

HUDSON, NH BOARD OF SELECTMEN

Minutes of the January 22, 2019 Meeting

Attorney-Client Session, pursuant to RSA 91-A:2 I
(not open to the public)

1. CALL TO ORDER - by Chairman Coutu the meeting of January 22, 2019 at 7:06 p.m. in the Selectmen's Meeting Room at Town Hall.
2. PLEDGE OF ALLEGIANCE - led by Selectman McGrath.
3. ATTENDANCE

Board of Selectmen: Roger Coutu, David Morin, Marilyn McGrath, Angela Routsis, Normand Martin

Staff/Others: Steve Malizia, Town Administrator; Donna Graham, Executive Assistant

4. PUBLIC INPUT

Chairman Coutu asked if there was anyone in the audience who wished to address the Board on any issue which the Board has control of at this time.

Paul Inderbitzen - Thank you Mr. Chairman, ladies and gentlemen. Paul Inderbitzen, 2 Timothy Lane. I'm the Hudson Town Moderator. When I brought to you the issue of moving our meeting which is on this year's ballot and school ballot of moving it to April, we did not have an option based on the impasse between the Secretary of State's Office and the legislature. Well that all changed and a couple of weeks ago I was made aware of a Bill in the House which is also coming out in the Senate but a little different version that will give Town Moderators the right with consultation with the elected boards, Police, Fire, and whoever - emergency management to postpone elections. It also provides a very nice procedure as to what you can do and can't do when you do that.

I went last week with the Clerk and I testified on this Bill because I think it's a really good Bill in terms of keeping the decisions about town elections in the town. Every town isn't going to have an emergency. This is not just weather emergencies, this would be fires, severe floods, bomb threats unfortunately, and other things. We needed a procedure and we didn't have one. This Bill proposed will have one. Elections would be held two weeks after the original date. Everybody would be on the same page. There's information spreading requirements. There's also the opening of the absentee ballot procedure for people who could not be at the postponed session up until 5 p.m. of that day. We have the things in place if we need to postpone an election to do it and have all the public the opportunity to be notified and to provide options if they can't be present on the postponed day. I think it's a good Bill. It's probably going to get a few tweaks here and there but it won't be finalized before our March elections.

I'm not sure how the Board feels. I did send you a copy of this Bill. If you read it, it's pretty good. It keeps it in the town. It makes the town decision. The Secretary's office seems to be amendable to doing this. The Senate Bill which his office had a chance to work on. It hasn't been given a number yet so we don't even know what it looks like. They said it's very similar to this except it's in another part of the RSAs. They prefer to go 669 which is the Town Meeting Bill. This one most of it is in 40 which is the Election Bill but it references all the parts in 669 and I think 670 that are appropriate. I think my recommendation would be if this passes, we really wouldn't have to change our election day. I like tradition just like everybody else does. There are three towns in New Hampshire that have April elections - Chester, Merrimack (which has been doing it for a long time), and one other one and nobody could remember who it was. I tried to find out.

What I'm thinking of I was going to step down and speak at the Deliberative Session both for the Town and the School in favor of moving our elections. We didn't have an option when we brought this forward. Now we have an option and if the legislature will give us the control that we really feel we should have then we don't need to move it if we wanted to keep it traditional. It's up to how the Board wants to move forward. This has to go forward. This has to be on the ballot. We can't take it off but my recommendation

to the public would be that we should maybe wait a year and not pass it this year unless the public really thinks they want to move it to April. To wait a year if we can get this Bill passed in that year, we'll be in good shape we won't have to make the move because we'll be able to do the postponements that we would have to do in an emergency. I don't know how the Board feels about that it's certainly something to consider.

Just my opinion, Selectman Martin didn't mind seeing the issue if it passes to be able to give it to the Moderator to postpone. What are we going to cause with the voters? I didn't get notified. I didn't know about social media. I don't go on social media. I don't read the newspaper. Just those little things. Voter suppression is what I'm worried about here and money. Not only is it going to cost you money to notify people so why wouldn't we just go ahead and move the day to April in my mind instead of having to worry about not notifying all of the voters that come to vote. Granted there's not a lot that come to vote but people who come out do come out. I think that it may cause a lot of confusion - lots, and lots and lots if you're postponing the elections the day of or the day before and people say I didn't know they were postponed. I feel that's voter suppression in my mind.

Selectman Morin asked is there any procedure for notification of voters in that. Paul Inderbitzen stated it says that the Moderator, and I think it mentions the Clerk, will take every effort to notify the voting public of the postponement and the subsequent postponed date for the election. We have a lot down here that we can do. Up north they don't have so much. I think with our TV, cable, regular television, newspapers. Chairman Coutu said that's fine if we don't lose power.

Selectman Routsis said in previous years when we've had the storms and we've had to notify people, we've also had someone sitting at the Community Center in case someone did come in so they could fill out a ballot and it would be processed when we had the opportunity. I believe last time we did it we did a couple of days in advance because we knew of the pending storm so it didn't happen the day of. We still had relatively good turnouts in comparison to prior years.

Paul Inderbitzen said yes we were a little bit under. Our last two years the attendance was slightly under what it has been considering that we had bond issues on there and some other important stuff.

Chairman Coutu indicated one of the things that frightens me Mr. Inderbitzen is it just happened this weekend. Last Wednesday they were calling for 21 inches of snow in the Nashua area. We got less than half of that. Probably a third of that is what we got. A little more than a third. It can also work in the reverse. They can predict a four inch storm and the wind suddenly turns and it can turn into a foot and a half over night. You would have to make that call with emergency management which is usually the Chairman of the Board, Police, Fire and make that call. You'd have to make it in the morning before the polls open if that's the case. There's no guarantees that these Bills are going to pass. The House and the Senate are different versions. If the House passes theirs and the Senate passes theirs, now they both have to go to conference. You have to hope that North Country supports whatever the conference agrees to because they're ultimately the ones who usually decide the representation in the North Country control those votes. Anything north of Manchester typically doesn't support changing election laws. They figure they live in snow country and they can do it, we should be able to do it as well. The difference is having lived in the North Country - Woodstock - yes we had a lot of snow sometimes on Election Day. The streets were plowed. It was one straight shot to the voting booth. It was fine. It wasn't difficult. They had to run the plow up and down the main road, a couple of side streets, and everybody got to the polls. You're talking about 1,400 residents. Maybe 400, 500 voters at best.

Chairman Coutu said I am a strong advocate of moving the election date to April only because two weeks, again still in March, we could have a snow storm the first day. If you move it out two weeks and they get hit with another big snowstorm, you can't move it a second time. Mr. Inderbitzen said that's not clear in the law. Chairman Coutu didn't think based on what I read you're going to be able to do it more than just once. You can't just keep moving an election out. I feel very strongly that we should move the election out to April, be done with it, and that's it. A lot of things can happen - power outages. We heard voter suppression the last time quite a bit. A lot of people told us they had no idea that the polls were closed. People did show up to vote. I have a few seniors call me who were very upset.

Selectman McGrath said we did hear from a lot of voters. I talked to you about it the day of the election a month or so ago. People wanting to change the location. People wanting to change the date in March. I'm fine with whatever the voters choose to do. I can get there but I think it should be up to the voters. We shouldn't be making these decisions and saying it's going to be this way or another way. It's up to the voters. You forwarded a petition to the School Board to try and get them to agree to change their date and we have a warrant article for the town's portion. I would prefer, and I think it's the right thing to do, is to just leave it as it is. If this passes whatever form it takes because that crew up there, god only knows what they'd come up with by the end of it all, and it may not go anywhere at all. This gives the voters of Hudson the choice about whether or not they want to keep their election in March or if they want to change it to April. It should be their decision.

Paul Inderbitzen said I don't disagree with that. I do but I think they also need to get the information that there is activity in Concord that may allow us to do what we wanted to do in the first place which we did two years ago when they told us we couldn't last year. Just so that they know that all of the information is there and let them decide. I'm not saying that they shouldn't decide. These are on the ballot. They're going to go to the ballot. The public needs to know and I will make them aware that there are bills out there that will allow us to do what we wanted to do in the first place.

Chairman Coutu asked if both of these warrant articles were to pass regardless of what they do, the election will move out to April correct. Mr. Inderbitzen agreed.

Selectman McGrath said there's no guarantee that in April we won't have a snow storm like we did a number of years ago. There was no traffic moving. We can't predict the weather in New Hampshire. That's just a given.

Paul Inderbitzen stated what this Bill does too is no matter what date we have our elections if you get a hurricane, if like in Cheshire County when a couple of towns lost their roads, if that had happened on a voting day, people couldn't get to vote which is really unfortunate. This will give towns the ability to make the decisions. Dave Scanlon at the meeting brought up the fact that a number of years ago up in Colebrook, there was a shooting at the court house where a Judge was shot. I don't know if any of you remember that. It was in November on voting day. The polling place was next to the court house. They had to lock it down - shelter in place - for like a bunch of hours because the person wasn't caught. Eventually shot himself in another town but they had to go to court because it was a federal election. They had to go to a federal court and get permission to reopen the voting at another time so for that town to vote to get their ballots in. This allows us an option to handle different emergencies no matter when they come up. No matter what date we have if something happens, the Community Center burns down, Town Hall burns down and the ballots and the machines with it what do you do? We don't have any ballots. These are things that oh it can't happen. Well it can't but if you're not prepared then you don't know what you're going to do. This Bill will give us some good procedures and good options no matter what date we pick. I agree. The public should decide on this. If they think that we should move it to April, then fine I don't have a problem with that. I just want them to be aware that now it looks like the legislature which was in total disagreement last year when the Bill came up because you had to go to the Secretary of State and ask permission to postpone your election. This is a town election. It's ours. The Secretary of State really doesn't get involved in town elections but he did that time. No matter what happens, this Bill will be good if it comes out whatever we decide to do for elections. I'm just going to bring to the public's notice that there is something out there that would allow us to do what we wanted to do if they have that strong feeling that they'd like to maintain a March Town Meeting.

Chairman Coutu said we're also assuming the Governor is going to sign it. It still has quite a few hurdles to go through. We'll let the voters decide. Thank you. We appreciate it.

Chairman Coutu said I'll ask because I have to is there anyone else in the audience who has public input. Seeing none.

5. RECOGNITIONS, NOMINATIONS & APPOINTMENTS - None

6. CONSENT ITEMS

Chairman Coutu asked does any Board member wish to remove any item for separate consideration. Seeing none.

Motion by Selectman McGrath, seconded by Selectman Martin, to approve consent items A, B, C, D, E and F as noted or appropriate, carried 5-0.

A. Assessing Items

- 1) Veteran Tax Credits - Map 252, Lot 056 - 12 Anna Louise Drive; Map 190, Lot 095 - 3 Riverview Street; Map 190, Lot 095, w/recommendation to grant
- 2) Solar Exemption - Map 129, Lot 058 - 10 St. Laurent Drive, w/recommendation to grant
- 3) 2019 Supplemental Tax Bill - Map 190, Lot 094 - 5 Riverview Street, w/recommendation to approve

B. Water/Sewer Items

- 1) Water Abatement - W-UTL-19-01 21 Adelaide Street, w/recommendation to abate

C. Licenses & Permits & Policies

- 1) Outdoor Gathering Permit - Ice Fishing Tournament - Kiwanis Club of Hudson, Inc.
- 2) Request to Solicit Funds - Girl Scouts Community 219

D. Donations - None

E. Acceptance of Minutes

- 1) Minutes of the January 8, 2018 Meeting

F. Calendar

- 01/23 7:00 Planning Bd - Buxton CD Meeting Room - CANCELLED
01/24 3:00 Trustees of Trust Fund - Buxton CD Meeting Room - CANCELLED
01/24 7:00 Zoning Bd of Adjustment - Buxton CD Meeting Room
01/28 7:00 Sustainability Cte - Buxton CD Meeting Room
02/02 9:00AM Deliberative Session - Town - Community Center
02/07 6:30 Recreation Cte - BOS Meeting Room
02/07 7:00 Benson Park Cte - HCTV
02/09 9:00AM Deliberative Session - School - Community Center

7. OLD BUSINESS

A. Votes taken after Nonpublic Session on January 8, 2019

- 1) Motion by Selectman Morin, seconded by Selectman McGrath, to hire Christine Strout-Lizotte for the Assistant Town Clerk/Tax Collector position at a starting rate of \$16.14 per hour, Step 1, in accordance with the Town of Hudson Support Staff Union AFSCME Local 1801 Union Contract, carried 5-0.
- 2) Motion by Selectman Morin, seconded by Selectman Routsis, to hire Jacquie Lemay and Madalyn Persons-Cutting for the "Regular Shift Employee" HCTV Camera Operator positions at a starting rate of \$11.00 per hour, carried 5-0.

- 3) Motion by Selectman McGrath, seconded by Selectman Routsis, to hire Lorrie Weissgarber for the position of Administrative Aide in the Board of Selectmen/Town Administrator's office at Step 1, \$17.02 per hour, in accordance with the Town of Hudson Support Staff AFSCME Local 1801 Union Contract, carried 5-0.
- 4) Motion by Selectman McGrath, seconded by Selectman Martin, to deny the Step 2 Grievance filed by the Hudson Public Works Union, AFSCME Local 1801 for the Class Action Overtime Pay, carried 5-0.
- 5) Motion by Selectman Routsis, seconded by Selectman Morin, to deny the Step 2 Grievance filed by the Hudson Public Works Union, AFSCME Local 1801 for the member who was bypassed for a promotion to the position of Parks Foreman, carried 5-0.
- 6) Motion by Selectman Morin, seconded by Selectman Routsis, to deny the Step 2 Grievance filed by the Hudson Public Works Union, AFSCME Local 1801 for the Class Action Parks Foreman Promotion process, carried 5-0.
- 7) Motion to adjourn at 9:35 p.m. by Selectman Martin, seconded by Selectman Morin, carried 5-0.

8. NEW BUSINESS

- A. Petition for Release and Discharge from the Public Servitude of Never Constructed Portion of Muldoon Street

Chairman Coutu noted Muldoon Street is in the south end of town. It abuts the Green Meadow property. It's not in the middle but it's in the first third of a thickly residential area that was developed in the late 1970s early 1980s.

Steve Malizia stated you basically have the packet of information in front of you including the location maps. Attorney Westgate is here representing his client to request from release of public servitude this portion of Muldoon Street which has never been constructed. There is a six inch water main underneath that unconstructed portion which basically ends at the property line between this street and the Green Meadow golf course. It was put in presumably by the former owner of the water company. We didn't put it in. They stubbed it out to the end of that unconstructed road back when they probably put the water into that neighborhood.

In essence Mr. Malizia said what Attorney Westgate is asking for is release of this road from public servitude. It has, again, never been constructed and the Board has the option of releasing or not releasing this property. I submitted this to department heads. The majority had no comment. Two - one was the Town Engineer and one was the Fire Chief made mention that for future purposes you may want to retain this if Green Meadow ever gets developed. You might loop the water utility and it might be accessed to that property. Again those were their comments. It's your choice as to whether you release or don't release this property from public servitude. Presumably if you release it, then the petitioners would have to go to court I'm assuming to quiet title the property which would basically divide the property between the two abutting property owners. At that point in time, I believe they would take title. I would presume you'd want an easement for the water. I don't think we want to give that right up because that could be a potential looping spot if something ever gets developed down there. That's up to this Board but once you give it up the public servitude, I believe that's it. It would then revert to their ownership and you would not be able to construct that portion unless I'm missing something.

Selectman McGrath indicated we had correspondence from the Town Engineer and the Fire Chief. Did Brian take a look at this as well? Steve Malizia said yes. He had no comment on it because he's too new to the position and didn't have any specific comment. Selectman McGrath said it seems to me that based on the memo that we received from Mr. Dhima, it in all likelihood he and Brian had a conversation because there's a comment in here about its currently active and coming before the Planning Board for

a multi-phased development. I'm point that out because if that's the case then we'd need to have Brian take a look at this a little bit more closely.

Steve Malizia noted everyone had the opportunity. I don't believe he had any comment on it. Selectman McGrath said I understand. I want to point that out because I think that's going to be a...Mr. Malizia was not aware of any active or any plan that has come into the Town of Hudson regarding the property that abuts this unconstructed road.

Chairman Coutu asked we have nothing before us. Mr. Malizia said not that I'm aware of. Chairman Coutu said we should be making our decision based on the fact that you have nothing before us.

Good evening Chairman and members of the Board. Attorney Brad Westgate - I'm a lawyer with Winer and Bennett in Nashua. As Mr. Malizia mentioned, I represent Scott Wade who is one of the two owners of the property that abuts this small section of Muldoon Street never developed. I think you have an area map in Mr. Malizia's memo as well as a copy of the petition that I prepared and filed. I just thought I'd take a few minutes if I may Mr. Chairman with a little bit more background information and just a few thoughts on the rationale behind the petition and maybe a thought or two on what the Board might consider doing. I did bring a copy of the tax map of a little bigger scale than what you have.

Attorney Westgate explained as the Chairman noted, it was developed in the late '70s early 80's as residential development. The only way in is through Chalifoux and that then feeds into all of the streets. If this section of Muldoon Street is ever to be used to access into the Green Meadow complex, you're literally going around the bend, through Chalifoux, and all the way up Muldoon Street and sort of right through the whole neighborhood. I gather that there may be some plans heading this way towards the potential subdivision of lots in the Green Meadow parcel. There is nothing pending before the town officially to my knowledge as well.

Attorney Westgate stated the Board probably is aware that when Planning Boards approve subdivision plans and there are lots and streets laid out on those plans, the recording of that plan constitutes what is called a "dedication of public servitude". So a town gets an automatic right to accept any street shown on a recorded, approved Planning Board plan to accept that street in the future. The law used to be that if a street was shown on a plan and was not accepted by the town, never built, and all that for 20 years, it automatically went up in smoke if you will. The public serve through dedication went away. The law got changed in 1989 that said instead of the 20 years passing, it automatically the public servitude was lost and the Board of Selectmen, or Mayor and Aldermen in a city would have to actually affirmatively release the street from public servitude. If this had been ten years earlier, we wouldn't be here tonight because the 20 years would have passed under the old law and there would be no action required but there is action required because of the change in the law.

Over the years, Attorney Westgate stated this has obviously grown. It is treed in the front. There's been some dead trees that the Wades and neighbors have taken care of over the years. They sort of manage the property in terms of just keeping it property handled in terms of dead vegetation and that sort of thing. It's never obviously been used but the water line does exist and I gather from engineering it was stubbed out as well. When you take a look at the two memos from the Town Engineer and from Fire, I got the sense that their main point was not to lose obviously the ability to have the water line exist because if Green Meadow ever did get developed and that section contemplated looping of the water line for fire suppression, that would make sense to exist. Obviously we understand that as well. Certainly would agree that the granting of an easement if the public servitude was ever released would be appropriate so that the town would have an easement to firm up if you will the existing water line that's already been built there and for the future use into the extension into Green Meadow.

If Green Meadow ever does get developed, Attorney Westgate said it's hard for me to imagine how this stub section of Muldoon Street would ever be extended and used any sort of prime access or even secondary full public access into Green Meadow. I don't envision a large development in Green Meadow being accessed through that neighborhood. I know the Planning Board would have a fun time with the neighbors in that street section hearing the concerns that they may raise in any such case. I did note that there is certainly a secondary thought in the two memoranda that Mr. Malizia received relative to

possible emergency access. That might be of some value if Green Meadows developed even if the Muldoon Street stub is not used for full access. The only thing is wonder about whether that's a viable alternative only in this sense. The Green Meadow developer if one ever appeared on the scene doesn't own that stub. The rights of that stub are either the ownership of the two abutters - Mrs. Walsh and Mr. Wade - and the town through the dedication of public servitude. The dedication of public servitude is for the town to accept it as a road. The stub would have to be built and then accept as a road. I honestly don't know this answer whether something in between is even viable. That is it's dedicated for public servitude on the one hand but that's not the same as saying that it can be used for emergency access capability to an abutting property owner if it doesn't become a full blown town road. The notion of it being a full blown town road through that neighborhood for access into Green Meadow is I think just not a likely scenario.

Attorney Westgate also recognized that this Board gives due respect to its staff and department heads and has to give a lot of credence to their recommendations and thoughts. I fully appreciate that as well. The concluding thought that I had was that if the Board is not comfortable in light of the memos, and recommendations, and comments they've received in granting this petition, then perhaps deferring the action the petition may make some sense to see what develops, what we may gather for additional information not even deferred to a date certain but just table it and perhaps at some point if more insightful information is viable we may request that it be put back on an agenda for the Board. Certainly we'd be happy to see the petition granted subject to the granting of an easement for the water line if that's the Board's pleasure. If not, again my sense being that it being a viable, full-blown access to Green Meadow I don't think is a likely scenario. The uncertainty of emergency access to me is an unknown question but the need for the water line capability and easement is certain logical and realistic. Those are out thoughts. I'm happy to answer any of your questions you may have.

Based on what he just said, Chairman Coutu asked could we grant the petition with a right of easement to the water line. Steve Malizia presumed we could get an easement to the water line. You could make that a condition of your approval. Attorney Westgate thought so too. Mr. Malizia noted you don't want to give that water line up. We need to be able to access that to repair to get to it.

Chairman Coutu asked to make one comment. What frightens me is that even though the likelihood of the parcel of land between the Wades and the Walshes the likelihood of that becoming an access way stranger things have happened in Hudson and that worries me. I put myself as a homeowner on any one of those parcels and say I would not want that opened up like that. This is an awful lot of land on this side. God knows what could or may be developed there in the future. It may never be developed. Things happen and then they go away. A lot of things have happened with Green Meadow properties. A lot of discussions over the years. A lot of paranoia about golfers oh they're not going to be here next year. They have another year. It's an attraction to our town. It's a sizable lot. I understand that the Friels want to make money and I don't blame them. Whatever they can do in order to enhance their wealthy, I'm sure that they're going to do and I don't blame them. I just don't want to see that becoming an access way.

Selectman Morin stated you both bring up what I was going to speak about. I think we should keep it as an access point due to the fact that right now there's only one way into that neighborhood as the Attorney stated. If a big development goes into the golf course, there's only going to be one way into that. Now we've had past snowstorms, ice storms, floodings, and things like that have closed that neighborhood that we couldn't get into when we needed to. If we kept this as an access point and put a gate so people aren't going through the neighborhood, at least we have two ways in and two ways out for that neighborhood and just gate it off.

Selectman McGrath didn't think we should take action on this certainly not tonight. I think that it might be prudent for us to have a discussion with the Fire Chief and with the Town Engineer and the Town Planner. There may be plans that they know about that they're not at liberty to discuss in any detail. Before we make any kind of a decision about this, we need to have a bigger discussion. I understand why the neighborhood would want to keep that as it is and not allow additional traffic through but that might not be the safest option in the end for that neighborhood and for those individuals that maybe in more in danger by not having additional access points or egress points. I don't think that we should

make any kind of a decision without having bigger discussions with our town staff especially the two individuals that took the time to write something and advise us not to do anything. I understand your position. I understand your client's position but I think we need to do something that's going to be for the safety of all individuals.

Selectman Routsis said I'm actually in agreement with deferring it for the exact reasons Selectman McGrath said but I think that we set a date for it. We don't just leave it as an open deferral for like you said for other things come up. I think we have to set a date for it and make a decision on it one way or another.

Motion by Selectman Routsis, seconded by Selectman Morin, to defer the Petition for Release and Discharge from Public Servitude of Never Constructed Portion of Muldoon Street, carried 4-1.
Selectman Coutu in opposition.

B. Sale of Surplus Vehicles

Chairman Coutu recognized Town Administrator Steve Malizia.

Steve Malizia indicated I told the Public Works Director I'd handle this for him. He obviously had a long weekend. This is a pretty simple item. As you recall, the Public Works Director came to the Board and asked for permission to dispose of surplus vehicles by putting them up for sealed bid. There were I believe 5 vehicles. They were advertised in all the local newspapers as well as our web page and our Facebook page. As you can see from I believe the second and third pages, we had a multitude of bids on the vehicles. We are recommending that we take the high bid on each vehicle. I added it at one point and I think it's in excess of \$13,000 which is pretty good for a bunch of broken down vehicles quite frankly. We are recommending the high bid for each vehicle that's in the memorandum that the Public Works Director prepared for your attention. It's the fairest way to do it. The bids were opened by the Town Clerk in a public bid opening. Again these were the results that were tabulated.

Motion by Selectman Martin, seconded by Selectman Routsis, to award the bids for surplus vehicles in the Public Works Department to the highest bidders as follows: 2008 Ford F-350 VIN# 1FTWX31Y58EB75905 to Donald Provencal in the amount of \$1,200.00; 2008 Ford F-350 VIN# 1FTWX31Y38EB75904 to Cary Coulombe in the amount of \$3,007.00; 2008 Ford F-350 VIN# 1FDWF37Y28EB75902 to Cary Coulombe in the amount of \$4,227.00; 2008 Ford F-350 VIN# 1FDWF37Y08EB75901 to Cary Coulombe in the amount of \$4,227.00; and a 2006 Chevy Trailblazer VIN# 1GNET13M862332600 to Brian Funchion in the amount of \$850.00, carried 5-0.

C. Sale of Town Property - 316 Elmwood Drive

Chairman Coutu recognized Town Administrator Steve Malizia.

Steve Malizia explained the town is in possession of a condo located at the Elmwood Village complex. This is at 316 Elmwood Drive. It was taken by tax deed. Unfortunately the former owner died intestate. In order to be able to market the title, we had to go to the quiet title process which is a court process that Attorney LeFevre did for us. That was completed in December. There was a 30 day appeal period. We had to wait for it just in case anybody came back to appeal that. That period I believe has past. We are now able to market and sell this property with a clear title which means that anybody who wishes to buy it will be able to get bank financing which is a real key element. I put this to Lisa DiBernardo who has handled all of our other real estate transactions. She has recommended a listing price of \$136,900. It needs some work. It's been, I think, abandoned for over a year. We're not going to put the work into it. Somebody else is going to do it. We get to keep all the money on this after condo fees. There are some outstanding condo fees that will get paid off. That was part of the quiet title process. This one will be a winner for the town. We will get all our taxes, our interest, our costs and will make a small profit which will go into sale of town property which will go to our surplus.

Chairman Coutu noted I've been to Elmwood. I know where this property is. My question is and I had made a note when I read through this, it would appear that on the premise that no one has lived there

for over a year that this place is a mess. According to the document that's presented to us, there's a lot of furniture in there and then god knows what the condition of what the unit is. Who is this the work is going to be done by someone else.

Steve Malizia indicated we will hire as we have in the past, usually Pete Ripaldi, part of his operation will go in, empty the unit out, donate the salvageable stuff to either Habitat for Humanity, and if there's any other things that can go to an organization such as that. If it's trash, it gets throw away. We'll broom clean it. In other words, we'll make sure everything is in good repair - the stove works, the heat's on, the water works, and all that. That's how we will sell it. It will be cleaned out first.

Chairman Coutu asked if it needs a new stove will we put in a new stove. Mr. Malizia said yes we will be putting in a new stove because I believe we're required to have a stove in any dwelling unit. We don't put in a frig., we're not putting in a dishwasher, we will put in a stove. Chairman Coutu asked we're not going to do any cosmetic work. Steve said not unless it's patching a hole and if anybody does it, it will be Wayne. Chairman Coutu said some of the units have rugs and some don't and they usually frill up, or curl up, or bunch up. Steve said this doesn't have rugs in it my understanding based on what Ms. DiBernardo said. I'm actually going to go over there with Wayne this week to take a look at it. Chairman Coutu wanted to make sure that even though the memo says that it's obviously not ready for sale, somebody is going to fix it. I wouldn't want the town to present a property that's not in great shape. Mr. Malizia stated great shape is a matter of opinion. It will be in certainly acceptable shape. Chairman Coutu said to do otherwise would dissuade people from wanting to bid on it. Mr. Malizia said they also have to get an appraisal. If it looks like a pigsty more than likely the appraisal is going to reflect that.

Selectman McGrath indicated it says in the notes - I read this carefully too yesterday - the electric isn't on and there appears to be a problem with the plumbing in the kitchen. Steve Malizia stated we typically shut the utilities off so that we're not spending any money. Wayne and I will make sure that the utilities are back on and that they're working properly. Selectman McGrath noted she was saying she turned the water on at the kitchen sink and it sprayed backwards. Mr. Malizia said she might have had some water in the line. That unit still has the meter in it but I believe it's been shut off.

Chairman Coutu stated I'm happy that we're going to do something about taking care of it because I know Wayne has done it in the past for other properties that we've had. Any other questions or comments? Seeing none.

Motion by Selectman McGrath, seconded by Selectman Morin, to sell Town owned tax deeded property located at 316 Elmwood Drive that is surplus to the Town's needs for a listing price of \$136,900 and to hire DiBernardo Real Estate for the sale of this property, carried 5-0.

D. Discussion Relative to Personal Injury Policy

Chairman Coutu recognized Selectman David Morin.

Selectman Morin stated as the Board knows, a couple of weeks ago we did have an accident. Fortunately no one was injured in it. After the accident and working for a long time, I have a pretty good idea of what the procedure is. I have seen in the past that if an employee didn't submit a State injury form even though they weren't injured and then later on considering a motor vehicle accident or a fall, you may get pain two or three days later or something may come up. If the form wasn't submitted, the State will deny their injury. I made an inquiry if that had been done with the person that was involved in this and it had not and they do not have a policy to do that. They never have and there are several other departments in town that do not. I think this should cover every employee. I don't want this to supersede any department that already has a policy because their policies do require their employees to fill out the State forms and they're specific to their job. I'm including the people at Town Hall, this department that we're talking about, and anybody else I feel that we should put this policy in place and to the Personnel Policy and every time there is an accident, this forms gets filled out and put in the file so it is there in case something comes up later that there has to be a claim in. Our employee will be covered plus we're covered as the town that we're making the employees do this form.

Chairman Coutu asked were we informed. I'm not aware of any employee being injured. Selectman Morin said I didn't say he was injured. I just said the form wasn't done.

Selectman Routsis noted the truck that tipped on its side.

Selectman Morin said in that situation, a couple of days later there could be some pain, some neck, back and whatever and if there was no form filled out when the accident took place - and like I said I've seen it happen at the department I worked at that an employee was injured, didn't get reported, the forms didn't get filled out, and they were denied their claim.

Steve Malizia said in the safety policy which all employees have and have access to, there's actually a section regarding that. The town has a town-wide policy that all employees sign off on. This is for handling injuries and accident reporting and investigation. This is in the Joint Loss Safety Manual. All employees get this. I have a copy if you'd all like to have it.

Selectman Morin asked why wasn't that done in this case. Mr. Malizia said my understanding was the employee was not injured. If there's no injury...Selectman Morin said that's the point here. He wasn't injured at the time. They were injured at the time but as I stated if you don't fill out that State form and you have some type of injury from that accident later, you will be denied your claim because you didn't follow the proper procedure. I've seen it happen in the Fire Department. This is a draft for the Board to look at.

Chairman Coutu stated this says here "the injured member shall complete all necessary forms". If he's not injured at the time...Selectman Morin indicated that's why it's a draft. We can change it to the employee involved shall fill out the paperwork and then leave the injured out of there. As you know, and I'm going to use the car accident again, we can have back pain. We can have neck pain. We can bang our knee or whatever. If somebody falls and a couple days later their ankle hurts them, their knees hurt them, they come in and they say I've got pain. There's been no claim form filled out as a precaution. We don't have to do anything with this form. All we have to do is put it in their file. If there's no injury, it goes away and there's nothing on the town and there's nothing on the State. At least we did the paperwork in case something happens.

Selectman McGrath indicated it's a preventative measure so it's protection for them. I didn't read this carefully but on the very bottom where it's talking about the on-duty Captain. Selectman Morin said I forgot to take that out. Sorry about that. I read it numerous times to make sure that didn't happen. What that would be would be the direct supervisor or the department head who doesn't have form. Selectman McGrath said I understand but I wanted to point that out.

Chairman Coutu reiterated it would be submitted to...Steve Malizia said our worker's comp. carrier Primex. Chairman Coutu said it won't be submitted to Primex. I thought he said that if they're not injured...Selectman Morin noted it just goes in their file. All we're looking for is the form to be filled out and placed on file at the town. Chairman Coutu said they'd be given to Kathy Wilson or KC. They're the ones who handle these types of things. Mr. Malizia said typically when we fill out those forms, we typically submit them to the insurance company that carries our worker's comp. Primex. Chairman Coutu asked even if they're not injured. Mr. Malizia said typically they're injured and that's why we fill them out. We haven't filled out forms that people that aren't injured because they're not injured.

Chairman Coutu said I hope Selectman Routsis is going to say what I know and what I've been told time and time again.

Selectman Routsis didn't know that but I'm going to say in the policy it says if they're injured they fill out a form for the employee's first report of injury, or injury, or occupational disease form and then it also says under the accident and investigation that they must forward a complete packet of the accident incident to the Joint Loss Management Committee. So there should be some type of accident/incident packet that they're filling out per this. That's basically what you're trying to do here is already what they have.

Selectman Morin noted it's not being done. Selectman Routsis asked why add something to it as opposed to just saying do the policy we have. Selectman Morin said the State form is not on that. You guys can vote or go against it. I'm just telling you. I've seen in the past where employees have been denied their benefits even though they weren't injured at the time. Something came up later related to the accident and they hadn't filled out the form.

Selectman Routsis stated if you have a first reported incident, you're making the town aware of it. So you have that first report of incident. The down side to what you're looking to do is if you're going to have everybody submit a form, you're increasing your worker's comp. rate.

Selectman Morin said no we're not because it doesn't get to them unless they're injured. It goes into their personnel file. That's it and it's documented on that day that the accident occurred whether they're injured or not this took place...Selectman Routsis indicated that's what the first report of injury or accident is. Selectman Morin said no this is a whole step form. It is the Department of Labor form and that is a required form to be submitted. If you do it at the time and again when employees have been hurt, they were not hurt at an accident but something took place later, the form had not been billed out at the time of the accident and they were denied their claim.

Chairman Coutu asked does every single department including Recreation - I'm not pulling them out of the hat. They're a small department. Do they all have personnel files? Steve Malizia said yes everybody has a personnel file. They have separate medical personnel files. Chairman Coutu asked said Mr. Yates for has a personnel file for the three part-timers he has. Mr. Malizia noted we have a file here for them. We keep them in my office. They're under lock and key. Chairman Coutu asked what other files are up there for personnel other than Recreation. Mr. Malizia said Library. We have files for the seasonal Rec. people. Chairman Coutu asked why are we keeping files for the Library. They're autonomous and a separate body. Steve indicated we still manage all their benefits. Chairman Coutu said I'm glad you mentioned that because that's going to come up in my comments. I'm very attentive to the last meeting. God love you.

Other than school employees, Steve Malizia believed all the other employees we have a personnel file here for them. Chairman Coutu said Police, Fire, every single employee. Okay. Mr. Malizia indicated we also manage terminated employees for a period of time and then they go to storage but we also have those too.

Selectman Morin asked to give a better example - take a firefighter especially with the cancer. We're exposed to some type of chemical at an incident. The form got filled out even though we didn't go to the hospital and we weren't transported. Ten years later when they get a cancer, it's documented on that form which is the State Reporting Injury form that they were exposed to that situation which is going to help them in the long run.

Chairman Coutu stated the problem I'm having Selectman Morin is I understand where you're going and where you want to go. Both of these policies the one that exists and the one that you're recommending both talk about the same form. You said the form isn't on here but it is on here. You can't force an employee to fill out a form if they don't want to.

Selectman Morin indicated you can because it's a standard part of the procedure. Chairman Coutu asked are you saying it's going to now become the department head's responsibility to make sure they fill out this form. Selectman Morin noted I can tell you in the Fire Department it's the Lieutenant or the Captain make sure that the employee fills it out after they report an injury whether they go to the hospital, we treat them, or not. If the employee can't fill it out, that Lieutenant or Captain, or the Secretary fills it out.

Chairman Coutu said I trust you relative to the Fire Department because you worked there for 30 years. You're saying that regardless if someone were to trip over a log walking into a barn when there's a fire and you can access it, you can get in through the front door, they trip over a log they should be filling out an accident report. Selectman Morin said if it's reported yes. Chairman Coutu said in the event that two or three days down the road if something comes back and they say geez something is wrong with neck,

I say oh my god you sprained it. Did you fall? Yes I fell the other day I was going into a fire. That's probably what caused it.

Selectman Martin asked to give my little story. I work in an industry in Massachusetts. Kind of the same laws. I tripped over a pallet and fell head over heels. I didn't get hurt. I reported it to my supervisor. She gave me the form to fill out. If anything happened to me after going on and I was seeking medical attention, it was reported to my work and worker's comp. would cover it. Since I didn't go to the doctor and do anything about it, it just goes in your file.

Regardless of what we do here, Chairman Coutu asked shouldn't we be reinforcing that at orientation. We do have orientation for all new employees I would suspect. Steve Malizia noted they get these policies. Chairman Coutu asked are they just handed and say here's all your policies. Mr. Malizia said they're required to sign off that they've read them. I can't sit them and make them read them but they are required to read them. It's not my job to sit there and...Chairman Coutu indicated some employees said they've never read it. They got it but they never read it. Mr. Malizia said they signed it they read it.

Chairman Coutu explained in essence what you're saying is the department head or the unit manager is going to be responsible to make sure these are filled out regardless.

Selectman Morin said if you make it a procedure and I understand they sign this but I signed a million things and I can't tell you what half of them were two days later because there's so many we sign. If you tell the department head or the supervisor - I'll tell you what, it works in the Fire Department and it works in the Police Department. This isn't a thing that's real tough to do. It's just a matter of getting in the procedure to do it and that's what kills me. We walk around these problems and just do it. If it's already in a policy that the town has and I'm backing it up with a second one, then the issue here isn't the policy. The issue here is the enforcement of the policies.

Chairman Coutu noted if the employee doesn't want to fill it out, he doesn't have to.

Selectman Morin said if the town says you will to protect us and to protect you, they will. It's part of the procedure.

Selectman Martin had one further comment. When I was in the military I was driving a vehicle. A side mirror got hit on the driver's side where I was. I immediately had to pull over and stop. They brought me for a drug test and everything. No questions. I didn't do anything wrong. If that's the policy in this town, then that's the policy they have to follow. You tell the employee you fill this out. It's CYA. It covers you, the town, and the employee in the event the employee later on leaves our employment and goes somewhere else. It covers all around. Some employees will say how often do you get hurt? How often have you done this? It just covers the employee and this one right here I think is really good. Here go you. You had an accident in the town vehicle or if you tripped in Town Hall and you fell have them sign this form. We're beating a dead horse and this is it.

Chairman Coutu noted we're not beating a dead horse. I know where Selectman Morin is going. He's been a strong advocate relative to policy and procedure. I don't condemn him for that I applaud him for that. We're not beating a dead horse. We're just trying to bring it to a head. What I don't understand Selectman Morin, again, vis-a-vie your policy recommendation as opposed to our policy. Your policy is written out as a policy. The town's policy defines punitive action if you don't fill out the form. It says, "It shall be the responsibility of all Town of Hudson employees to follow this policy." This is item #2 on the first page. "Violation of this policy will result in disciplinary action in accordance with the Town of Hudson disciplinary procedures." Granted department heads may not be subjecting the person or forcing the person to fill out the form but it's the employee's responsibility to fill it out or they could be subject to disciplinary procedures. Yours doesn't have that. It's not as forceful as this. If you want to put some of this language in, I'd agree to it.

Selectman Morin said here's my problem. This policy basically came from a department in here that does this for every single injury and it doesn't have to be forceful because they do it every single time and its second nature. Chairman Coutu indicated that's a semi-military organization. Selectman Morin

understood that. Here's my problem with this one. It's in here and says you will follow policy and none of our employees from the top down are doing it. So where is the problem? We have a policy right here that says you will do it and it's not being done. Where is the problem? Chairman Coutu said all employees of the town regardless of their title are employees of the town. Selectman Morin stated that's what I'm saying. That's why I said from the top down.

Chairman Coutu asked if an employee says who's the department head, I'm not going to fill it out then based on this policy it's up to the department head to come to us and say employee X is not filling out the form. I'm recommending the following. Selectman Morin asked why hasn't that been done but I'm going to take it from there. I bet we can bring in almost every employee and say tell me about this right here. They won't have a clue. Chairman Coutu said whether it's yours or this one, they won't have a clue. Selectman Morin asked whose responsibility is it the department head or the supervisor because that's part of their job to make sure that their rules and regulations are getting followed and that their employees are taken care of. That's their job. They're supervisors. So what is our bigger problem the safety of our people or not following our own rules?

Chairman Coutu indicate we're doing this for the safety of our people. We're doing it for the protection of our employees on a financial basis and we're also doing it to protect ourselves from liability in the future. Selectman Morin said it's not being done.

Selectman McGrath said if an employee doesn't want to fill out the form, all the supervisor needs to do is put a note in the file - "employee refused to fill this out" and that ends it. A notation is made in their personnel file. You don't have to punish them. Chairman Coutu noted it says so right here that it is punishable. Selectman McGrath said it may be if you choose to punish them but the ultimate punishment is going to be if they really got hurt and then they're not going to be able to collect benefits because they had the choice not to fill out a form. It's their choice. I'll use my brother as an example. He chose to smoke his entire life in spite of being diagnosed with a very serious injury. The ultimate choice that he made cost him to pass away. You can't force people to do something that they don't want to do. You can punish them all you want. You can scare them all you want but if they don't want to fill out a form and they know if they are injured and they're not going to be able to collect benefits because they chose not to fill out a form, the only thing that you can do is put a note in their file and it covers the town. It covers the supervisor by saying the employee refused to fill this out. Otherwise you can say alright we'll fire you because you didn't want to fill out a form.

Chairman Coutu said it doesn't lead to that. I know companies who have this type of policy and employees have denied when they eventually a week or so later felt the pain or whatever, denied that they were ever asked to fill out the form even though they denied filling out the form. I've talked to supervisors and said to me I gave them form he refused to signed it. I put on there he refused to sign it. I put it in the file. Now he's denying I ever showed it to him. That ends up in court. The always find in favor when there's a question, the employee will get the benefit of it and not the supervisor. Regardless, I think it's imperative that something be done to not just this but all our policies. I know that the police and fire they're very rigid. They're semi-military. I can speak from personal experience as you can. The Recreation Department, the Clerk's Office, upstairs, the Assessors. They have people out on the road that fall down. I don't know if they fill out forms. I hear about it. They do.

Steve Malizia explained we have a Joint Loss Safety Committee. Chairman Coutu said if they're hurt. Mr. Malizia said if they're not hurt, people don't fill out forms. Chairman Coutu said that's the point that Selectman Morin is trying to make and I don't disagree with that at all. Mr. Malizia said so you're going to fill out forms if they're hurt or not hurt. Selectman Morin said if they report that they fell, they got in a motor vehicle accident. Steve agreed if they report that they fell. If they don't come in and tell me anything, I can't make them do anything and then a week later oh I'm hurt. You didn't tell me.

Selectman Morin said a motor vehicle accident that should have been done especially with the risk of something cropping up later on from that. Steve Malizia indicated our employee's safety is paramount. That's why we have a Joint Loss Safety Committee. We've had it for many, many years. There are union representatives from each union. There are management representatives. Basically all of the departments. We review quarterly the worker's comp. claims. We don't see names but we see

departments and I can tell you that it's representative of all the departments in town and not just the two quasi-military ones. As an aside, we also review all the accident claims, i.e. motor vehicles, slip trip and fall we do all of that. We encourage strongly that everybody even if you don't think you hurt yourself, fill something out.

Selectman Morin stated its right in the policy. That's what I'm saying but we're not doing it. Steve Malizia thought we are. They didn't do it in this incident because the employee claimed he wasn't injured. I will show you other claims that get opened for \$50 that span the departments that don't lead to anything beyond the \$50 because that's the minimum they open them for. Selectman Morin understood that but, again, we're not doing it because if we were doing it we wouldn't be talking about this right now. Steve Malizia contended we do it. This one didn't get done. Selectman Morin said a lot of them don't get done as I just said. You could go to an employee and say do you know about this policy and they're going to tell you no and they don't even know what that form is.

Selectman Routsis said that's the employee's fault if they don't know what the safety manual is that they are signing off on. I have never once signed anything for any contract, any home purchase, any personal purchase, or anything employment related that I did not read it. They are physically given a copy and they sign off on it saying they are aware of it. The only thing addition you can do and I don't know if we do or not is send it out yearly and have them acknowledge it yearly. Steve Malizia noted when we update the document, we would resend it out. Short of that, Selectman Routsis said if an employee is signing something and they are saying they have no idea about it, then you know something shame on them for not reading what they're signing.

Chairman Coutu said where Selectman Morin is going with this is that the department head or the immediate supervisor has an area of responsibility here. Selectman Routsis agreed but he's saying people had absolutely no idea about this. They're signing and they have some type of idea. They have to. Chairman Coutu said they have an idea they have a Personnel Policy. What the language is, I don't think they know.

Selectman Morin said you've been an employee here for ten years and nothing happens and in your 11th year you got hurt. You're going to remember that? Like I said, we signed SOGs daily. Two weeks later unless something came out, I have to go back through the SOG book and review myself to make sure I understood what I was dealing with because there's so many. There's so many things going on. What is wrong with each department putting together a little injury packet with all the required forms, a report to write what happened in the accident. When an employee is injured, here you go fill this all out and get it back to me. Don't even say it's in there because it's not getting done.

Selectman Routsis said that's your Form 8WC. Selectman Morin noted that's not what I said. Selectman Routsis indicated you said giving them something to fill out. That's what that is. Selectman Morin said you didn't listen to me. A packet to put together because a report has to be submitted on the damage to whatever town it took place. You have to write up what happened, how the accident happened, what the injuries were, include the State form in there so there is a packet. Again this is what we pay people big bucks for whether you're the employee or not, the department head, you're responsible for your people. Selectman Routsis indicated I was in charge of injuries at my old job for six years. Selectman Morin noted so was I.

Selectman McGrath stated we do have a policy. Is it in print? Is it in booklet form or is it...? Steve Malizia indicated it's available and this is the format. It's on line in the public drive. It also gets sent over. Selectman McGrath asked to make a suggestion because I worked for a really large company. If an issue came up such as this where there were a number of injuries. We'd have group meetings. There were mandatory meetings so each department head can be given copies of the policy and have a meeting with their employees - a mandatory meeting, pass out the policies, instruct them on what needs to be done. If they're in any kind of an accident whether it's a slip and fall, whether it's getting knocked over the head by a book falling off a shelf, anything, and have a list of the attendees, have them sign off that they've attended the meeting, that they've received the policy and that will be done with it. We can keep spinning around on this all night long and for the next several meeting but unless we make sure that they get the policies that their manager hands it out to them can be a ten minute meeting. It doesn't

have to be an all-day meeting but a mandatory meeting with the employees and have them sign off an attendance sheet and that they've received the policy and that's the end of it. That's what I would suggest.

Again, Selectman Morin asked why we can't just put a packet together and automatically when an injury is reported it is handed by the supervisor or the department - here you go, fill it out, get it back to me, it goes in the file and we're don't with it. You have a meeting in five months, no one is going to remember and we're going to be back in the same boat. What kills me is once again we have a policy that our people aren't enforcing and that's really starting to irritate me. It really is.

Chairman Coutu wanted to make Selectman Morin aware that regardless of which policy you want if it's the one that you're suggesting which I find not as severe as the one we presently have but if we were to enforce this or keep the one we have an amend - they have form 8WC and yours you have AWC - it's the same form. Regardless even at the staff meeting...Steve Malizia said I'm just listening to what you're saying. You keep saying "injury". We should probably be using the word "incident" or "accident". Chairman Coutu agreed. Mr. Malizia said when you say "injury", I'm not injured. Selectman Morin noted I said "accident". Mr. Malizia got the impression is I didn't get injured. You should be saying "incident".

Chairman Coutu stated tripping over a log is an incident. Steve Malizia said somebody hit me in the back of the head with something, that wasn't an accident. They did it on purpose. From a terminology perspective, I think if we tweaked this or worked with this to say "incident", it takes away well I'm not injured. We do strive to make sure we capture all this. We take this seriously. Chairman Coutu said it needs to be reinforced that to people. Mr. Malizia said we look at the claims.

Selectman Morin said here's why the other policy reason is written the way it is. You're right I'm not injured but if you took the time to come tell your supervisor that this happened, then something in the back of your head is saying there may be an injury later or something may have..Mr. Malizia said they may not have said anything. Maybe another guy said something or maybe the boss watched you. You may not have said anything to be honest.

Selectman Martin asked could you change the heading of this policy and revise it and send it out. Steve Malizia stated we have Safety Committee meetings. What we'll do is we'll discuss how to make this so that it covers what you're saying. Let me give you another for instance. I have people trip on the front stairs when it's bone dry and sunny out. I've gotten into the practice of going out and taking a picture. Why? If they ever come back, I sent something to the insurance company saying I'm not filing a claim. I'm just saying on this date I took a picture because somebody fell down. I don't know who they are. They didn't give me a name. They didn't report anything. I'm just doing it to be preemptive. That's what you're asking for is to be careful and preemptive. Selectman Morin said yes but I'm looking to cover our employees because they're not going to get their benefits if they're injured because they didn't fill out that form.

From my experience with it is, Mr. Malizia said every single worker's comp. is denied the first time. They all are. They automatically deny it. If for some reason the employee fails to report something, I think there's a lot more forgiveness on the part of the insurance company as opposed to if the employer does so. If Joe doesn't tell me because he hasn't been here for a shift, a week, or whatever, he comes in a week later oh by the way Chief I fell down last week. They're not going to not cover that guy. They will open a claim for that individual. I've never seen them not open a claim for an individual.

Selectman Morin said I can tell you we had an employee denied and we had to go through a whole big thing to get it. Mr. Malizia said I don't know what he was denied or she was denied. Selectman Morin said, again, why is it so hard just to do a preventative measure so we don't have to go through this. Steve said we're talking apples and oranges. Now we're talking incident which doesn't mean injury. Selectman Morin agreed to that. That's fine. Steve said it just means incident. That's different than injury because injury means I didn't get injured. I didn't report anything. That's how people think.

In order to put this to bed, Chairman Coutu asked to defer this and you meet with the Town Administrator and the Safety committee and resolve this and come up with the language that's a compromise in the

language. I think the language is similar. I don't know that we need to have a statement that we're going to shoot you if you don't do this. If they don't want to do it, they don't want to do it. As long as the department head makes note that they have to put something in the file. He refused to fill out the form. They refused to fill out the form.

Selectman Morin agreed and again I'm going to say it one more time. We have a policy. Chairman Coutu didn't think anyone was disagreeing with you on that. It's just reinforcing it. Better safe than sorry. I agree. So you will work with them and come with something. Steve Malizia thought the next meeting was in February so we'll certainly welcome you.

E. Fiscal Year 2020 Town Warrant and Warrant Article Speaker Designation

Chairman Coutu recognized Town Administrator Steve Malizia.

Steve Malizia explained in front of you we have the proposed order numbering of the warrant. It follows the typical format wherein all of the zoning articles are first followed by the General Fund Operating Budget, Sewer Fund, Water Fund, Union Contracts in the order that they were settled or agreed to, followed by asking for two police officers, and then funding for various Capital Reserve Funds, and Petitions are at the end. This is the proposed order of the Warrant. If this meets your approval, I'd like you to approve it because one of you at the next agenda item will need to post this. This is the Warrant that we're going forward with this year.

As part of that Warrant, Steve Malizia noted at the very back page, I've put your assignments for speaking at the Deliberative Session. These follow your liaison assignments. If there isn't a liaison, I believe I deferred it to the Chairman so that you could eloquently speak about all of the ones that are near and dear to your heart particularly the change of the Town Meeting which I know is important.

Chairman Coutu said there's two I'm not even going to vote for so they're really not near and dear to my heart.

Steve Malizia stated, again, this is following typical pattern where if you're the liaison you have the speaking assignment. I will prepare notes for you. You can do whatever you want but I typically give you a cheat sheet sort to speak so that you have the basic facts so when you get up to speak you will say this contract is 2 percent. This covers 35 firefighters or whatever the case may be. That will be prepared for you in advance. You need to approve the Warrant and by consensus the speakers. You can change it speaking wise if you'd like.

Chairman Coutu said when you look at the EMS Revolving Fund, that's something that the Chief knows more about than I know. Mr. Malizia said you will introduce though. You're the Fire liaison so you would introduce it and then you could defer it to the Chief. Chairman Coutu noted I voted yes to get it on the ballot but I looked into it as best as I can see. I'm not too happy with it. Any questions? Comments? Everybody knows their assignment. Everybody will be at Deliberative Session God willing.

Steve Malizia said I would like you to approve the order of the Fiscal Year 2020 Warrant just to make it official.

Motion by Selectman Routsis, seconded by Selectman Martin, to approve the order of the Fiscal Year 2020 Town Warrant, carried 5-0.

F. Designation of a Selectman to Post the Town Warrant

Chairman Coutu stated I'd gladly post the Town Warrant. Steve Malizia stated it needs to be posted by January 28th.

Motion by Selectman Martin, seconded by Selectman Routsis, to designate Selectman Coutu to post the Fiscal Year 2020 Town Warrant and Budget on or before January 28, 2019, carried 5-0.

9. OTHER BUSINESS/REMARKS BY THE SELECTMEN

Selectman Routsis - I wanted to thank the Highway Department because my street was great. My lawn didn't seem to be torn up and my mailbox didn't fall off. So I'm good. In all reality, our street was plowed well. The main roads were done well also. I was out Sunday for most of the day driving around. Even yesterday driving yesterday everything still went seamlessly for me as long as you went slow. I appreciate everyone taking the time and working all those hours to keep the neighborhoods and the roads how they were.

The last Library meeting was last Wednesday. The one thing that was brought up that I did make sure they knew is that we were not forwarding the Warrant Article for the reasons that they were looking for. Some of the Library Trustees do feel that we took the choice away from the voters. I did let them know that because it was put in the budget and then the Budget Committee did vote unanimously, I believe you said not to support it that that was the reason we were taking it out. They felt that the Budget Committee was trying to help them with getting them that much closer but because they all voted against it that was why we had made the decision not to move forward with it as well. Other than that, that is all I have.

Chairman Coutu told Selectman Routsis I watched that meeting. God love you. You offer a kid a lollipop and he really wants it. You tell him he's got to run around circles 100 times. I said we don't want you to run around the circle 100 times. We're just going to give you the lollipop. That's what this article is and they were upset about it. I'm upset the warrant article isn't being proposed. They gave him the money. Is it a ploy to get twice the money? If the warrant article passes and it's already in the budget and they get twice the money and what are they going to do with it? That upset me.

Chairman Coutu asked do they abide by our town policy or do they have their own policies. Steve Malizia indicated that's a broad question. When you say "policy" what policy are you referring to? Chairman Coutu said we have a town policy manual that we hand out to employees. Mr. Malizia said we have Personnel Policies for example. They have adopted their own Personnel Policies. They're very similar to us but they yet can be different.

Chairman Coutu noted they are different. They're creating a bonus program based on longevity for their employees? Selectman Routsis believed they already implemented that based similar to the structure that we have. Chairman Coutu said this is over and above all the money that they wanted to restructure everything to get everybody up and then they give them a bonus on top of it. If you're gone for five years, this discussion happened, and then you reapply and you come back in, they give the five years towards your longevity. Selectman Routsis said they have that as part of a discussion and they are going to further discuss it as to whether they're going to consider that or not. I did let them know that nowhere else anywhere has a policy like that. Chairman Coutu said you did and thank you for doing that. It appeared that this is what they're going to do regardless. That's the opinion I got from listening to them. You're being kind. Selectman Routsis said I try to be most of the time.

Chairman Coutu said there's nothing we can do, right? Steve Malizia indicated they are an elected group that has the authority and the ability to set their policies for their employees. Chairman Coutu commented I'm still going to get a legislature to put a Bill in the House to try to get them to be a separate budget. This is ridiculous. Thank you Selectman Routsis.

Selectman Martin - I don't have anything for you this evening.

Selectman McGrath - Just a couple of things. In reference to the Warrant Article for the Library, the reason why I didn't want to put it forward was because we had no other input from them. They didn't come in to try and explain anything or the rationale. They were here the night they presented their budget but I'm talking about this separate Warrant Article.

Selectman Routsis didn't believe as Selectman Martin had let us know that they knew that the Budget Committee voted unanimously against it or they weren't there for that part of it. Steve Malizia indicated they had left the meeting at that point in time so when the Budget Committee did take a vote, they were

not present at that period of time. We informed them - KC, myself - I believe the next day we told the Library Director that they had taken an action. I do believe they were not in the room when the Budget Committee voted. After they left, the Budget Committee put it in their budget and after that they made a motion to not recommend it. The Budget Committee cannot remove it or kill it but this Board took that action effectively.

Selectman Routsis said the only reason I can assume that they weren't here the night that we discussed it is because it came up in your Selectmen's remarks. It wasn't something on our agenda. I don't know that they - I give most people the benefit of the doubt. I think had they known they would have been here. Obviously I completely understand. Had we had more information, we would have been able to make possibly a different judgement.

Selectman McGrath said possibly. They made the choice to leave the Budget meeting before the item was taken up. They didn't bother to find out the next day so that they could be here when we'd be talking about it to make a final decision on it. Therefore, I didn't have enough information to feel comfortable to forward that to the voters. That's my point. It falls on them. It doesn't fall on us. I'm not going to speak for anyone else. If I don't have the information, I'm not going to forward something to the voters just because they want it to be forwarded. I have to feel comfortable with my decision that I'm recommending something to the voters that I may or may not know anything about. That's not right. That's item number one.

Selectman McGrath said also you commented about the roadways in Hudson. They did an exception job as they always do. It was more apparent to me today. I drove into Boston. What a treacherous, miserable trip I had. I drove out of my driveway, the road was clear, it was bare pavement. I got to Tyngsboro and it was nothing but ice and snow. That was just the beginning of my journey. Route 3 was backed up. It was like a parking lot. They didn't plow the full width of the roadways on Route 3. I got down to 128 and that wasn't much better and then into Brookline which was even worse. It just illustrated to me how very fortunate we are to have the crew that we have. They do an exceptional job and they may knock a few mailboxes down which would irritate me too but they really do a good job. That's all that I have.

Selectman Morin - I have nothing.

Selectman Coutu - I want to go back to the Library. I can remember we weren't too keen on them buying 3D printer. Now they have 3. Of course one was donated. We don't the value. We don't know if they accepted it with the proper procedure. If they have a piece of equipment that's worth more than \$500 - would they have to come before the Board to get approval? Steve Malizia said presumably they would have to go before the Trustees to get approval. They don't come to this Board. Chairman Coutu asked do you know that they went before the Trustees and asked for approval to accept that gift of over \$500? Would you say a 3D printer is over \$500? Selectman Routsis said yes but I do know that at the meetings that I have been at, they do accept donations and they have them written out in the front of them. They're pretty diligent even to the point of let's say Hannaford's donated three bags. Chairman Coutu asked do they vote on it that they're accepting the donation. Selectman Routsis said yes. Chairman Coutu noted I don't see them accepting any donations. Selectman Routsis indicated I have.

Selectman Martin asked if it had to be a public hearing. Mr. Malizia said no always. Chairman Coutu asked what constitutes a public hearing in excess of...Mr. Malizia said \$10,000 in cash or a check. Under \$10,000 they don't need a public hearing. They need to accept it at a public meeting but a public hearing is different. It's noticed differently. Chairman Coutu didn't think they accepted the new 3D printer which they stated they have a girl learning on how to run that thing all day long. I don't know how long. Is it a week? Two weeks for a new 3D printer. They've got somebody learning and that's her job is to learn it. Apparently they have a lot of people with a lot of time on their hands to do nothing more than play with a 3D printer all day. That upsets me as a taxpayer knowing that that's being done. Now they have 3 different sizes - tiny one for the children's room, a bigger one - they're always complaining about space but they keep putting this equipment in and they're continually revising the space to accommodate all these things. I think that's a disservice in the Library. I get frustrated with the Library.

Selectman Routsis said I will check and see if I can find out if they accepted that printer and what they did. Chairman Coutu asked about the other two. One they bought and the other I don't know if any money was allowed to buy a second and a third. I don't know that either one of them were ever accepted the two and they're both over \$500. Selectman Routsis indicated I don't know what their specific purchasing policies are. Enough. We can talk about the party later.

Chairman Coutu said I agree with everything you said Selectman McGrath when it came to the Department of Public Works. The Fire Chief made it a point to express and I believe you were also a recipient. I think we all were recipients. He wanted personally to have it expressed that he was very pleased with the work. The Department of Public Works made it easy for them as a Fire Department. It's great to know. The first thing on my mind when I think about snowstorm is I have to get out and clear as much as I can regardless of where I live in the event that we need fire or police service. We want them to be able to access our property. The most important thing is having the road access to even get anywhere near the property. They did an outstanding job and without incident I believe this time. No trucks tipped over.

Steve Malizia indicated I spoke with the Public Works Director and he didn't indicate that there were any incidents.

Chairman Coutu told the person that I work for in Dracut, I said I knew the minute I left Hudson. I went up Dracut Road and when I got to Ting Road, I was out of Hudson immediately. I can imagine River Road to Frost Road the same thing. Once you get past the State lines, it's a mess. Even when the roads are clear, the roads in Tyngsboro are nothing but pot holes. It's horrible. The said the other day at some sort of a meeting they had with citizens that their worst problem in town was the conditions of their roads year round. They're looking for State funding. Good luck to them for that.

Chairman Coutu wanted to make people aware that tomorrow Wednesday, January 23rd, is the first day that you can file your papers if you want to run for I believe there's 2 seats on the Board of Selectmen, 3 on the Budget Committee - there could be 4 on the Budget Committee. It doesn't matter the more the merrier that run. They need to do something. There's 3 seats up for School Board. I apologize to members of the School Board who are very, very sensitive about me saying "School Committee" instead of "School Board". The School Board there are 3 seats open. You've read in the local paper how anxious they are to make sure that a lot of people run because maybe we should be replaced. I encourage people that if you want to serve your government that you should file your papers regardless of what position it is. I applaud you for taking the time, the effort, and the energy to put together a campaign and to run for public office. I'm up for re-election and so is Selectman Routsis. Neither of us have filed papers yet. God knows what's going to happen. If I were to run and I were to lose, I served 10 years. I'm very pleased with it. I'll congratulate whoever gets elected and move on with my life. It won't end, it will begin there. It will be a new life. Selectman Routsis I'm sure you're going to make your decision in the next 10 days as will I. It's from tomorrow until 5 p.m. on February 1st. You should have filed your papers if you're interested in running for office in the Town Clerk's Office. I encourage anybody who wants to run for public office to please do so.

10. NONPUBLIC SESSION

Motion by Selectman McGrath, seconded by Selectman Routsis, to enter nonpublic session pursuant to RSA 91-A:3 II (e) Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed against the public body or any subdivision thereof, or against any member thereof because of his or her membership in such public body, until the claim or litigation has been fully adjudicated or otherwise settled. Any application filed for tax abatement, pursuant to law, with any body or board shall not constitute a threatened or filed litigation against any public body for the purposes of this subparagraph, carried 5-0 by roll call.

Chairman Coutu entered Nonpublic Session at 8:45 p.m., thus ending the televised portion of the meeting. Any votes taken upon entering open session will be listed on the Board's next agenda. The public is asked to leave the room.

Chairman Coutu entered open session at 8:54 p.m.

11. ADJOURNMENT

Motion to adjourn at 8:54 p.m. by Selectman Routsis, seconded by Selectman McGrath, carried 5-0.

Recorded by HCTV and transcribed by Donna Graham, Executive Assistant.

Roger E. Coutu, Chairman

David S. Morin, Vice-Chairman

Marilyn E. McGrath, Selectman

Angela Routsis, Selectman

Normand G. Martin, Selectman