're not important, but everybody recognizes, and it was recognized at the Planning Board as well, that we're probably as Ms. Sue Ellen Quinlan said last night, its not the Maddox Madness Parkway, it's the Maddox Memorial Parkway. It's unlikely in any of our lifetimes to be built. We know if it's going to be built, the DES on Wednesday night basically said any road that gets built, they're going to be there and they're going to be applying their standards to whether or not those 2 wetlands can be encroached upon. So in his mind whether they get designated prime or not, they affectively are going to get a level of scrutiny from the State which just to finalize it.

Part of the reason why it never went forward in the 90s was because during the permitting process, the State, the core of engineers, the EPA, and any other 3 lettered agency of the federal and state governments weighed in and it was determined that it wasn't worth while going forward because of all the permitting that

would have to happen. So Selectman Massey thought it really is going to come down to whether or not the citizens of Hudson think that its important to protect our water quality or not. If they are, then he thought it should be their decision because as Selectman Jasper has put his finger on it, it does impact people across a wide spectrum of the town. The lively discussion on it should be experienced. Thank you Mr. Chairman.

Selectman Jasper thought it was unfair to say if you think it's important to protect wetlands that you would vote for this. He thought it was important to protect wetlands and water quality. He grew up in this town and he can remember when they joked about you could get to Nashua by walking across the river. Certainly the river is much cleaner. All over this town when he was a kid every farm had a dump and where was the dump? It was in the wetlands. Many of the old farms had septic systems that had a tank and then where did the overflow go? Into the wetlands. We have done so much for our water quality and frankly, he doesn't think the water quality was within the town - certainly the Merrimack was a problem. He thought that there is a point when you get carried away and feel that you just can't do anything near the wetlands. What this says is quite specifically is "that adoption of prime wetlands designation will necessitate a permit for any activity in or within 100 feet of a designated prime wetland". He's assuming, but it doesn't say because it doesn't say a permit of who, but from discussion that it's a permit through DES. Selectman Massey said no. It's a permit from the Zoning Board for a special exception, but they have to have the input from the State as part of the...

Selectman Jasper said yes. Your shed is grandfathered, but when your shed, or your pool, or whatever happens needs to be replaced, you now have to go through a whole process that doesn't exist. A lot of these things have absolutely nothing to do with water quality. He would challenge anybody to tell him how a shed even on the edge of a wetland negatively would impact water quality. I would challenge how does a swimming pool do that? How do any number a patio? That's why he thought we get carried away here because now everybody is going to have to and we're talking hundreds and hundreds of people. Please don't say if you care about water quality you'll vote for this. He cares about water quality. He thought this is overreaching, and it oversteps, and is putting an onerous requirement on a pretty large percent. The reality is yes, you're right. There's 400 and some odd wetlands. Sixteen percent of the Town of Hudson is wetlands. You almost can't throw a rock in this town and not hit a wetland.

As the person that was looking for your input, Selectman Maddox is hesitant to weigh in but he thought a couple of things need to be brought up. Number one. The maps that you're looking here this evening, that black area, is the wetlands and not the buffer. We asked that question. If you look at Map 3 around Ottarnic Pond, many of those streets will be now falling within the wetlands buffer if this comes into play. Thank you to my esteem colleague, Selectman Massey, for stating what you've said all along that if you believe that we should have clean water, you need to look at this and decide how you're going to vote. He thought much like at the congress level up there, everybody believes that we should have affordable, universal, some sort of health care. The devil, Mr. Chairman, is in the details. He thought the problem with this as we see it is the details. We asked some questions, but again, this is at the end of the cycle. This is being pushed for this year. He thought that this is going to be the year of the nose to begin with. So he's hesitant to raise a lot of flags and let it fall where it may. He thought the Planning Board and the dozen years that he's been on the Planning Board has been kind of the people who asked the questions that who look at the issues. Because most citizens aren't going to take the time to go through this. Although the information is available on our website he's being told under the Conservation Committee, so you can look at these maps and see exactly where the buffers go to he believe on the website. He doesn't think we vetted enough at the Planning Board level. He didn't think the questions were asked that Selectman Jasper raised. How is this going to affect Joe homeowner who today lives 50 feet away from the wetlands? Doesn't do anything. Doesn't whatever, and now wants to put a shed but 2 weeks ago we just passed this as prime. What will be the impacts. We certainly know they may most likely have to go to the State for some level of scrutiny, but they're going have this have to be now what was delineated by a soil scientist to show where the wetlands do in fact go.

[Selectman Maddox] There's a whole bunch of questions. We talked during this discussion with the Conservation Committee about reducing some of the other wetlands buffer sizes to, again, balance some of this. Yes, we do want clean water. He doesn't think any of us would vote for dirty water. It's the details. He's just concerned that if it says, "approved by the Planning Board", people will say they did their homework and I'm all set. They're going to take a look at this; they've done all that. He doesn't think we've been there. He's concerned Mr. Chairman that it's not ready for prime time or prime wetlands. He thought the concept is good. He does believe we need to do something. If it took another year to go through the process of reducing down some of the sizes, explaining to people so they were able to intelligently decide whether this is the one they want to pass, he is concerned. That's why he brought it to here. He sat in that chair and said he could go either way. He was looking to the 4 of you to give him the push to one side or the other. Thank you Sir.

Chairman Coutu asked one question. Are you saying Selectman Maddox, and I attended the meeting, that the representative from the DES was not either forthcoming or the right questions weren't asked of that person? She was to specifically answer questions that people might have relative to this particular warrant article. Selectman Maddox said she was there in general. He didn't think she had Hudson in her sights per say. She kind of hesitated on the local level. He did ask the question twice in two different formats. Again, he didn't think she knew some of those answers. She was there just to say this is what the State would do. What it's actually going to take. Again, he thought the question he's had is if we did a better job of enforcing the 50 foot buffer, educating our citizens to the reason why where would we be as opposed to going to the 100 foot, requiring you to go to Concord, is there a balance there? He's with Selectman Jasper in as much if you take these black marks which are the wetlands and you extend those out 100 feet, they're crossing a lot of these streets. You're neighbor could have a wetland and now you're impacted across the street. If people understand that and we're clearly shown that, and people vote for it, that's where we should go. We need to spend the time to do this. Much like the sign ordinance and as much as that was painful, there's 20 hours that people saw how we got from point A to point B. He knows that the Conservation Committee did yeoman's work. He felt bad personally as some of those people left knowing the hard work they put into it. The devil is in the details. He hoped that answered his question.

As soon as Selectman Maddox mentioned streets, Selectman Jasper made him think of it in another context reading this. "Activity in or within 100 feet of a designated prime wetland." This is totally new. It puts everything in a new context. Maybe you 3 have the answer and maybe you have the answer, but he looks at this and say okay when we do a road reclamation, we're now doing an activity within the prime wetlands. Many of these wetlands literally our streets go through the designation of a prime wetland. Certainly within 100 feet. Selectman Maddox didn't think they went through the wetlands. Selectman Jasper said some of them do. There were some that cross both sides of the streets. So we're doing these activities. We're reclaiming them. But not only that, what about the drainage? When we replace culverts, that's an activity. Now do we have to go through a different process? We're now salting. He knows Litchfield has no salt zones. Does this mean that in areas that are within 100 feet we now need to check with the State to see if we can salt and sand within 100 feet. Do you have these definitive answers for me tonight? Can you tell me absolutely yea or nay? If you can't, then we are not ready to adopt this. If you don't have the answers, how that affects that one thing let alone the homeowners - just the operation of the highway department. If you cannot definitively answer that, please you can't vote for this today.

Selectman Maddox said we cannot answer that because those are the questions he thought needed to be asked. Unfortunately we're up against that clock.

Selectman Nadeau heard a couple of interesting points that Selectman Maddox and Selectman Jasper brought up. Looking at this 100 foot buffer, he didn't know if 100 foot is the right number. Having to go to Concord to get a shed permit for being within 100 feet of wetlands seems like it is going to be very costly to the homeowners and the landowners to do these types of things. Where we already have a process now where if they were going to put a shed up that's over 100 square feet, they need a permit and then we go through the process with them now and say listen this is too close to the wetlands or this is too close to the property line and we walk them through it - or the Zoning and Planning Department does that, this 100 foot is really starting to look like it's a little big. Selectman Maddox has raised some interesting questions on this. As much as I am in favor of this, he thought he's right. It's probably not ready for prime time as he has stated. He does have a few questions and stuff, but he didn't think it was something that we're going to have answers for this year for the ballot. He didn't know that he will be supporting this as proposed now with the 100 foot setbacks.

There you have it Selectmen Massey and Maddox. Chairman Coutu thought it was pretty clear that it's up in the air for you again. Just for the record, Selectman Massey had one thing. The one thing we did hear from the State is that if this were to pass, the only cost that the applicant would incur is the \$200 wetlands dredge and fill permit that anybody that's going into incur in any wetland area would have to do. So even with the 50 foot setback if you need a dredge and fill permit, you have to file an application with the State that cost \$200. So that according to the State Rep., the only costs at the State level that an applicant will incur. He's not speaking at this point as to whether or not the 100 foot is good or bad, he's just saying that if it is the 100 feet, the only cost that the applicant would bear would be the \$200 dredge and fill permit.

Just to be clear, Chairman Coutu's understanding was that even though it was somewhat vague, there was a hint that there would be mitigating costs if anything had to be mitigated. It was based on the formula per square foot of mitigation. Selectman Massey said that was correct. [Chairman Coutu] So that would be above and beyond the \$200. It depends on how much of an impact the wetlands would be affected in order to set that in motion. That's also a possibility. That could be in the thousands of dollars depending on how much of the wetlands would have to be mitigated. There is a cost above the \$200. Selectman Massey said

you only have to mitigate wetlands if you're going directly into the wetlands. There's no mitigation involved if you're doing something in the buffer area. You may have to do some best practices issues, but he didn't believe that there's a wetlands mitigation that you'd be required to do. It was a little vague to Chairman Coutu. Selectman Nadeau said she was very vague when she was talking about that at the Planning Board meeting. It also sounded like that if you did go against with what they said, and then you'd have to get a wetland special scientist and different things like that. If you don't think that those guys don't work for \$50 an hour, you've got something else coming. Every time we hire one, they're \$200 - \$500 an hour.

Selectman Massey said whether you're in a 50 foot or 100 foot, if you're going to go inside the buffer area even today at the 50 foot level, you must hire a wetlands soil specialist to delineate the wetland so that when the Conservation Commission, the Planning Board, and the ZBA review that and ultimately for the Zoning Board to do a special permit, you have to have spent the money to do a wetlands delineation. The issues he thought we're dealing with, and that's the case of Selectman Jasper. You wouldn't incur that if you were outside the buffer area. You wouldn't have to delineate the wetlands under certain circumstances. Even then depending on what you're trying to construct, you may have to do demonstrate that you're not inside the 50 foot buffer. Even outside the 50 foot, you are in many, many cases going to have to spend the money to hire the wetlands soil specialist to map your property.

Selectman Nadeau said this is seeming like its getting more and more costly now for the homeowners. We need to do our homework a little bit more in looking into this. By approving this, we could be opening up a whole other can of worms.

Selectman Jasper said a couple things that Selectman Massey said that sort of peaked his interest or curiosity if you will. You said well people have to go and get a dredge and fill permit. You only have to get a dredge and fill permit if you're dredging and filling. If you're 55 feet from the wetlands, you don't have to do anything. Now you're saying somebody who is doing something within 100 feet of the wetlands will have to go and pay that \$200 fee, which they wouldn't have had to do before. That's what Selectman Massey just said. Even if they were then 50 feet before and just wanted the special exception to put a shed in, Selectman Jasper said they wouldn't have paid the State \$200. Selectman Massey said if they had to do a dredge and fill, they would. Selectman Jasper stated if they had to do a dredge and fill. What you're saying is now just for the permit to even do anything they're going to have to pay. Selectman Massey said no. You only have to pay the \$200 dredge and fill permit if you're going to disturb the area, which under most cases if you're going to build something in the setback area, you are disturbing the area. We could really cut to the chase because the issue that you identified and that Selectman Maddox has really honed in on is, and he'll just give him the example, the Town of Salem has prime wetlands. They had one area that they wanted to build either a connector road or bridge - it doesn't matter which it was, but they needed to do something that was going to cause them to go into the wetlands. Because the area they were doing was prime wetlands, the State basically said no. You can't do that. The Town of Salem changed the wetland designations and changed that particular wetland to be non prime. They then went back to the State and said we want to build our road. The State said sure, go ahead. After they got the road built, they went back and changed it back to prime wetland. He thought the issue, and its really here now, is - he's looking at the Miles Swamp - if you look at that one road that Miles Swamp at the upper end of it, that entire roadway looks like its going to fall within the 100 foot setback. If that's the case, he thought the question that's now getting raised is the town going to have to go to the State to do a reclamation on that road? Somehow he thought it being designated a prime wetland, it may actually impact that. You've raised a very compelling reason why this may not be ready.

Gentlemen, again, Selectman Maddox is looking for their guidance. As he sat there, he could go either way. He doesn't disagree that we want to protect. He's just not sure that we have answered all the questions of the citizens so that when they go into the booth and circle yes, they're comfortable that the Planning Board's recommendation holds because they've done all their homework. Another year, in his opinion, won't make a lot of difference, but it will give a lot of answers. Just the simple question that can we salt the roads that fall within this could impact dramatically how we do our roads maintenance in the winter time. Does he think it does? No. He doesn't know the answer and he thinks that people on those roads deserve an answer so they understand what may or may not be coming. Again, he is for clean water. The devil is in the details.

Selectman Jasper said that this is another question for the future. He's looking at the houses around Robinson Pond. He knows most of the houses around Robinson Pond are probably 50 feet from the shoreline now. This would put the entirety of most houses along Robinson Pond probably Ottarnic within - so the houses entirely are going to be within the setback in many cases. What does that mean for a remodeling permit? It says, "any activity". If you're now going to gut your kitchen and put a new kitchen in, that's an activity within the wetlands. What does that mean?

Selectman Maddox said that Robinson falls under the shoreline protection, so that's the only water body in town. Selectman Massey said that was a 250 foot buffer area for anybody on Robinson Pond. Well let's talk about Eayer's Pond or Ottarnic then [Selectman Jasper]. Selectman Massey said Ottarnic is the same one. Selectman Jasper asked what are the answers for the houses - let us use just any prime wetland then where the house is now within partially or entirely in there and you're going to do interior...Selectman Maddox said those are the questions, again, that need to be asked and answered.

Chairman Coutu thought he needed to be further clarified. He's pretty sure that if you're in an existing wetland and you're going to do remodeling, if you're not going to touch the footing of the structure, it's a permitted use. Selectman Massey said no. Chairman Coutu said you can't remodel your kitchen because it's inside the wetland? You can't rewallpaper or take down a kitchen cabinet? Selectman Massey said if you're doing some inside. If you're not doing anything on the outside no. You would not have to have a wetlands permit. If you're going to do anything on the outside, if you reside your house, you may have to have a permit if you're inside the buffer area because you'd have to demonstrate that you're not going to disturb the wetlands. Chairman Coutu indicated the latter might not disturb it but if you need to bring in a lull, that would be an example of disturbing the wetland. Selectman Massey said what if you had to store materials in the setback area to, etc., etc., yes, you'd need a permit.

Chairman Coutu asked Selectman Maddox what do you want from us. Selectman Nadeau asked whether he wanted a consensus, a motion. Selectman Maddox said he'd like a motion only for the fact that he thought it could be once again where we were the other night.

Motion by Selectman Jasper to move that the Board instruct Selectman Maddox to vote against the prime wetlands ordinance based on the fact that there are unanswered questions at this time.

Selectman Massey said the appropriate motion is to instruct the liaison to not to forward to the warrant the article because he can't approve it. That was Selectman Jasper's intent.

Motion by Selectman Jasper, seconded by Selectman Massey, to instruct the Board of Selectman Liaison not to forward to the warrant the article relative to the prime wetlands ordinance based on the fact that there are unanswered questions at this time.

Selectman Massey thought as much as he thought this is an important issue, he thought the issue about the roads for the town because they are going through some of these prime wetlands would convince him that we need to have those questions answered before we would sign on to this. Although this is an important thing, he's persuaded by Selectman Jasper's comments and the comments that Selectman Maddox said that we would be better off to have these answers before and have the chance of passing something than to not have the answers and people vote it down for the wrong reasons. For that reason, he is going to support the motion.

Selectman Nadeau agreed with Selectman Massey. As much as this is a very good proposal, we do have a lot of unanswered questions in it. He will also be supporting the motion at this time. He does think we have a lot of unanswered questions. We need to look into the roadway salting and if we have to reclaim Wason Road, Pelham Road because these roads are in that prime wetlands area according to these maps. That's how he will be voting on this.

Selectman Maddox wanted to say that he hoped that with this vote and do say to the Conservation Committee that we do understand the hard work. We need to do a better job of informing the public and dealing with the 50 foot buffer. Maybe at least for the next year some sort of program of educating through our HCTV, some other methods how important this is. What we already have on the books is better understood by our citizens. As much as Selectman Jasper said, what's the harm in putting a shed in the setback if they're storing gasoline for their many pieces of equipment that could have an affect - or the pool you said, there's a lot of chemicals. So maybe we just as an interim staff look at doing some education and some follow up on our 50 foot, and what we can do to better enhance that. Thank you Mr. Chairman.

Chairman Coutu said he was going to weigh in. He had said that he was very much concerned that the designation as it was originally proposed would severely impact an ability to build a route from the existing bridge over to 111 which would give us an opportunity to be able to relieve most of the severe and heavy traffic flow that exists on Lowell Road. He made that argument and he said that with that exemption he could support it. He will agree that in the presentation that was made at the Planning Board, that there were a lot of generalities and there were a lot of questions that were unanswered. In order for him to be consistent with his regard for what is in the best interest of the town, to wit, having said that he felt to designate 17A and 18B as prime wetlands which would impede the progress of a potential bypass, he would have to agree and

concur and concede to his colleague Selectman Jasper who has been here a lot longer certainly than he has, and as proven to him in the past and has been consistent that he does have the town's best interests at heart. He respected his knowledge of the town. He said this most recently in a conversation that we had. In order for Chairman Coutu to be consistent with his regard for what would impede something that he felt was very important in order to make our town safer to drive on, he has to concur that until we do have the rest of the questions answered, he would also have to support the motion at this time. You've given us a lot of food for thought, and he's always said that he would enter any proceeding with an open mind even though he could be leaning one way or another. He has been convinced as well. He thought you'll find Selectman Maddox that the vote will be at this time unanimous.

As painful as it is going to be for Selectman Massey to vote yes on this because he is the liaison to the Conservation Commission and he has been with them for 2 ½ years on this, he just thought that at this point in time the issues that Selectman Jasper has raised are serious enough that as much as his heart would say vote for the Conservation Commission, he thought that the issues that he's raised are sufficiently grave that it does warrant saying wait. Chairman Coutu said another year - we're not putting it off forever. A year we can probably come back with a much better proposal.

Vote: Motion carried 4-0-1 abstention. Selectman Maddox abstained.

8. NEW BUSINESS

A. Donation offer of \$500 from Princeton Technology Corporation to the Recreation Department

Chairman Coutu deferred to the Town Administrator as Mr. Yates was not there.

Mr. Malizia said it was a simple donation that you just accept on a routine basis.

Motion by Selectman Nadeau, seconded by Selectman Massey, to accept the donation of \$500 from Princeton Technology Corporation with the Board's thanks.

Selectman Maddox said that this one and the one after, he respectfully disagreed with the Town Administrator. In these times for someone to put \$500 towards town recreation is not simple or usual. This is a statement that our Rec. program is doing something right, and these people recognize it. Chairman Coutu said it was so noted.

Vote: Motion carried 5-0.

B. Donation offer of \$761.74 from Lifetouch National School Studios to the Recreation Department

Motion by Selectman Maddox, seconded by Selectman Nadeau, to accept the donation of \$761.74 from Lifetouch National School Studios with the Board's thanks, carried 5-0.

C. Robinson Road Pointing Project

Chairman Coutu deferred to Chief Murray and Deputy Chief Rob Buxton. He thanked Chief Murray and Deputy Buxton for coming here this evening. Could you please give us an update on the document that you presented us with regard to the pointing project and the bids that were submitted Sir?

Thank you Mr. Chairman. If Chief Murray may, he will defer to Deputy Chief Buxton who's responsible for buildings and grounds and has been managing the pointing project for Robinson Road fire station.

Good evening Mr. Chairman. Thank you Chief Murray. Deputy Chief Buxton stated that just as an overview, the project is entailed 25 percent of the building needs to be repointed. This was highlighted during the budget presentation that the department put on during the FY2010 budget process. Unfortunately we ran into a kind of a snag with the default budget, but this was a project that the Board of Selectmen voted to support as they transferred some monies around in May. So we moved forward. In October, we went out to a sealed bid process at the recommendation of the Chief to just kind of get the best pricing we could for the project. We did receive 4 bids. One was from SEE Waterproofing & Masonry Restoration out of Boston, MA; Longley Construction out of Lowell; B & L Builders out of Dunstable, MA; and Abbott Masonry out of Hudson, NH. There was a wide range as you saw in your package of pricing that came in. The high came in at \$54,000 and the low came in at \$8,100. As he described to the Chief, we went through a long tedious process of talking with all the vendors to try to figure out how the pricing was so wide open.

The company out of Boston really was pushing some total restoration on the entire building which a great idea but wasn't really what we were looking for. Basically tonight he's asking them to award the bid to Abbott Masonry out of Hudson, NH. They're a local vendor. We sat down and he talked with the owner. He is a hands on owner. What he means by that is he is actually in the field running the projects. He did a background check and talked to 3 contractors. He's had an 8 year working relationship minimum with. One of the concerns that he highlighted with Jason was whether or not his pricing would be able to float through the project. What he meant by that was this a bottom of the barrel price, and then there was going to be a lot of add ons at the end. He proved as they went through his background check that his pricing has come in routinely on budget. So he doesn't suspect after reviewing the project, going out and doing a site visit with him that we're going to suspect we're going to see any increased pricing.

The one thing that Deputy Chief Buxton would ask the Board to consider is the original price tag on this project was \$15,000. Jason came in at an \$8,100 contract price to point 25 percent of the building. This takes us half way to the goal that we had described to you which was to take care of the water issue we had on the building. He has that figure available if that's a discussion the Board wants to have this evening to seal the entire building. He told them that it is under the \$15,000 that we have budgeted. So if we want to have that discussion after we award the bid, he is prepared to speak on that if that's some place you want to go. Chairman Coutu said they won't discuss that right now. Selectman Massey thought that they should at the moment Mr. Chairman.

Chairman Coutu wanted to pursue a question relative to the initial bid, and then he'll let him pursue it. The comment that raised his fears was that in discussing with Jason Abbott, you said that the bid came in at \$8,100 and historically he completes his work at the bid price. You would hope that he doesn't exceed. Is it clear that he's not going to get more than \$8,100 for the job? Deputy Chief Buxton said the pointing project for the 25 percent is worth \$8,100. Chairman Coutu asked if they clearly identified the area that needs to be done so that we can go back and you will go back and say he did exact area that we wanted to that he's not going to say at this point I've expended my \$8,100 and I've only done 72 percent of the area that...Deputy Chief Buxton said that we actually went out and did a site visit of the building and walked the property with him. He pointed out the areas, the 25 percent that he considered to be 25 percent of the building that needed to be pointed. We came to agreement on that that would be the \$8,100 value of the project is that 25 percent. It includes pointing and the sealing of that 25 percent. Chairman Coutu asked if that 25 percent is the most damaged area that's causing us the most heartache in terms of water flow into the building at this time. Deputy Chief Buxton said absolutely.

Chairman Coutu told Selectman Massey if he wanted to pursue at this time, he'll let him. Selectman Massey had two questions that are related. The first question he had is when he went to bid did the bid request for proposal specify just the 20 - 25 percent? Deputy Chief Buxton said yes it did. Selectman Massey asked if he had talked to any of the others relative to doing the entire project. Deputy Chief Buxton said that the other contractors came in a range from...Selectman Massey understood what they came in, but did you talk to them at all about...? Deputy Chief Buxton said no because everybody was over budget already. Then in Selectman Massey's mind, Mr. Chairman, it would be inappropriate to award any additional work to this one because nobody else was able to bid on the entire project. Maybe they might have had a different concept on how much they would charge if they were doing a bigger project. He would not be in favor of letting any more money out. The clear thing on one thing is the request for response clearly said 25 percent of the...and it identified the section of the building that was involved. So all 4 bidders knew which part of the building they were going to be bidding on? Deputy Chief Buxton said that is correct.

Selectman Maddox said 25 percent is 25 percent. So if every contractor was told you're going to do 25 percent, so I'm going to extrapolate and say that the next 25 percent would be the same whether it was on the north side, or the west side, or the east side. He's just saying that if we budgeted another 25 percent, then the price would hold for approximately the same.

For clarification, Chief Murray said when they talk about 25 percent the contractors came out and looked at the building. As they looked at the entire building, there are spots here, spots there. The point he's trying to make is it's not just one as you relate to it. It's not just one corner or the building. Out of that whole entire building, the repointing is going to cover 25 percent. The most damage is about 25 percent out of the whole building that needs the pointing.

Selectman Jasper might agree in concept with Selectman Massey's point, but the fact is Selectman Massey the other 3 bids are \$27,000, \$19,000, and \$54,000. So there's no way you can say well if you'd said give me a bid on 100 percent that any of them would say well I'll do 25 percent of the building for \$27,000, but I'll do 100 percent of it for \$16,000. We know that anybody would have, even if marginally they'd only gone up by a fraction, they're all going to be above the 16 or 15,000 we had budgeted. So its not unfair to them to

say all right we'll give Abbott Masonry the ability to go up to our full budgeted amount and get whatever we can do because that's not unfair to anybody else because they were only going to do 25 percent of it for more than we had budgeted. So he thought it behooves us to at least listen and consider what we can get more done for. He agreed with him in part - he's going to be there; he's going to set up; he's going to everything done, so there's a sunk cost in doing nothing just by getting there and showing up renting the lift. So how much can we get done once he's there and set up. Can we get 100 percent done for \$15,000? If we can, he'd suggest to you we'd be foolish not to do that.

If I may Chairman, just to address that one point. Selectman Massey didn't want to take away from you Selectman Nadeau but he thought it was important. Point in fact the town's purchasing policy says any expenditure between \$10,000 and \$25,000 does not require going out to bid. It simply says that if you pick an individual, you have to indicate what other individuals you could have used. So we're not really faced with a bidding issue. It is within the \$25,000 limit. Mr. Malizia said we don't even have to do it in this forum to be quite honest if it's under \$25,000.

Deputy Buxton, Chairman Coutu said he peaked his interest now that we've entered into the discussion. You apparently have had, because you were ready to introduce the topic yourself. A conversation with Jason Abbott with regards to going above and beyond knowing full well that he was bidding on the 25 percent. Tell me what you know. Deputy Buxton can tell him that when we sat down at looked at the project and we originally looked at the building, we came to terms on what the 25 percent was and what the original contract was going to be. At that point in time, the price came in at \$8,100. That's what he bid. Knowing that we had some budgetary monies available to take care of a pretty severe issue up there moisture wise that was highlighted during the budget process, he asked him to propose to him what it would cost to seal the remaining $\frac{3}{4}$ of the building. Simply that is it. There is no additional pointing. It is nothing more than putting a sealing coat on the split face block building that is up at Robinson Road. That came in at about \$6,500. So the total package price comes in at \$14,600 if we opt to go that direction. The thing Chairman Coutu wanted to be clear about is that he didn't think the entire building needed to be pointed. He was wondering if we were talking just sealing or maybe there may be some spot pointing that needed to be done. Isn't there some spot pointing that has to be done. Deputy Buxton said that when they looked at the building, we came up with the 25 percent and that covered the pointing that we were going to need to take care of on that structure. It was 25 percent of the building. Chairman Coutu said so what you're saying is 25 percent of the building needs to be pointed. The rest is fine. Then the 25 percent that he was going to point, he was going to seal that 25 percent. Deputy Buxton said that is correct. Chairman Coutu said logic tells you that it doesn't make sense not to do the whole thing at this point. Deputy Buxton said that's why we pursued looking at how much the...Chairman Coutu said that's doing half the job. He's going to be there. It makes sense. He thought we should entertain.

Selectman Nadeau went out there and looked at the building while they were doing some training. He thought about - he didn't know why we're going to repoint 25 percent and then seal it up. He looked at these bids and not knowing Abbott Masonry personally, he has seen some of the jobs that he has done. He's done them very, very well. He has been under budget on both of the jobs that he's seen. One of them was a chimney that he just did, and he was very impressed with the work. He didn't know until after the chimney was done that he was the one who did it. He went way out of his way to make sure that everything was cleaned up. If he's going to have the equipment there and he can seal the building up, it's going to save us in the long run a) maintenance costs, and b) in if you look at some of these other bids what they were going to use for sealers and stuff, that's almost twice as much money and he's going to do it for under what we had budgeted. Selectman Nadeau thought that they should go along with the proposals that the Deputy Chief is bringing in. Chairman Coutu said all he's presented us with a proposal is the \$8,100. He would need to see something in writing to that extent.

With this, both proposals, Selectman Maddox asked if the exterior of this fire station will be complete. The only thing he was thinking about is the windows and caulking around those. That's all part of this pointing? Deputy Chief Buxton said no. The windows that have been installed in that facility are in decent shape. They have cement slabs that are used for the thresholds and the sills and stuff. It's not built into the block. There's some actual precast concrete that's utilized for that. So that's in a very stable. What Selectman Maddox is getting at is that the exterior of this building with both parts of this will be completed, sealed, and all of that. Deputy Chief Buxton said yes. Selectman Maddox said that makes sense. He never understood how we were going to remember what part of the building was done as part of the 25 percent. He didn't understand how that was going to work.

Chairman Coutu asked what the warranty was on the sealant. Deputy Chief Buxton said the expected life span of the sealant is from 8 to 10 years. That brings us to discussion as far as maintenance down the road where we're going to go at that time. It gives us some planning time to...Chairman Coutu said okay. He

thought, again, gentlemen the direction they ought to go is they ought to treat this as 2 separate actions so that we have a clean document on the remainder. He wouldn't agree that we should do the whole thing.

Motion by Selectman Maddox, seconded by Selectman Jasper, to authorize the Fire Chief to award the Hudson Fire Department Robinson Road pointing project to Abbott Masonry in the amount of \$8,100.00 to perform repair work as outlined in the sealed bid process completed on October 1, 2009 as recommended by the Fire Chief, carried 5-0.

Chairman Coutu suggested to Deputy Chief Buxton that he have him write another proposal for the remainder and bring it back to us. Deputy Chief Buxton said he did give them a written estimate on the sealant. He has that, and he can pass that to them. Chairman Coutu asked if it was an estimate or are we going to hold him to it? Deputy Chief Buxton's question was does that get more functioned as a change order once the contract is awarded? Mr. Malizia said you've got a contract here. What you probably ought to do is just do another PO. It's under \$10,000. All you have to have is him, you, and you sign it. Chairman Coutu wanted assurance that...your saying he's giving us an estimate. He wanted to know what it's going to cost. Deputy Chief Buxton looked to make sure it didn't say "estimate" on the top. It did say estimate. He will have him write it up. Chairman Coutu said write it up, present it as a PO, and then we'll sign it so you don't have to bring anything further to them. That's the process we'll go with.

D. Adoption of the National Incident Management System (NIMS) resolution

Chairman Coutu recognized Fire Chief Shawn Murray.

Thank you Mr. Chairman and members of the Board. As you know, Chief Murray stated that the town has an emergency management plan. The emergency management plan is based on a federal boiler plate. Back a few years ago, the federal government adopted what is known as the "National Incident Management System (NIMS)". We over the past few years have been changing our plans over to come under that National Incident Management Plan. The purpose of it, obviously, is so that nationwide a response to disasters and emergencies is consistent throughout the United States. In order for us to continue moving fully to the National Incident Management System and to be able to receive future Department of Homeland Security grant funding, we need to as a community by resolution adopt the National Incident Management System. That's what you see before you tonight. He's asking the Board's consideration to do so.

Motion by Selectman Jasper, seconded by Selectman Massey, that the Town of Hudson Board of Selectmen adopt the National Incident Management System (NIMS) as outlined in the National Incident Management System Resolution on January 12, 2010 as recommended by the Fire Chief/Emergency Management Director.

Chairman Coutu asked if there were any costs involved in this. Do we have annual dues and if so, how much are they? Chief Murray said no there isn't Mr. Chairman. There's a benefit to us though. Selectman Maddox said that this has been the committee that he's really enjoyed being on. They never met. It would behoove us just to put this resolution on our web page. It's innocuous at best but again, understanding what we just agreed to. It doesn't really say much other than we will follow a certain set of guidelines that none of us are ever going to read. The Chief is going to take care of all of that. At least either on the Fire Department website or ours so that people understand what we just agreed to. Chairman Coutu said if we don't agree to do it, it could severely impact some funding mechanisms as well. Chief Murray suggested that he read the resolution and go through it in case the requirement comes back that it is we won't have to come back. We can take care of it.

Selectman Jasper suggested that we adopt it first and then he read it. Chairman Coutu said that's not a bad idea, but he just thought maybe people ought to know what we're adopting before we vote on it. It's fine by him.

Vote: Motion carried 5-0.

Selectman Jasper read the following:

"Resolution

Adoption of the National Incident Management System

It is hereby resolved by the Town of Hudson, New Hampshire, that:

WHEREAS, Emergency response to critical incidents, whether natural or manmade, requires integrated professional management; and

WHEREAS, Unified command of such incidents is recognized as the management model to maximize the public safety response; and

WHEREAS, The National Incident Management System, herein referred to as NIMS, has been identified by the Federal Government as being the requisite emergency management system for all political subdivisions; and

WHEREAS, Failure to adopt NIMS as the requisite emergency management system may preclude reimbursement to the political subdivision for costs expended during and after a declared emergency or disaster and for training and preparation for such disasters or emergencies.

THEREFORE, It shall be the public policy of this municipality to adopt the NIMS concept of emergency planning and unified command. It shall further be the policy of this municipality to train public officials responsible for emergency management.”

Selectman Jasper said the 5 of them will affix their signatures to this document. Selectman Maddox asked what training does that - you know, again, that was when he didn't catch it when he read this at home. What training are we going to have to do? The Fire Chief said, "good question". For example, there are different levels of the National Incident Management System depending on where you fall within the emergency management structure. The police, fire, and some of the emergency management staff have to go through 3 levels of training, which we've started to implement. They're all emergency management course of 2 to 3 hours in length. Some of them are on line. It takes you through the National Incident Management structure so that during a disaster we can understand how we need to integrate with the state and federal agencies. Selectman Maddox said that it just says trained, public officials. So he would think that would be us. Chief Murray said when they have local training drills, we invite the selectmen. It's that type of training.

E. HCTV Facility

Chairman Coutu said that this was an item that we have discussed at the committee level. There was an inquisition made from the committee chair with regards to dropping a cable line. He'll further explain. He is here with consent of the members of the Cable Committee because he had presented that to the committee, and the committee felt it was important enough that it should be brought before the Board of Selectmen. Chairman Coutu thanked Mr. O'Keefe. He asked for a general overview. Specifically what Comcast was required to do in our last contract, and what we're proposing to do as an alternative, and the reasoning behind it.

Mr. O'Keefe said basically what we're here for is to request that the Board make a minor change to our current franchise agreement that we have with Comcast. Just a very brief history. When we moved forward with the new access center on Old Derry Road, we realized one of the drawbacks is we would not be able to originate live programming from that building. In other words, everything we do would be recorded, transported down here to town hall, and then played back from here. Knowing that, we researched some options. We spoke with Comcast about what it would cost to do that. They gave us prices anywhere from \$20,000 to \$60,000 to run the fiber optic lines to originate live programming from that building. Given that, we took an alternate approach. The current franchise agreement we have with them requires that they allow us to originate programming from 4 locations in town. They are specified as town hall, the community center, Alvirne High School, and Memorial School. Right now we have capability from town hall and the community center. We don't have any lines at Alvirne or Memorial. We as a committee and certain he supports it as well. We had spoken to him about dropping the requirement that they give us a feed over at Memorial School and in lieu of that add the new access center as a point of origination. We spoke with the government liaison at Comcast, and they said they were fine with that so long as this Board authorized it in writing that that change would be made to the franchise agreement.

Selectman Maddox said 9 years into the franchise agreement, why haven't they got a drop at Alvirne? How are you doing the football games? Mr. O'Keefe said they're recorded and played back. Selectman Maddox indicated that they were at the end of this agreement. Why haven't they done those 2 schools by now? Selectman Jasper said that Selectman Maddox raises a good point. We probably ought to get them to do Alvirne before the agreement if its \$40 - 60,000 or something like that. We really ought to get that done even if we don't have anything to do with it, then the hook up is there and done.

Motion by Selectman Jasper, seconded by Selectman Maddox, to request that the Town's cable TV provider, Comcast, provide a cable origination drop at the Hudson Cable TV Facility at 98 Old Derry Road in lieu of the agreed upon drop location at the Hudson Memorial School and request that the Alvirne connection be completed as well.

Chairman Coutu had one question with regard to Alvirne High School. In the discourse that you had with him, did that come up and have you received any assurances from them that this work is going to be done before this contract expires? It expires in 2011. Mr. O'Keefe said the cable facilitator had the discussions with him directly. So he can't speak to whether that came up. It was certainly their intention to have them come through with that job. Chairman Coutu didn't want them just placating us for now. He wanted to make sure we're going to get this done. A letter is a letter. He just wanted to be forceful about it saying that they had an obligation. We've been into this contract - this cycle is what 5 years? Mr. O'Keefe said we actually signed this in '03. Chairman Coutu said we're into 7 years now and it's still not done. It's something that should have been done in the first few years. Selectman Jasper stated something like that; we've got to be the driving force behind getting it done. If we don't ask, they're not going to keep knocking on our doors. That's what Chairman Coutu is saying. He wanted to make sure that we put that little extra umph in there that we insist that this get done before we enter new negotiations.

Mr. O'Keefe can tell them that they'll basically put this as a package deal that we want both of those drops done now. We'll be on top of it. Chairman Coutu said as long as we say now very forcefully. Selectman Massey is in a little bit of a quandary as to whether or not to support this on the fact of it. It sounds like a good idea but by doing this, we're in the foreseeable future saying that the Hudson cable TV facility will be on Derry Road. It would basically say that we're not going to try and find a more permanent home. Mr. Malizia indicated with a new contract coming in, you can renegotiate that. It puts Selectman Massey in a little bit of a quandary that's all. Selectman Jasper indicated that as the Town Administrator says, we'll be negotiating a new agreement in 2 years and as part of that, we can request a new access if we relocate. In the interim, it would be a sorry situation not to have live access from this facility which we have put a lot of money in. He would expect that we will be staying there through the length of this contract.

Selectman Maddox agreed with Selectman Massey in theory. He doesn't want this to be an impediment to them saying that they weren't able to provide more programming because they didn't have this tool. He's still of the mind that he is that this facility is temporary. If it's not utilized, it will go away in his vote. This is something that should have been all along. It's not a cost to us per say. It will be another tool they can use. He agreed with him. That is not going to stop him from going another way if there is no programming coming out of this building. Thank you.

Vote: Motion carried 5-0.

Chairman Coutu had a couple of things with regard to cable. He asked Mike if had somebody that can work in drafting that letter. Mr. Malizia indicated he would write it. Number two, Chairman Coutu wanted to seize upon this opportunity to express his sincerest gratitude to you [Mike O'Keefe]. As always, you go above and beyond. We had as you know a meeting at the Fish and Game Club with the citizens of that immediate area. We had asked the Fish and Game Club permission to waive the fee so that we could use the club and make it more readily accessible for the neighbors to come. Mike came down and set up all the cameras, did all the taping, and stayed through the whole programming. He's just impressed when he sees people such as Mr. O'Keefe who volunteer to participate in the governmental process. In this case, it's the cable television. Above and beyond, he's out there televising football games. He's coming down doing municipal meetings. He's very impressed, and he wanted him to know that on behalf of the Board of Selectmen, he extended to him Sir a heartfelt thank you. It does not go unnoticed, or unappreciated, and is not taken for granted. Mr. O'Keefe thanked him.

Selectman Massey wanted to follow up. Where are we relative to indentifying an attorney to represent us in our upcoming contract negotiations? Mr. O'Keefe said at the committee level, we haven't officially contacted anyone yet. He believed he mentioned at a previous meeting that he had some discussions with Doty Grover in Londonderry. She recommended an alternative. It's definitely on their radar, and we know we have to do it fairly soon because this coming year we'll be in negotiation phase.

Chairman Coutu declared a 5 minute recess at 8:55 p.m. The Board of Selectmen resumed at 9:02 p.m.

F. Application for Congestion Mitigation & Air Quality Program

Chairman Coutu recognized Mark Pearson.

Thank you Mr. Chairman, members of the Board. Good evening. As you've said, Mr. Pearson stated that Selectman Maddox brought to his attention the New Hampshire Department of Transportation application cycle for the congestion mitigation and air quality program. In order to meet the initial application deadline, he submitted a letter of interest on behalf of the Town of Hudson that was due by January 8th. This letter of interest was submitted as a preliminary step and is non binding on the Town of Hudson. In summary, the area that he submitted that Selectman Maddox had suggested that he do is for the intersection in the center of town, including the intersections of Library and Ferry, Highland and Library and Chase, Ferry, and Derry streets. As you know, that is an area that gets congested during the commuter traffic during peak periods. He believed it qualified under two criteria. The first one under an improvement to traffic control measures and the congestion reduction and traffic flow improvements. He did put in a placeholder of approximately \$120,000 that can be adjusted accordingly. He believed that in conjunction with the Nashua Regional Planning Commission with their air quality tests and their help with this grant that should the price be more or less, it's adjustable. This is just a letter of interest. So we could change the price as we get more concrete information. It's an 80/20 proposition. The town does have funds in the respective corridor accounts that could suffice for the 20 percent of whatever the cost may be. So he's bringing it to the Board at the request of Selectman Maddox, the liaison to the Community Development Department, and we're looking for the Board's direction.

Selectman Massey has a couple of questions, and he asked the Town Administrator earlier. His recollection is that we obtained a CMAQ grant in the amount of \$120,000 in 2005 or 2006 and that it was to be used for this purpose. Mr. Malizia said he did a bunch of research after he asked that question. Originally way back when we were contemplating the signalization at Library and Central and Chase and Central, it was contemplated that they would also analyze and possibly update the signals/coordinate the signals over here. Through that various iterations of that project, that dropped out. Funding wasn't available, as well as this intersection wasn't done. Selectman Massey said he knew why this intersection wasn't done because we didn't have the money to do it. Mr. Malizia said the actual award and the grant that we got only covered this end of it. The town picked up some costs to do some line strapping over here where you see the left hand turn signals and what not, but because of the distance after all the engineering was done; there wasn't a nexus to tie them together in the same project. Therefore, these signals dropped out of that CMAQ fund. That's what all of this is if you'd like to read it.

The other piece of it is Selectman Massey said he didn't indicate down here, but he would think that Central Library and Central Lowell intersections should also be at least considered as part of this project. Mr. Malizia said they've already been done. Selectman Massey indicated that the CMAQ project, as he understood it, was to figure out how to synchronize all of the lights so that we could control the traffic through all those intersections somewhat better than it's currently being done. As Mr. Malizia understood, the CLD engineer effort when they looked at all of that, and he thought they even had an interactive or some sort of program here that actually showed traffic flow. The belief and the engineering analysis indicated that these intersections were really too far away from here to synchronize. They're synchronized. They would be synchronized, but they don't synchronize together because of the distance. That's what the engineering bore out at that point in time.

My esteemed colleague, Selectman Maddox thought the same thing. He could have sworn that Mr. Sullivan told him that we had gotten that grant. But the funding wasn't going to be available until 2010. Somewhere along the line, it got lost. Luckily by attending the NRPC meeting, he was able to get this information and hopefully we can now fix that problem. He agreed with him. Somewhere along the line someone said we had gotten this approval, but there was no money until 2010. Again, no disrespect to the State, but sometimes they don't have as much money as they thought they had. We didn't get it. He thought this is important Mr. Chairman. Those lights are getting older. Can we do something to help alleviate that traffic congestion? What this is really tied to is air quality. So this is how we're going to get this. Because we're in the southern tier, our measurements are where they are. This will benefit us. So Mr. Pearson has doggedly gone chasing all these for him. Here's a chance to fix some of these problems utilizing grant money that would not be available otherwise.

Motion by Selectman Maddox, seconded by Selectman Massey, to authorize the Assistant Town Administrator and staff to complete an application to the New Hampshire Department of Transportation and the Nashua Regional Planning Commission for Congestion Mitigation & Air Quality (CMAQ) funding to improve traffic control measures, that will reduce congestion, and improve traffic flow at the intersections of Library and Ferry, Highland and Library, and Chase, Ferry, and Derry Streets during peak periods, carried 5-0.

G. Police Union Fact Finder Report

Chairman Coutu deferred to the Town Administrator.

Mr. Malizia stated as you're aware, we were in negotiations with the police unit for a successor contract to their contract which expires this June. We were unsuccessful in negotiating an agreement. Basically at that point the parties agreed to go to fact finding. Fact finding is a process where an impartial third party comes in, looks at both cases, both arguments, and makes a report. Basically what you have, and he sent the Board an e-mail, and he believed he left them a hard copy of the Fact Finder's report. He also passed out this evening a costing of that Fact Finder's report. The bottom line, the Fact Finder did not award the police union 3 of the 4 items they were looking for. They did somewhat split the baby on the largest item, which is the wages. The Fact Finder recommended a zero percent COLA in the first year with a 3 to 4 ½ percent range COLA for years 2 and 3. That's what's costed out in front of you. This report, this will go forward as a warrant article. It's slated to be Warrant Article E. That was just a designation. What the Board needs to consider is do they wish to recommend this or not recommend it. But it will go to the warrant. As Mr. Malizia understood it today, the union has voted to accept the Fact Finder's report. If it were to pass, it would be a contract with the police. If they didn't accept it, we couldn't force a contract on them. His understanding is that they have accepted the report. At this point in time, the Board's action is to either recommend it or not recommend it.

Motion by Selectman Jasper, seconded by Selectman Massey, to forward the Police Union Fact Finder Report to the Fiscal Year 2011 Warrant as not recommended by the Board of Selectmen.

Selectman Jasper is really torn on this in many ways. He was very impressed by the Fact Finder's report in terms of recognizing the work that not only this Board of Selectmen but previous Boards of Selectmen, the Budget Committee, and the Town as a whole has done to make this an affordable community to live in. He really went to a great deal of detail and really recognized that and appreciated that. He recognized and agreed with our first year position of zero percent. Our attempt was for 2 and 3 percent. But he's recommended for the outgoing years 3 to 4 ½ percent, which means that we have to budget in 2 years for 9 percent. Selectman Jasper thought if he had said 3 and 3, he probably would have gone along or even 3 and 3 ½. He can't go along with recommending to the voters that we budget for 9 percent. It's too much, and he does feel badly about that. It's not a matter of whether the police deserve it or not, it's about how much can we afford, and what's consistent with our overall plan, and what we're doing elsewhere. This just falls out of the range that he's comfortable with. Thank you.

Selectman Maddox said he and Selectman Jasper are going to agree on this. Unfortunately, this Board voted that their parameters were zero, 2 and 3. He thought that was high personally, but the Board as a whole voted for that. How does he go back and say to the others I'm going to vote for up to 9 percent over the 3 years when we said 5 was our maximum. Does he think it's going to get to that 4 ½ percent? No. But we have no idea. He agreed with him. He believed we need to do something, but this was more than what we as a Board decided as their parameters. He agreed with him that this is - again, we have to fund it at the 4 ½ percent. It does. It pains him, but we need to do in the whole picture where we need to be in the zero, 2, 3 is what this Board agonized over, got from all the others, and to pick a favorite he thought is unfair. So he's going to have to vote with denial.

Chairman Coutu would concur in having read the language. He spent some time on the computer reading the copy Steven sent him. The first thing that came to mind when he started reading about the Boston index is first of all, we don't have a crystal ball. It could potentially be 4 ½, 4 ½. We may find that the index may be favorable the first few years, but we don't know what the future holds. Whatever we get for a raise at a minimum 3 percent if it ever gets to 4 ½ percent by the time we get beyond the first 2 or 3 percents if that's where it's held at, now you're looking at 4 percent of a greater number- 4 ½ percent of a greater number based on that Boston index number that comes out. The thing that shocked him the most was that we had set a precedent town wide to the zero percent the first year, 2 percent the second year, and 3 percent the third year. This will bind us to budget at 4 ½ percent whether we need it or not. Therefore, padding the budget. He likes to keep it as close to the vest as possible. As much as he agreed that he believed they deserve a raise, and the situation that we're in, and considering what we've offered all of the other departments, he'd like to see us remain consistent. He certainly couldn't support the arbitrator's final conclusion to award the raise in the second year at 3 to 4 ½ percent, and then the third year at 3 to 4 ½ percent. So he will also be voting to support not recommending.

Being the liaison to the police department, Selectman Massey is obviously in a slightly different position than the rest of his Board members. When he read the report, he truly was impressed with the fact that the Fact Finder recognized and in fact spent a deal of time on the 3 issues other than the (inaudible) reflecting the position of the town. It's not often. He remembered when they did one of the previous fact finder reports back 2 or 3 years ago he believed. He was really not happy with the Fact Finder because he totally missed,

totally missed, what the town was trying to do. In this particular case, the Fact Finder at least got what the town was saying. When he saw the zero percent on the first year, he said well he got that right. He understood what the town was at. We had indicated to the Fact Finder that not only had the town taken this position with the town employees, but we had instructed our liaison to the Budget Committee to not support any increases in the first year of any school contracts. So it wasn't like we weren't looking at it across the entire town.

So Selectman Massey had looked at this at said at some level he may have a point. He's not going to support it by the way. So he's not building up to why he wanted to support this contract. We started several years ago moving away from pegging things to a cost of living because it does have a certain level of uncertainty in it to the voters. Yes if we budget for the 4 ½ percent in any given year in this particular case, it is possible if we know by the deliberative session, and that has not always been true, what the true cost of living was for that previous year, we could make an amendment at the deliberative session to take out the extra money. It's not always known by that first week in February what this number is. So you are forced at the front end to budget for that. Then you have a hard time the following year trying to figure out what you should have pulled out. So it does make for ultimately larger budgets that you would have. Had this Fact Finder had a flat 3 percent in the second year, he probably would have been more inclined to go along with it. He's also mindful of what we've told all the other bargaining units, what we've actually agreed to with at least 2 of them, that the zero 2 percent. Given that he's gone with this COLA process, something that we've tried to move away from, he cannot in fairness to the other bargaining units and to the town nonunion personnel, he can't agree that this is the right way to go. Selectman Massey understood how he got there, but he thought that for the perspective of the whole town he cannot support forwarding this to the voters for their approval. So he will also be voting for the motion.

Selectman Nadeau said he will also be voting for the motion. One of the facts in the Fact Finder's report tells us that there's approximately 9,000 households responsible for paying their property tax in Hudson and about 585 of these homes at least one member of the home is unemployed at this time. It's telling us that 6 ½ percent of Hudson or southern New Hampshire is unemployed where the national average is 10 percent. So this does tell you what the financial things are out there. Nine percent over 3 years, like everybody else has said, is just a real big thing. There was just a lot of interesting things in this Fact Finder report as far as the economy and what's going on. He'll be supporting the motion to send this not recommended.

Vote: Motion carried 5-0.

H. Petitioned Warrant Articles

Town Administrator Steve Malizia indicated that we received 2 petitioned articles. One was in advance of the meeting so it's in your packages. That's for the "Town of Hudson shall hereby cease and desist in its lawsuit against Hudson residents, Peter and Joanne Radziewicz 49 Burns Hill Road, Docket No. 09-E-0192". That meets the criteria; it has the appropriate number of signatures, and was filed in a timely manner. You also received another one today, which was on your table here. It does not meet your criteria as it does not have a minimum of 25 signatures. Therefore at this point, that is moot. So you have one Petitioned Warrant Article to consider whether you wish to recommend or not recommend.

Just for the record, Selectman Maddox asked if they could just say that the one that was not for the issue of gay marriage just so people understand that it was received but it didn't have enough signatures. Mr. Malizia read the following: "To see if the Town will vote to approve the following resolution to be forwarded to our State Representative(s), our State Senator, the Speaker of the House, and the Senate President. Resolved: The citizens of New Hampshire should be allowed to vote on an amendment to the NH Constitution that defines "marriage". Again, that only got 15 signatures valid, therefore it is moot.

Question for clarification. Selectman Nadeau asked when was the deadline. Mr. Malizia said today. It had to be received before the close of business today, which close of business today was 4:30. Selectman Nadeau said okay. So they do not have a chance to get any more signatures just so they're clear on that. Mr. Malizia believed when they brought it in they were told that they did not have enough signatures. Selectman Nadeau indicated it was received at 3:38. Chairman Coutu asked it if was the same person that had made the request. Selectman Nadeau said not it was not.

Chairman Coutu said the other warrant article was to see if the town will vote to approve the following to see if the "Town of Hudson NH shall hereby cease and desist in its lawsuit against Hudson residents Peter and Joanne Radziewicz 49 Burns Hill Rd., Docket No. 09-E-0192". This did qualify for the ballot, and it's before us now for our consideration whether to just allow it to go or to go with or without a recommendation from us. It's going on the ballot. It's whether or not we're going to make the recommendation.

Motion by Selectman Jasper, seconded by Selectman Massey, to forward petitioned warrant article X to the Fiscal Year 2011 Warrant as not recommended by the Board of Selectmen, carried 5-0.

I. Fiscal Year 2011 Warrant Article Review

Town Administrator Steve Malizia said as is the practice we send our warrant articles to our attorney, who then vets them with the Department of Revenue Administration for accuracy, validity for their approval. We had two that the Department of Revenue Administration came back with through our attorney that they wanted a language change. It does not change the purpose. It does not change what we're doing. It does not change the appropriation. It does change the language. He included the DRA's analysis. He's included Attorney Buckley's deletions so you can see them, and then the last 2 pages are the actual 2 articles. They are for the water tanker replacement and the VacCon, which is the drain suction truck replacement. Basically it's the last part of that that just says the remaining, whatever the numbers, to come from unreserved or whatever fund it's coming from. It does not change the purpose. It does not add anything to the tax. These are the articles that are proposed to have "no tax impact". It's just a language change. In order to get this to the Budget Committee, we need to take the old ones off and put the new ones on. That's the whole purpose of this. There's a series of motions that need to be made.

Chairman Coutu indicated that they need to first withdraw the articles. We can withdraw them both and then resubmit them with the new language correct in their order as it is here? Mr. Malizia said yes. Selectman Jasper first wanted to let them know that the Budget Committee has been apprised that this will be happening. So it will not be a surprise when they see this on Thursday night at the public hearing. Second is a question. Is there any reason why we just can't do this as one motion? Mr. Malizia did it to articulate so if there's a record when we look at it down the road. He can certainly do what you'd like to do. He tried to do it so that when we read the record 6 months, 2 years, 5 years from now we know what the heck we did. Selectman Jasper said fine.

Motion by Selectman Jasper, seconded by Selectman Maddox, to withdraw Warrant Article "J", the Fire Department Tanker Replacement, from the Fiscal Year 2011 warrant, carried 5-0.

Motion by Selectman Jasper, seconded by Selectman Maddox, to withdraw Warrant Article "K", the VacCon (drain suction) Truck Replacement, from the Fiscal Year 2011 warrant, carried 5-0.

Motion by Selectman Jasper, seconded by Selectman Maddox, to forward the DRA revised Warrant Article "J", the Fire Department Tanker Replacement, to the Fiscal Year 2011 warrant.

Selectman Massey is still trying to understand what's changed because nothing here gives him an idea of what's changed. Mr. Malizia referenced page 5 which will articulate what was deleted. If Selectman Massey is looking at the fire truck, does he understand that that would have said the remaining \$100,000? What was the original wording? To appropriate, Mr. Malizia said that we were asking to appropriate money from and put the words "into appropriate" went into there. Selectman Massey said okay. The wording we see now where it says the remaining \$100,000 to come from the unreserved fund balance. Selectman Jasper said it would say, "\$100,000 from the...Mr. Malizia said, "The remaining \$100,000 to come from the unreserved fund balance." That's what it will say now.

Vote: Motion carried 5-0.

Motion by Selectman Jasper, seconded by Selectman Maddox, to forward the DRA revised Warrant Article "K", the VacCon (drain suction) Truck Replacement, to the Fiscal Year 2011 warrant, carried 5-0.

J. 2009 Annual Town Report Dedication

Selectman Jasper indicated that it was normal past practice, although it has been deviated that the dedication is done for someone who has served in an elected or appointed capacity for the Town of Hudson. It appears that we have no one that meets that criteria. He thought it would be appropriate that we not have a dedication this year.

Selectman Maddox started this, so he guessed he try to finish it. We don't have anybody that meets our criteria that we've used in the past for the town. As he said he believed it was for Veteran's Day, we here at home don't see the impact. He's looking at the list that was provided to them this evening is 38 New Hampshire soldiers killed in Iraq and Afghanistan as of January 5, 2010. He thought, Mr. Chairman, that this town needs to recognize this service. This ultimate sacrifice of these 38 New Hampshire residents. It is not

common practice, but he thought it is one that is deserving. He didn't disagree that it's not an elected official and they're not from Hudson, but Gentlemen these people need to be recognized. He thought that this was the time to do it. Thank you Mr. Chairman.

Selectman Jasper agreed with the sentiments of Selectman Maddox, but they should be recognized by their communities. There's no one here from the Hudson community. He thought that they then put themselves in a situation where we're established a precedent. It would continue to need to recognize every soldier from New Hampshire who's killed in all future years in our Town Report. He just didn't think that was a path they wanted to go down. There are ways that the State of New Hampshire recognizes their veterans. Certainly every community recognizes their veterans who are killed in action. He just didn't think this is a path that we should go down. The families are not going to be seeing the Hudson Town Report. Then where do we stop and where do we draw the line. He didn't think it was appropriate for them to do this in this manner.

Selectman Nadeau said there was also a couple others that were listed on the sheet. The town employees that passed away this year. One of them was currently working for us, and one of them had just retired. He thought that it would be appropriate to dedicate the Town Report to the 2 former past employees that have passed away this year seeing that they have worked for the town and it could be a dedication that we could make this year seeing that we do not have any other ones that are in here.

Selectman Massey thought one of the problems with the current military activities that are going on in two far away countries is that they are just that far away. For the most part, we're not asked to sacrifice anything in this country. We're not even asked to pay for the bloody wars. We're financing them on the backs of our grandchildren. We talked about this 6 months ago. At the time, he thought they all thought it was a great idea. He still thinks it's a great idea. We're fortunate that there's nobody here from Hudson. That's only by the grace of God that there's nobody here from Hudson. He thought that we honored them by remembering the sacrifices that they made in no small part.

Motion by Selectman Massey, seconded by Selectman Maddox, to dedicate the 2010 Annual Report to all the New Hampshire soldiers killed in Iraq and Afghanistan as of January 5, 2010 which is a total of 38 men and women.

While Selectman Maddox agreed with Selectman Jasper that this could be a precedent, it's no more than doing town employees who are also deserving. He thought this is the year. This has been going on for a long time, and we are recognizing these 38 names. What a board decides to do next year or the year after will be that decision. He didn't think it's a precedent, he thought it was a deserving acknowledgement of the sacrifice made. Thank you Mr. Chair.

Thank you. Selectman Jasper really hated to be put in a position to appear to be voting against dedication for servicemen, but he did think there are things that are appropriate and things that are not appropriate. He just thought that this now puts us in a situation where this needs to be continued forward. Who knows when any of this is going to stop. Why would next year we not do the same for anyone who is killed in the next 12 months. His feelings are exactly the same in terms of the town employees. We have a lot of town employees. There are town employees who pass away on a regular basis. It just hasn't been really the precedent. Do we know say these 2 town employees are more important than any of the other ones who have died or who will die. It's been the long established practice, and he just wished we would continue to keep it to those who have volunteered their service to the Town of Hudson. This Annual Report is about the Town of Hudson. Do we next when there are New Hampshire State Troopers killed in the line of duty do we start dedicating our Town Report to New Hampshire State Troopers because they're out there keeping the highway in the State safe for the citizens of the State of New Hampshire? Nobody is going really know what we do with this Town Report. He felt that it just opens up Pandora's Box for future Boards of Selectmen. He didn't think there's any reason to deviate from what we have historically done here. If there were a good reason to make that deviation, he would certainly not be opposed to it. He just didn't think it exists. The reason only seems to be that the right people didn't die this year so we have to look for something to deviate. He thought it best to leave it blank than to be out there looking for a reason to deviate. Thank you.

Selectman Massey said this is one of those areas where he thought that it would be easy for somebody to vote for this motion. He knows that it's probably very difficult for Selectman Jasper to take the position he's taking. He respected it. He didn't think any of them should not think that he's doing this to disrespect these individuals. Even though he understood how he's going to vote, he did say thank you Selectman Jasper for the courage of his convictions. Selectman Jasper said he appreciated that. Thank you.

Chairman Coutu said he wasn't going to let this go without making a comment. He reviewed the names that were presented to them in terms of town employees, as well as having gone over the list of the servicemen

who gave their lives for the sake of our country. He listened to Selectman Jasper with regards to what the town has done historically. He remembered their discussions back around Memorial Day when we discussed the possibility of doing something like this. He, too, is of a mind - he agreed with Selectman Jasper. We might be opening a Pandora's Box. Like you, he certainly appreciated any servicemen whether he's from New Hampshire or from California, putting his life in jeopardy in order to safeguard us here back at home. His prayers are with those families every day. He felt that we might be opening a Pandora's Box. He will continue to remember them in his prayers, and he will not be supporting the motion.

Vote: Motion failed 3 - 2 in opposition. Selectmen Coutu, Jasper and Nadeau in opposition. Selectmen Massey and Maddox in favor of.

Selectman Massey had a point of inquiry. One of the dedications we made within the last 5 years was for a Deputy Fire Chief he believed. Did that individual have any volunteer or elected officials? His recollection is we were dedicating it because of his fire service. The reason he's asking this is if that was true, then he could see making a motion based on something he saw in the report. He just wanted to verify whether that individual was recognized for something other than his service to the fire department?

Chairman Coutu said that was a fair request. To the best of Selectman Jasper's knowledge and recollection, Deputy Chief Hammond was also strictly a volunteer. He was a member of the Budget Committee. As a matter of fact when the entire budget committee resigned in 1950, Leon was one of those people who was appointed to fill the seat. He did serve as a member of the Budget Committee. He thought he may have had service on other committees as well. He was a volunteer, a call man, and we have dedicated to police and fire. Primarily they have been people who served essentially a special officers or volunteers. He's not aware that we've ever dedicated to a full-time employee. Mr. Malizia said a Fire Captain, Roger Spooner; there was a dedication to him in the 2000s. He also knew that former Chief Carter also had a dedication. He didn't know what involvement he had. So he has seen fire department personnel have the Report dedicated to them.

9. OTHER BUSINESS/REMARKS BY THE SELECTMEN

Selectman Maddox - He has positive notes. The economic revitalization signs have been installed. The Community Development Department has been working with the Chamber, and they've sent out some letters within that zone to make them aware. So they're following up on that. They're going tomorrow to a Chambers breakfast to, again, give them some of this information so that that is getting out there. Mr. Pearson has a stack of stuff ready to go to our web site. We're just trying to continue moving that forward. We have collected a number of fees that have been outstanding that Mr. Pearson and his staff have been looking to collect for impact fees and certificates of occupancies. So all good things that they're following up on some of these items that we have kind of said to follow up on. They're doing a great job.

Mr. Miller, the part-time building inspector has passed his ICC Building Inspector Certification. So, again, he thought that during this lull in the construction, we're getting some of those things that we said we really wanted to do.

For those of you that wanted to know what he did for Christmas, and he knew they all do, he spent the day at the fire station. Again, he's not as astute as some of his fellow colleagues. He's one of those people that kind of need to kick the tires. He had heard a number of times about - any rightly so public service - public safety personnel have to work the holidays. He decided to spend his Christmas with the fire department. He thanked Captain Hansen and his group for feeding him very well. He went out on a number of calls. Again, he wasn't looking for anything in particular, he was looking - as we sit here at these tables and we look at numbers, and we analyze percentages, and we track hours and all the thing that we do, we need to recognize that there are people attached to that. Not just our people that we pay, but the citizens they interact with. It's good at least for him to see the work that our people do for our citizens. The Chief and the department will argue on any number of items, but the services provided to our citizens by our fire department is exemplary. Just amazing the teamwork and coordination that goes into what goes on. He only saw a couple of medical calls. It was a quiet Christmas because he was there and an accident. They see people on their worse day. It was just amazing, again, to see how simple things like one firefighter cleared the walkways so that as they were leaving with a stretcher with the snow that had just fallen that everybody was in a much safer position. The team work with the medical side of it - answered some questions as to why they put a third person on the ambulance in some cases. Again, he thanked them all for enduring a Selectman for Christmas Day. It was just an educational and enlightening part of the job that, again, when we sit here and look at numbers you don't always see. He thanked them for an interesting Christmas. He hoped he didn't ruin it too bad for them being the skunk at the picnic, but it was good for him to see. With that, that's all he has Mr. Chairman.

Selectman Nadeau - Just a reminder that as you see on the screen after our meetings and stuff, that we still have our parking ban in affect until April. It's from 11 at night until 7 in the morning for the winter parking ban. You'll see it scrolling and stuff. Just be aware that there are fines attached to it. Police are out there enforcing it.

The other thing is you said about the Chamber and the town posting the stuff. He did see today on the Chambers web site the information that was available from the town and the contact information. So it's good to see the town and the business in town are getting the information out there.

The other thing was one of our new business in town, Spires Technology, just received a \$2 million grant from the federal government on solar energy under the new stimulus program to develop new technology. We can see that we do have some new businesses coming into town. Hopefully we'll welcome many more that will go along with this.

Selectman Massey - Well as usual, the Highway Department, Kevin Burns, and his crew did a magnificent job over the last 2 weeks with the snow storms that we've had. We should be proud of the men and women of the Highway Department for the work they do in very trying conditions. So kudos to them for the work they've done on the roads this year.

To those who didn't happen to see it in the paper, or didn't read the paper for whatever, a member of the police department retired as of a week ago. Akim, our canine officer, retired. Chairman Coutu said if you all forget, everybody looked in shock like who's he talking about. He reads the paper. Selectman Massey said that he spent 6 years with us. He's probably he thought 8 years old. Unfortunately the productive life of a canine is only about 6 to 7 years. After that, they really are not as useful as they might have been. That's the sad news - Akim has retired. The good news is that Akim has been replaced by Turco. Turco is a Belgian Malinois, which he thought if you all remember when he came in here; he looks like you would not want to tango with him, not even to pet him. He's on duty now, and be thankful that we have the officer who's doing it.

He's gave the Board a heads up. There is an individual who is not satisfied with the action that this Board took relative to upholding a recommendation by the Water Utility to deny a request for an abatement. He's indicated to him if he's not satisfied, he's always got the option of asking to come before the Board and make a case. That individual was not here the night that the abatement request was on the agenda. However, he told him if he wanted to pursue it, you could ask the Board to reconsider the denial of the abatement. So it may or may not be coming in. There's been a lot of false starts with this individual doing it, so he doesn't know where he's going to go with it. Just a heads up.

Lastly, there have been some changes already made to the web site. If you'll notice when you go on it now instead of having everything stacked up in a bunch of lines of different blocks of applications for openings, public hearings, etc., there's now just 2 blocks on the right side when you open up the home page. One of them has all of the public hearings that are going to be, and the other one is all of the pertinent information about various ordinances and things. We've now added on the left side an area for economic development. In there they have put some of the information that Selectman Nadeau has indicated that the Chamber has sent out on their own web site. The infrastructure for changing the web site is completed. The IT Director is going to be coming he thought probably within the next 2 meetings with a proposal to complete the work which requires a different type of technical skill that was used to create the infrastructure. As a result, she's working on putting together that proposal to come before this Board. He thought that right now there are some of the changes that Selectman Maddox did want to see on the web site that are there now.

Selectman Jasper - He looked at the calendar to check a time on something and realized there are really 2 things missing from the calendar. That would be the public hearing on the school budget, which is tomorrow night. He believed it was at 7 p.m. at the community center. Then the hearing on the town budget, which is Thursday night at 7 p.m. at the community center. Then he noticed one other thing. We are listing the community center as the recreation center. We do not have a recreation center. That should be listed as the community...Selectman Massey indicated that we do have a recreation center. Selectman Jasper said we have a recreation building. We don't have a recreation center. We have a community center. That needs to be clarified in the future because that is a little confusing.

Then he has 3 things to bring before you from the last Benson Park Committee. The first he's going to bring forward just as a point to ponder and ask that it be placed on the next agenda for hopefully final action. There's been a lot of consternation he guessed about staff time on the Benson Committee. Now everybody is gun shy. We're never going to get this park open if there isn't somebody on staff who is able to do some

things. The Benson Park Committee was set up to make recommendations to the Board of Selectmen. He guessed we could just do that, but that's hard to do if we can't gather all the information and it's unfair to wholly ask the committee to do all of the leg work that is necessary to get those things done. The Committee has asked by unanimous vote that the Board of Selectmen give them a staff liaison. Someone who they can go to and ask for information that be brought forward back to the committee, and then we can bring it forward to the Board. He just brought that out there for you to ponder and think about. He would suggest that if we do that, he knows there's a concern that a lot of staff time is being taken up, but whoever if the Board agrees with this request, that that person simply document how much time they spend on this so we can figure out how much time is going into this. There are a number of things that are going by the wayside. The train station at the present, any work on getting that project moving forward is going by the way side. There was a project on the gate. Then there's going to be more fence work that needs to be done. None of those things are moving forward because there's nobody to do them. We need to address that. If you simply want me to come back with all the requests and ask the Board to deal with all of this minutia, he can certainly do that as well. Something has to give. Right now, nothing is happening other than the things that the volunteers are comfortable and willing to do.

To that point Mr. Chairman, Selectman Maddox would think that the Recreation Director would be his vote to do - we're heading toward this being a passive recreation park. He knows that some of the things you've just talked about may be more construction side, but he would just think that that would be a person that would be able to facilitate the recreation portion of it. At least it would give one point of contact whether he needs to go to Community Development to do with them some of these things. It would give us a point of contact.

To that point Selectman Jasper, Chairman Coutu also remembered when he watched the meeting that it was recommended that the person who would be if we decided to appoint someone as a point person for the Board, that that person attends the Benson Committee meetings. Selectman Jasper said that was one of the points. We are at this point meeting once a month now. That wasn't part of the motion, but it would certainly be nice to have the liaison attend the meetings. Chairman Coutu knows he's throwing this out as food for thought. Could you or somebody on the committee kind of formalize that for us and make a recommendation to what the nature of the position is. He has a general understanding. If they've all watched the meetings, then they would understand what the request was. He didn't think it was unreasonable. He thought Selectman Maddox's idea about the Recreation Director is an excellent idea. He had been thinking about what would be a relatively good contact person to have without tying up the Assistant Town Administrator's time. He can foresee in conversations that he's had independently with some members of the Board of Selectmen and independently with some members of the public that the Assistant Town Administrator, he thought, we hopefully will get him in the direction of marketing our community and more involved in community development projects more in line with what his - he would have expected from his position with the town aside from being the point man should the Administrator not be available. He's not disagreeing that you don't need a point person. He understood the complexities of trying to get things done with a group of volunteers. It's very difficult, and this is a monumental task at best. All its going to take is one monkey wrench to throw it all, and get people all upset and wanting to quit because they can't do it all. He'd just like to have it more clearly defined and see exactly what the position is going to entail, how many hours you think is going to be involved.

Frankly, Selectman Jasper is not sure that he can give them that. Certainly not how many hours it's going to involve. He thought it's going to depend. If it's the Recreation Director whether he needs - one of the big things that will certainly be coming up this year will be trying to move forward with the train station. We had talked about hiring someone to do that. We actually had a proposal, but then there was certainly some problems that he thought they all know what he's talking about there. So he didn't know where they go from there. The others are as simple as getting people in to give quotes to take care of the fencing issues, proposal for there, working with - hopefully there won't be really any more contractors, but just advising. Somebody the Chairman can go to. Donna can probably help with the posting. There just needs to be somebody who consistently we can go to and say well we need help here and can sort of help us and direct us. Maybe not necessarily even doing the work, but help Harry with the situation. The whole problem has been with this. He thought part of the frustration of this Board is - you know there's been a Board of Selectmen now just really since '95 or '92 he guessed because we had that gap. In theory, there's been a town government since the 1600. Things sort of go along. There's been a Planning Board since the '40s. Things go along. The Benson's Committee just all got thrown together. We didn't even really know each other. There was an expectation that we were going to be all knowing, all seeing, and get things done. We've coalesced now in moving together rather well. It did take us a while to get up and running. Now we're realizing things aren't quite right because we don't really have any contact. To some degree, that's going to have to develop as well just sort of like the committee did. Obviously we were doing that with the Assistant Town Administrator to some degree. That created the consternation. Now there's a void to fill. He just brings that up to think about. Selectman Jasper can't write anything for him. He didn't think Harry could

either. He's here; he can speak for himself if he has any ideas. He's really not sure what it's going to involve because it's going to evolve.

Chairman Coutu said he hated to commit somebody to something that we don't know how much time he or she is might be putting into this. If they have other duties and responsibilities and this becomes overwhelming. Selectman Jasper thought that's the thing. They're going to have to put in the amount of time that they have available to do this. The Board of Selectmen is going to have to recognize that if we've asked them to do something that may take 20 hours, it might take them a month and a half to find the 20 hours to do that. You're going to have to recognize that we're not willing to put the staff time into that and make that a higher priority, that's not a negative. Then it's going to take that much longer to get it done. That's what he's saying. There's been this expectation that we're going to get everything done by ourselves quickly. That expectation has to stop. At the same time, you're right. The Rec. Director or the Town Administrator may not have the time, so you say all right you've only got 3 hours a week you can put into this. If it takes you this long, it takes you this long. That's what the Board of Selectmen needs to recognize that those are the limitations we're faced with.

Selectman Maddox said the reason why he recommended who he did is the reason that during the summer time, his staff swells dramatically. It would be a great tie in to be able to utilize him as the overseer, but some of these things he could delegate to his summer staff. He knows that they're busy with a myriad of other things, but he's sure that there are times that we could utilize. He's just saying that he has more of a staff than almost anybody else during the summer. The Rec. Director would have summer staff to be able to hopefully accomplish some of the things that we might be looking for. He could delegate some of that to summer staff. Mr. Malizia said they were high school kids. Selectman Maddox said they were teachers. We just heard that some of them have 15 years experience.

Selectman Massey said we need to keep focused that the town has a responsibility for 3 major projects right now - the depot, the office building, and the Haselton Barn. He thought that they need to understand that in every one of those cases we're going to need a clerk of the works. Somebody on town staff is not going to be able to provide the kind of level of information or responsibility and attention that that's going to require if they can only take 3 hours here, and 2 hours there. It's not something that strings out. Once we let the contracts fills project, they've got to go forward. So he thought that they have to begin to think about how we're going to finance out of our existing funds those projects. They have to include somebody that this board delegates as the person responsible for making the project come in. He doesn't see that the town Recreation Director is going to have that capability. If he does, then we don't need a Recreation Director. By that, he meant if he can spend the kind of time it's going to take to oversee those 3 projects and still do his recreation department, then we don't need a full time recreation department. He didn't think that was the case. From his perspective, he thought it was time for the Board to begin planning. He would certainly be glad since he's the one proposing this, to work with the liaison and Selectman Jasper to come up with a plan that we can bring to the Board how we would fund it and when we would get started. Everything else in terms of spending money is secondary to the fact that we must do something with those 3. He didn't think that this year we're going to have the luxury of having the State say okay we'll give one more extension. We have to do the train station this year. That would be his recommendation. It really is a question of how the liaison feels and/or the committee.

Chairman Coutu said if he felt he can work out the logistics and he's amenable, he would say that...Selectman Massey said he would only do it if Selectman Jasper...Selectman Jasper thought we can put aside the office building. We got done what needed to be done there. What the committee envisions is going forward with anything there is going to be volunteers. Haselton Barn we have a contract to take care of the roof. Unfortunately, the weather had intervned but the contract is in place. He didn't see anything happening any time soon. The issue is we have to have somebody who is astute enough to put the project together on the railroad station to get it to the point of having a clerk of the works, which can be funded through the contract. We have to have somebody that can put that project together. That's where we need some advice and expertise. The rest of it is relatively minor things. He just didn't think it was fair to impose on Harry even if he had the time or anybody else to say all right we need you to meet with 3 fence contractors during working hours and show what needs to be done, what work needs to be done on the fence contract. He's not sure beyond that at this point. There's a lot of things that we are going to need, but there are going to be things that come up. We're going to have to coordinate perhaps with the Highway Department. He just doesn't know at this point because we're not there because we don't have the help to get us to the point we need to be. We need to have somebody who's consulting with us that has some idea of who to go and where to go. He's not going to suggest anybody. Maybe it's something that staff should brainstorm who can best assist the committee. Not necessarily doing a lot of work, but helping us along. This has got to develop. It's got to develop. That's about all he can say at this point.

Chairman Coutu is afraid of - this started off as just throwing an idea on the table. It's turned into a Benson's Committee meeting again. We're 15 minutes into this subject. Selectman Massey wanted to find out, because the thought struck him how we might be able to approach this and not solve the problem tonight but maybe work on it after the meeting, do we still have any money in the engineering budget for either professional services or employees for this fiscal year? Mr. Malizia said no. Selectman Massey said so we took all the money out for the engineering position? Mr. Malizia said we took the engineering money out. Selectman Massey's thought was we could use the money out of that budget since he thought a lot of what Selectman Jasper was talking about is putting together a construction plan that can then be put out to bid and the clerk of the works could follow up on it. To him taking the money out of the engineering budget would be an appropriate source since its engineering work. If there's no money there, then we'd have to figure out another place to go get it.

Chairman Coutu thought that Selectman Massey's suggestion that the both of you can work together - his problem with all of this is this. One of the things that he's heard in the past is that for instance Gary Webster telling him that he's got several members of the Benson - he had in the past several members of the Benson's Committee going down there, making requests of his time, and asking for documents. He said he didn't have this kind of time to deal with committee members coming into his office. That was also Mark you might have been the recipient of some of those people coming in and making requests. He didn't know but he had heard. Chairman Coutu hated to think that if we're going to have a point person and then all of a sudden it becomes overwhelmed because all the committee members are going to him saying I need this, I need that, get me this, get me that. He's going to not know who he's working for or who she's working for. He thought it is something to explore. He understood. He listened intently to the meeting and he agreed with the concept. He just didn't want this to evolve into a full-time job that we're going to have to go to the ballot and say I don't want to circumvent any laws on hiring people here, but he knew that was not his intent. We're trying to find somebody in house. He didn't think about the Recreation Director. He thought about Kevin Burns' area. He's going to be totally involved in that project as well. He's going to have people committed there. He thought maybe we could do something with one of the 2 girls in his office as a point person. He didn't know. He thought it was something we need to put some heads together and try to formulate something. It's going to have to be limited time. Like you say if someone's got all this time to put into this project, then what does that mean about the time that they're doing on their job already. It really isn't a full time job. That's been his contention. Chairman Coutu asked if they could agree that Selectman Jasper and Selectman Massey can get together at some point and talk about it or you can communicate back and forth. It doesn't have to be a formal meeting - generate some ideas between the two of you and then come back to us with some sort of a recommendation that is palatable. Selectman Jasper said he certainly make that attempt.

Chairman Coutu said he didn't know where he wanted us to go with it Shawn. You said that you've thrown it on the table. He appreciated that for them to think about. If you want us collectively to have a workshop to work this out, this could go on for 3 or 4 hours before we come to a resolution. We don't know what's involved. Selectman Jasper said that's the thing. Neither does he and neither can the committee tell you, but we need a point of contact. It's appropriate for this Board of Selectmen to say here's this task it goes to employee X, and we're allocating you no more than 5 hours a week to put towards the Benson's project. He just doesn't know how we can get it done unless there is somebody we can work with. He didn't think he was the appropriate person to figure out who that is. He's told them roughly what the jobs are that are out there, and that person may not necessarily be the person who can get the job done, but somebody who can then say all right well I know who can get the job done, and I'll work with him or her to make that happen.

Chairman Coutu said they know who the ideal candidate would be but we don't have the money to pay that person to do the job. That's the problem unless you have a proposal. Selectman Jasper's sense is that we think this is going to be a full time job. He didn't think so. It was a lot of time because we had big contracts. We had a lot of controversy over the roofs. The big part of this is just going to have right now have somebody find us the people or the person who can make the railroad station happen. The other, he thought, is going to be little bits and pieces here and there to get the other quotes that may be necessary. He's thinking the fence right now and the gates as being a major part of what we need to have the park open in the spring. If we don't have a person on site, somebody has to open and close the gates all the time. That's not something the Benson Committee can decide. He didn't think its something this Board necessarily wants to decide. That's something internally within staff. We have to figure out how is this going to happen.

Chairman Coutu asked if the Town Administrator could make that a topic of discussion at your staff meeting. Mr. Malizia said he could, and he could already tell you the answer. Selectman Maddox thought that his suggestion moves further up on the food chain. The Rec. Director would have people that would facilitate

opening and closing the gates if that becomes a gate position. That would be the point of contact. The other thing he was thinking of was we've got the building inspector 3 days a week. If we were to hire him for a fourth day a week to facilitate the construction side of these projects at Bensons, expertise, maybe we could find some money to be able to fund that 4th day. Again, he just thought that the point of contact is there. If they need to use other resources within town whether it be Highway, certainly the Community Development Department, whoever, at least there is that point of contact that the committee, this Board could look at for 1 person to control what we ultimately hope is going to be a passive recreation park. Chairman Coutu asked Steve to bounce some of those ideas around tomorrow morning and see if their collective heads would come up with something. They run their various departments; maybe somebody will come up with an idea. Kevin always thinks outside the box. He's sure there's a couple of others who do as well.

Selectman Jasper said that one of the other things the committee has requested is an alternate member. We had talked about that during nominations and appointments.

Motion by Selectman Jasper, seconded by Selectman Massey, that the Board of Selectmen create an alternate position on the Benson Park Committee.

Selectman Massey asked Selectman Jasper why one. Why not either 2 or 3? Selectman Jasper said that was what was discussed. We didn't discuss any more really as he recall in having one alternate. It wasn't his idea and he didn't delve into the mindset of why that was the request that was made. If Harry has anything to add to that, he's here. Chairman Coutu's personal prospective - gun shy. He thought that they might have asked for more but they thought that they would be lucky if they even got one. That was his prospective from watching the meeting. The reason why Selectman Massey is asking the question is his thinking is that if the reason for the alternate is to provide backup, then he could see where one is probably not the right number. Either 2 or 3 might be the right number. He would certainly be open to an amendment, Selectman Jasper, to make it 3 people. Again, he didn't want to over complicate things. Selectman Jasper wouldn't mind going to 2. He'd be hesitant without talking to the committee about going to 3. We have pretty good attendance. There are occasionally absences. He knew some of it was a desire to have more people participating. He's not entirely comfortable with using that as the method of doing it himself. That's the purpose of the subcommittees. He's not a big fan of huge committees. We already have 9. You start going to 12, it's getting to be...since the Chairman is here, Selectman Massey asked if it would be appropriate to ask Mr. Schibanoff his thoughts on changing it from 1 to 2.

Mr. Schibanoff said he had no problem with changing it from 1 to 2. He thought the reason we ask for 1 was for what Selectman Coutu said - we were gun shy. We have some outstanding candidates that we have found through the volunteer system, and the cleanup days that we had. These people would be very good on the committee. They have skill sets that we need on the committee. We're finding out that this project is getting bigger and bigger all the time. We need probably more people. Selectman Jasper amended his motion.

Motion by Selectman Jasper, seconded by Selectman Massey, that the Board of Selectmen create two alternate positions on the Benson Park Committee with one term expire in 2012 and the second term to expire in 2013.

Selectman Maddox is having a tough time understanding. You're building a council. You're going to have that many members. Your votes are almost unanimous all the time so it's not for a vote. If you're just looking to put more people on the Board because of their skill sets, wouldn't you put them subcommittees where their real strengths are needed? Selectman Jasper said he was the messenger here. He tended to agree with him. Selectman Maddox said he's making it harder on himself with a council format here.

Mr. Schibanoff said one of the reasons is the subcommittees. You do need feedback from the subcommittees to the full committee. Some subcommittees are more important than others at this point. For instance, the building committee, the outreach committee, the trails and recreation committee. Most of those are represented on the full committee but some of them aren't. Then we don't get communication back from those subcommittees. If we could have people on the important subcommittees also on the board, he thought that would help them communicate between the subcommittees and the full committee. Chairman Coutu said they're on as alternates.

Selectman Maddox said he was going to vote no. He thought that the subcommittees report to the committee and a piece of paper if you have questions - he just thought we're building a council over there. This board is too important as we move forward and it's going to become unwieldy at some point. It may not be today. He just can't see getting any bigger than it already is.

Vote: Motion carried 3-2. Selectman Nadeau and Selectman Maddox opposed.

Chairman Coutu said we will move to advertise for 2 alternates for the Benson Committee. While on that subject Selectman Jasper, he had an inquiry. You had one person who applied to be on the buildings subcommittee. He didn't believe he's been called to come before the Benson's Committee for an interview. Selectman Jasper is waiting. He didn't have all the applications of people who want to be on the buildings committee. The person who has that was supposed to forward the names of everybody. He was going to organize that committee. He was thinking about that today. He needed to send her an e-mail and say he needed that information. At this point, he has not well tracked who has applied. He just didn't have the information.

Chairman Coutu said important of that Harry is if people are going to apply and they're never going to be contacted, they're going to feel like they don't want me and will just fall by the wayside. As Selectman Jasper explained to them being the liaison to the Budget Committee during November and December, he didn't even have the time to think about this. He wanted to get going on it now that we're done, but he didn't have the names now. So he's waiting for that.

Selectman Jasper didn't bring this up, they've actually had the discussion and voted on it at a meeting he wasn't there. The committee would like to remove that fence to no where. Chairman Coutu said this is the kind of stuff he didn't understand why it has to come before us. Selectman Jasper said because there's been such controversy within this Board. He didn't want to take it down. He'd love to say yes let's just take it down but because of the negative feedback that he's gotten from the Board members, he didn't think it was appropriate to take down the fence without approval. Chairman Coutu asked if everybody knew what they were talking about. The fence to no where behind the...Selectman Jasper explained. It's approximately 170 feet of fence to no where. It runs behind the Elephant Barn and then it runs down to the set of gates that aren't used by where the Red Barn was. It has 2 holes cut in it. It goes absolutely no place. It serves absolutely no purpose except to obstruct. He would move that the committee be allowed to take down the fence. Selectman Massey would second that. Again, Selectman Maddox didn't know exactly what he was talking about. Enclosed that historic as we keep doing construction. It's not that one? Selectman Jasper said we're not trying to do any construction other than the train station. If that's being done, that will be done with construction fence. You'd have to repair 2 holes in the fence. You'd have to then run another fence. The fence doesn't go any place. It attaches no place on either end. Chairman Coutu said he didn't see any need to bring it before. So he said take it down. If they were doing perimeter fence outside, he'd say wait a minute. That's all together different. This is internal. It serves no purpose. He thought by consensus just take the thing. We don't need a motion. Take the thing down.

Chairman Coutu asked if everybody satisfied that we're doing this by consensus this fence thing. The Board said yes.

Selectman Coutu - He only has a couple minor things. One he wanted to let them know that Officer Sullivan stopped by to see him and told him that he's doing well. He and Akim are living happily - Akim in retirement and Mr. Sullivan filling in here and there. The south end of town being one of the areas that he covers. So he stopped in to say that.

One final thing, if Ben Nadeau's been going around town telling a story, he's going to substantiate that he's telling the truth. He and Ben Nadeau went together to Matt Haffner's Eagle Scout fundraising dinner last Saturday evening at Wattanick Grange. We had a great time. We had a great spaghetti supper. It was a tremendous outpouring from the community of people who showed up at that dinner. There were a lot of people that went there. He did very, very well. A lot of scouts, scout parents, and a lot of volunteers helped him put this fundraiser together. As you know, he was raising money to be able to work on a project which will - and you're more familiar with it Selectman Massey.

Selectman Massey said he and another scout have got parallel projects. Matt is going to mark the trails on the town forest property. The other individual is going to mark the trails on Musquash. This is the result of the GPS work that the summer intern for the Engineering Department did. So they're going to pick up on that.

10. NONPUBLIC SESSION

Motion by Selectman Jasper, seconded by Selectman Maddox, to enter Nonpublic Session under RSA 91-A:3 II (e), carried 5-0 by roll call.

Nonpublic session was entered into at 10:30 p.m., thus ending the televised portion of the meeting. Any votes taken upon exiting nonpublic session will be listed on the Board's next agenda. Open session was entered into at 10:40 p.m.

11. ADJOURNMENT

Motion to adjourn at 10:41 p.m. by Selectman Massey, seconded by Selectman Maddox, carried 5-0.

Recorded by HGTV and transcribed by Donna Graham, Recorder

HUDSON BOARD OF SELECTMEN

Roger E. Coutu, Chairman

Kenneth J. Massey, Vice-Chairman

Shawn N. Jasper, Selectman

Richard J. Maddox, Selectman

Benjamin J. Nadeau, Selectman