

HUDSON, NH BOARD OF SELECTMEN
Minutes of the August 11, 2009 Meeting

1. **CALL TO ORDER** by Chairman Coutu at 6:34 p.m. in the Selectmen's Meeting Room at Town Hall.

2. **NONPUBLIC SESSION**

Motion by Selectman Massey, seconded by Selectman Maddox, to enter Non-public Session at 6:34 p.m. under RSA 91-A:3 II (b) The hiring of any person as a public employee, carried 5-0 by roll call vote.

Chairman Coutu stated that the televised portion of the meeting would resume upon entering open session. The public was asked to leave the room. At 7:34 p.m., open session was entered.

3. **PLEDGE OF ALLEGIANCE**, led by Selectman Nadeau.

4. **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; Jason Lavoie, Chief of Police; Jerry Desrosiers, Pat Nichols and Ken Matthews of the Benson Park Committee; Jonathan Smith; Gina Votour, HLN

5. **PUBLIC INPUT** (No one in the audience addressed the Board at this time.)

6. **CONSENT ITEMS**

Motion by Selectman Massey, seconded by Selectman Jasper, to approve the consent items, as appropriate, carried 5-0.

A. **Licenses & Permits**

- 1) Block Party Permit by Cheryl Gainey for Cardinal Drive on August 29, 2009 from 2-10 p.m.
- 2) Raffle Permit by St. Kathryn Church for Golf Tournament on September 18, 2009.
- 3) Raffle Permit by St. Kathryn Church for Holiday Bazaar & Penny Sale on November 15, 09.
- 4) Raffle Permit by St. Kathryn Church for Youth Ministry on November 28 & 29, 2009.
- 5) Raffle Permit by Knights of Columbus, Council 5162 on 1st and 3rd Wednesdays, Jan-Jun 10.
- 6) Hawker & Peddler Permit by Gerald O. Sterritt to sell pre-packaged Ice Cream, Soda, Water & Candy in the interest of Northeast Ice Cream.
- 7) Petition & Pole License Petition #21-1024 (push brace), 16 Blackstone Street, w/recommendation to approve with stipulations noted in the Road Agent's memo dated July 28, 2009.

B. **Acceptance of Minutes**

Minutes of the Board of Selectmen's Meeting of July 28, 2009

C. **Calendar**

8/12 7:00 Planning Board in Community Development Meeting Room
8/13 5:30 Sewer Utility Committee Room in BOS Meeting Room
8/13 7:00 Benson's Committee in CD Meeting Room
8/17 6:30 Hudson School Board in BOS Meeting Room
8/18 7:00 Cable Utility in BOS Meeting Room
8/19 5:00 Water Utility in BOS Meeting Room
8/19 7:00 Library Trustees in BOS Meeting Room
8/19 7:00 Hudson Seniors in Community Development Meeting Room
8/20 7:30 Budget Committee in Community Development Meeting Room
8/24 7:00 Green Team in Community Development Meeting Room
8/24 6:00 Recycling Committee in BOS Meeting Room
8/25 7:00 Board of Selectmen in BOS Meeting Room
8/26 7:00 Planning Board in Community Development Meeting Room
8/27 3:00 Trustees of the Trust Funds in Community Development Meeting Room
8/27 7:00 Benson's Committee in BOS Meeting Room
8/27 7:30 ZBA in Community Development Meeting Room

7. **NEW BUSINESS**

A. **Public Hearing/Acceptance of a 2009 Recovery Act Justice Assistance Grant (JAG) in the amount of \$58,516 for a DARE/Patrol Vehicle and virtual Firearms Training System in the Hudson Police Department**

Chief of Police Jason Lavoie said the Board authorized the application of this grant earlier in the year, and he has received word that it has been awarded to them. He was before them tonight to accept those funds. Selectman Nadeau asked for a breakdown of the costs and what type of vehicle would be purchased. Chief Lavoie said the cost depends on what they buy, but expects it to be around \$20,000; the rest will go towards the simulator. Selectman Maddox asked how much the simulator was going to cost so they'd know how much additional monies would be needed. Chief Lavoie said the simulator was around \$30,000. If any additional monies were needed, it would come from the drug forfeiture account.

Chairman Coutu asked the Chief to explain for the public what a simulator was. Chief Lavoie said former Chief Gendron realized that the department was lacking in training, so that is an area he started to improve a number of years ago. Courts require law enforcement to do training that simulates real life scenarios, and a simulator presents those options via videos. They would work their way through a scenario. An instructor would control the scenario by computer and present different options and challenges and the officer has to make decisions, based upon the information he is receiving from the video and then his thought processes and answers are analyzed. They are examples of what an officer would encounter during the course of his day on the job.

Chairman Coutu said if they had a critical situation in town and it was determined, in the final analysis, that mistakes were made, if that situation could be simulated and used for training purposes, as well. Chief Lavoie said yes, this system will allow them to videotape their own scenarios. This is a unique and wonderful system. They were highly impressed with it when they saw it demonstrated. Several years ago, Sgt. Smith was involved in a shooting at the 7-Eleven. Around that time, they had done some simulation training at the Local Government Center involving paint rounds and one of the things he said during his debriefing is that he reverted to that simulation training, which helped him get through that lethal situation he was in. Selectman Nadeau asked if there were any maintenance costs or yearly upgrades to the simulator. Chief Lavoie said there are upgrades to everything, but they should be fine with this for the next couple of years. It comes prepackaged with over 200 scenarios.

The public hearing was opened at 7:43 p.m. No one spoke, so Chairman Coutu closed the hearing.

Selectman Massey stressed the importance of this training because it helps the law enforcement personnel react instinctively to certain situations that are common to all law enforcement men and women; it becomes second nature to them and they know when to escalate a situation and when to de-escalate a situation.

Motion by Selectman Massey, seconded by Selectman Jasper, to accept the 2009 Recovery Act Justice Assistance Grant (JAG) in the amount of \$58,516 for a DARE/Patrol Vehicle and virtual Firearms Training System in the Hudson Police Department, carried 5-0.

B. Request by the Chief of Police to discuss the Vacancy in the Records Division

Chief of Police Jason Lavoie said he talked earlier this year why he felt it was important to fill this position. At that time, the Board asked him to hold off for awhile, after the elections to see where they were at, and to come back in July or August to discuss it further. As important as this position is, in view of what is going on at state level with the pension system, he was asking to hold off on any dialogue until a future date so he can use some of the money that is already set aside for this position to offset the \$35,000 that he is going to have to come up with, due to the pension shortage. Chairman Coutu thanked the Chief for thinking outside the box, adding that whenever the Chief was ready to bring it before the Board again, they would discuss it at that time.

C. Hudson Youth Sign-up Day

Town Administrator Steve Malizia said Mr. Smith was present and he was seeking the Board's permission to use the Community Center to be able to provide a place for organizations that serve youth to represent themselves to the citizens of Hudson.

Jonathan Smith of 9 Springwood Circle was recognized and asked to give an overview of his request. Mr. Smith said last year, the School Board was no longer able to allow youth organizations to hand out flyers, so those who are involved in youth organizations have been trying to figure out a way to get at the youth, but having separate sign-up nights wasn't successful. He suggested approaching Dave Yates about using the Community Center in order to have one day at one place for people to collect as much information as they want for their kids, and it's all free. Dave suggested September 19 because he was going to do basketball registrations that day, anyway, so the center would be open. Businesses can reserve a table and families can come in and get whatever information they want. It will run for four hours. He can't do any advertising until he gets authorization from the Board. He didn't know how it would all work out because this is the first time doing this.

Chairman Coutu said there were 48 agencies on his list and wondered if these were the ones who had committed. Mr. Smith said they were names and numbers he got from three phone books, a partial listing of what they had come with so far. Chairman Coutu thanked Mr. Smith and said he'd be aghast if the Board didn't support this. Mr. Smith said that Randy Bell thought that if the Board approved this request, the School Board might be able to approve a flyer going into the schools that might fall within the parameters allowable. Chairman Coutu thought that it would because now all businesses would be incorporated under one roof and not separate businesses. Selectman Nadeau agreed this was a great idea, but wondered if four hours would be enough time.

Selectman Massey asked what the criteria was to say no to a business, or to prevent someone from organizing a Bible study. Mr. Smith said none; they could do that. Any business or church oriented toward youth that wants to come in, they can participate. This isn't about promoting any one organization. It's about letting parents know what is out there and available for their kids. Selectman Massey agreed with Selectman Nadeau, that 9 - 1 was too narrow a window. Mr. Smith said he was trying not to scare people off by telling them they have to be there for eight hours. They can start with a four hour window because Dave has only 50 tables. He didn't see that many organizations

getting involved, which is unfortunate, but probably the case. Selectman Massey said waiving the fee is something the Board has customarily done, but they normally expect an organization to post their liability but, in this case, it should be understood it will be done under the auspices of the Rec Department. He, too, thanked Mr. Smith for taking this initiative.

Motion by Selectman Jasper, seconded by Selectman Nadeau, to waive the fee for the use of the Community Center on September 19, 2009 for Hudson Youth Sign-up Day, carried 5-0.

8. OTHER BUSINESS/REMARKS BY THE SELECTMEN

Selectman Jasper thanked and complimented the Hudson Historic Society for another stellar Old Home Days. This year the event experienced the least amount of rain as in other years. He's sure it was enjoyed by all who participated.

Benson Park—the roof on the Gorilla Cage is done and looks very nice. The supports are back in and it's nice to see it in that condition. The Elephant Barn is well on the way. The collapsed sections have been removed. He was up on the roof deck this morning, getting a better look at it, and spoke with the contractor at length and he's very pleased with the overall condition of the building and has most of the lumber on site for the reconstruction.

Selectman Maddox said it is all Benson's, as usual. They've discussed a lot of things about Benson's and there are a lot of varying opinions on where it should go. In speaking with all of the Selectmen, other than the liaison, there was a desire to change the liaison from Selectman Jasper to Selectman Massey for a lot of different reasons to see if there is a change to make this a different perspective. He met with Selectman Jasper yesterday and told him this, but Selectman Jasper told him he didn't want to resign, even though he offered to resign if the Board was unhappy with him as liaison. As the person who appoints the liaisons, it's up to Chairman Coutu to ask for a motion from the Selectmen.

Selectman Jasper said it was inaccurate to say he offered his resignation on several occasions. On July 14, they had quite a discussion, primarily about trees and brush, and at that time, he said...and it was about the flow of information...and he said he was sorry and that he offered the Board his resignation if what he was doing did not meet with the Board's approval. That was not an open-ended offer that continued for the rest of his tenure. That was an offer at that time. He could read the remarks of each of them that night; they did not want his resignation and said he was doing what the Board wanted him to do. That may change and if the Board wishes him to resign tonight, the Board can take a formal vote to do that, but they owe it as a courtesy to him for each of them to tell him what he has done to fail to represent this Board. They have given him little direction, if any at all. He thought they had a good, productive discussion last Tuesday about where they were going and how they were going to get there. He left thinking they were on the right track. He has done nothing since last Tuesday, has taken no action, has not met with this Board or the Benson's Committee since yesterday when this came up. He believes that each of the Selectmen has different reasons for wishing him to step down. He'd like to hear those, but some of them may have little or nothing to do with his performance as a member of the Benson's Committee. They owe it to him to be up front with him and tell him what issues they have with him that he has done. As a Board, they have failed to give him any direction. He challenged them to tell him specifically what he did that contradicted the position of the Board.

Selectman Maddox said the Board did talk at length at the last meeting and he said repeatedly that this Board had failed their liaison in a number of areas, of not giving the guidance and putting out mixed messages as to how they wanted to go. This is a motion to put someone else in there for now to change that, period.

Selectman Jasper said he finds that very strange. A Board that has not been able to articulate a vision to its liaison, in particular to him, the only member of the Board who has been a part of this project since the day that it was brought forward. To tell him they haven't given him any direction, so they're going to remove him and put in somebody else in place for awhile without giving him the opportunity to receive that direction shows that there are motives behind this that have little or nothing to do with his interaction with the Benson's Committee and that it has to do with what he really didn't know. He had a problem with what was going on here. He appreciated that Selectman Maddox came to see him and were up front about that. He did think long and hard about it and it was not until last night about midnight that he thought he deserved a little better from the Board. He could simply resign, but he has done absolutely nothing to deserve to be the only member of a Board of Selectmen that he has been a part of or have any knowledge of that has been asked to resign his or her position as a liaison to any committee.

Selectman Massey said to be clear and explicit, he talked to several members of the old Benson's Committee and implored, begged, beseeched them, and used every kind of persuasion he could to ask them to join, and they told him under no circumstances would they join the Benson's Committee if Selectman Jasper was the liaison. He is hearing the same thing about people on the existing board. They are afraid to do anything because they believe Selectmen Jasper is establishing and setting and moving the direction. On that basis, they will continue with the same turmoil. Those are his reasons for thinking it's important to change.

Selectman Jasper said he truly appreciated that. Two members of the Benson's Committee did apply. Unfortunately, Ray Parker was very ill and passed away. They also know Rhona Charbonneau was in a very serious automobile accident and is still in rehab and was not able to apply. One of the people was actually the minute taker, who was not a member of the committee, was angry with him. The other is Esther McGraw. He has heard this. She will not take phone calls from his house. He had a very good relationship with the Benson Committee at the time. What happened was that several people involved, one a member and Esther McGraw, but he's not aware of anyone else who had any desire to continue one way or the other, felt

that it was an insult to have to reapply. He was blamed for that. He made it very clear that they didn't have tenure for life here. Each one of them and everyone in government simply has to fill out a piece of paper, whether it's a declaration of candidacy or an application to reapply. There was a former member who was unwilling to do that because she felt that that was an insult. He's sorry she felt that way. He wishes she didn't, but this is the way that things work. It was a decision that the Board made collectively. He has heard from and spoken with many members of the current committee and as far as he knows... although people will often tell you one thing to your face and say something else...Mr. Desrosiers is the only problem...the only person who has a problem with him. He has received compliments from many of the other members about his participation and his efforts to keep the committee on track in moving forward. It's always unfortunate when people are judged under the rumor mills, when people don't have the intestinal fortitude to come forward to write a letter or do something. He's not one who generally sits there and toots his own horn, but he is the person in this town who has been elected to represent the people of this town to more offices more times over a longer period of time than any one else in the history of the Town of Hudson and to be treated this way by innuendos and rumors is degrading to him and speaks very poorly of this Board.

Selectman Nadeau thanked everyone who helped out at Old Home Days and for all the people who attended. He talked to a lot of people throughout the weekend and everybody's biggest thing is when they could get into Benson's to walk around. They understand it's not ready to be opened, but they just want to walk around and see the projects that can be done. They want to see what has been done already, but they aren't allowed to go in. That was the biggest thing he heard when he was there Thursday, Friday, Saturday and Sunday from before it opened until way after it closed. He told them as soon as the roofs are done and they can let them in there, he'd be more than happy to. That was the biggest problem people had. The town owns the park and has been told for years that the park will be opened and they want to know when that will be. He'd like to see the Benson's Committee and the liaison work on.

The people that have signed up to join the subcommittees to Benson's, he didn't personally think they have to go through a process. If they want to sign up and work on the trails committee, they should just be allowed to do that. He didn't think they need to fill out an application. They should have an application only for those who want to be the head of the committee. People want to help out, but they don't want to go through the headache of the process of filling out paperwork. They want to help, but they don't want to be interviewed on TV in order to volunteer their help. That's something the liaison needs to work on with the Benson's Committee. A lot of people came forward saying they want to work, but they don't want to go through the Benson's Committee to do it. He heard that a lot this weekend.

Selectman Jasper thanked him for the feedback. Apparently, people are afraid to speak to him but are not afraid to vote for him. Everyone knows he's the liaison and he wishes that people would speak directly to him with these concerns. They talked about that at the Benson Committee. Much as the Board of Selectmen interviews everybody they put on every committee, it's important that the Benson Committee know who is on a committee. How would they do that? He can't fathom just seeing a name or hearing about a name and not ever visually seeing the person and having an idea of what the structure is. This is not a complicated form. It's name, address, email, phone number, and committee choice. It's not a complicated process. They need to be able to have control, have a list of people who is on the committee. They talked about this and this is the structure he suggested before they even appointed the Benson Park Committee, that they would have subcommittees that the committee would appoint. In all things, there has to be a chain of command. There has to be recognition and knowledge of who is on the committee, who they report to, and they are just starting. It was suggested at the committee meeting that perhaps they should just appoint a chairman. How would you get that determination without talking to the people who are interested? How would they determine who would be the chairman of the committee if you didn't even know the person who was applying? They really have to, as they talked about at some length last week, let the committee do its process. They talked about this Board not trying to micro-manage everything it has done. Tentatively, and he hasn't heard any more one way or the other, there is supposed to be a cleanup weekend this coming weekend, August 15 and 16. They have said they are going to work on those soft opening days where people can come in and do exactly what was suggested. That has been in the minutes, going back for months, that was the plan. They are not letting the committee even get organized and get up to speed. They are interviewing the people who applied for the committees this week and getting organized. Read through the minutes. There's push-pull. There's constantly push-pull from this Board. That's not fair to him and it's not fair to the committee because they've only been there a couple of months. It took this Board four or five months to even get organized to the point of appointing a committee. They knew they were going to have this property for a long time and if it was so important, this committee could have appointed a new committee, reorganized and done a lot of things early on. That's not a criticism of anybody because he could have done that, as well. They were all tired of it and didn't believe it was going to happen on some level and they were immersed in budgets and town meeting and everything else, but they got to give the committee time to do its job. As he said last week, this is not helpful. Come to the committee; talk to the committee, but don't do this on the Board level. This is simply not helpful.

Selectman Massey said to that end, the Benson's Committee should manage their subcommittees the way they feel is the important way to do it. They could take their cue from the Conservation Commission's method of working with subcommittees. They have at least two, made up of members of the Conservation Commission and people who have interest. The key is they are named, have a specific task and they have a specific project plan they have to meet and they have a reporting mechanism into the Conservation Commission. On a monthly basis, those subcommittees report to the Conservation Commission, as a whole because at least one member of the Commission is a member of the subcommittees. Selectman Jasper said that's the way they intend for them to work. That's the model they intend to use.

Selectman Massey congratulated the Historical Society for another great year. Unfortunately, he had to be in the boondocks of Texas for a family matter. It was one of the best three days of his life. He found out he had more first, second and third cousins in Texas than he ever would have dreamed of. They were all delightful and it worked out great.

Selectman Coutu said before he started his remarks, and because he knows Barbara was watching, he thought Selectman Massey should say those were some of the best days of his life, not the best three days of his life. Selectman Massey laughingly said he stood corrected, and agreed.

Selectman Coutu said he has a communiqué out to the Cable Committee at Selectman Maddox's request and has asked them to send a representative to the August 25th meeting for an update of the cable facility and on the programming. Mr. McIntosh will be out of town that day and Mr. O'Keefe is on vacation, but will be returning this week. He expects a reply from him so it can be placed on the August 25th agenda, and they can plan accordingly.

He also received a communiqué to share with the Selectmen and general public from Bill Nadeau. He was organizing an event through the Hudson Recreation Department in an effort to try to motivate and inspire Hudson's youth athletes to reach the next level in their sport. He and David O'Meara were involved in all of the Hudson Rec Department sports since fourth grade and it has been a dream of Mr. Nadeau's for years to try to get Dave O'Meara to speak to the Hudson youth athletic students to try to inspire and motivate them to reach the next level. He wants to give something back to the Recreation Department, something that was so instrumental in his athletic development. It's geared towards athletes, parents and coaches. He's had an event ad running on Cable TV and he wanted Selectman Coutu to give it some notoriety here. He has organized, through his sister-in-law, Susan Nadeau, Principal of the Memorial School, for David O'Meara to give a free keynote speech for all the Memorial School teachers and faculty at 1:00 p.m. on August 25. He has trained, motivated and inspired teachers all across Florida. If anyone is interested in youth sports, Mr. O'Meara will be at the Community Center on Tuesday, August 25 at 7:00 p.m. If anyone needs further information, contact the Recreation Director, Dave Yates at 880-1600.

All of the Selectmen received a letter from Diane Jarry, Chairman of the Litchfield Celebration 275 Committee, inviting them to attend their 275th anniversary on September 19. As a reminder, an RSVP is due by the 15th of August.

9. **NONPUBLIC SESSION**

Motion by Selectman Maddox, seconded by Selectman Jasper, to enter nonpublic session at 8:40 p.m. under 91-A:3 II (b) The hiring of any person as a public employee; (c) Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the public body itself, unless such person requests an open meeting. This exemption shall extend to any application for assistance or tax abatement or waiver of a fee, fine, or other levy, if based on inability to pay or poverty of the applicant, carried 5-0 by roll call vote.

This ended the televised portion of the meeting. Any vote taken in open session will be on the Board's next agenda. Nonpublic session was terminated at 9:23 p.m.

Motion by Selectman Jasper, seconded by Selectman Maddox, to seal the nonpublic session minutes carried 5-0.

10. **ADJOURNMENT**

Motion to adjourn at 9:24 p.m. by Selectman Maddox, seconded by Selectman Nadeau, carried 5-0.

Recorded by HGTV and transcribed by Priscilla Boisvert, Executive Assistant.

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