

HUDSON, NH BOARD OF SELECTMEN

Minutes of the August 6, 2019 Workshop

1. CALL TO ORDER

Chairman Morin called the meeting to order at 7:00 p.m. Good evening. As you can see, we're in a different room tonight. We are in the Buxton room to hold the meeting because we have some special guests - our State Senator and Legislators. We're going to have a round table discussion about what's going on in the State and in the Town.

2. PLEDGE OF ALLEGIANCE - led by Selectman Coutu.

3. ATTENDANCE

Board of Selectmen: David Morin, Kara Roy, Roger Coutu, Marilyn McGrath, Normand Martin

Staff/Others: Steve Malizia, Town Administrator

4. PUBLIC INPUT

a) Block Party Permit - James McLaughlin

Chairman Morin indicated this is reference to a Block Party Permit that will be taking place on Copeland Drive. We've talked about it once and this is a revisit.

My name is James McLaughlin. I live at 4 Copeland Drive in Hudson. By way of a little background, this party started as just a family party and then some neighbors started joining the party, and then friends, and neighbors. It started 20 years ago. The party is called "Old Jim Days" as a play on Old Home Days because it always happens that weekend of Old Home Days. After 20 years, it started having help from about 20 people to put this party together and this year I had like 2 people helping me on two different days. I actually have become Old Jim and I'm ready to call it quits. I was probably ready a couple of years ago but I really felt like I couldn't quit at 18 and had to make it to 20.

In doing that, Mr. McLaughlin said I submitted a Block Park Permit and in the Block Party Permit there is a sentence in there that says "if music is played, it is to be kept to a reasonable level so as not to disturb the residents in the vicinity. Music to decrease at \_\_\_\_\_". I filled in the blank at 11 p.m. I submitted a description of what the party was and went around to my neighbors and they all universally signed that it was good with them. Many if not almost all that had been there made comments how much they enjoyed hearing that music through the weekend. I respectfully submit that a request to have the curfew on that Saturday and Friday to be extended to 11 p.m. There is a blank on this form implying that I don't see why you would need to have a fill in the blank time for any time before 9 o'clock the normal curfew. I understand that there's some concern about setting a precedent in the town. There is a process and a procedure for doing this. I'm just requesting that the Board grant me the time to go to 11 o'clock. I walk out on the street. I have a decibel meter. I listen to how much noise. I'm getting the bands to quiet it down. I don't think there will be a problem with my neighbors. Thank you.

Selectman Coutu told Mr. McLaughlin the Board of Selectmen met and we discussed your application. We denied the extension to 11 p.m. We've had more Block Party requests this year than we've ever had and I've been on the Board for 12 years. The reason why we did it is my argument has been and I'm sure that other members of the Board agreed that once we open that Pandora's Box its open. If we give it to you, we have to give it everybody. Though your reputation may be that you have neighbors who enjoy listening to the music, that you monitor the noise level, once that box is open, we have to grant everybody the extension to 11 p.m. The police monitor the town. If there's any noise after 9 or 10 p.m., they immediately go to a person's home and tell them they have to keep it quiet even if it's just a small neighborhood party let alone a block party. Then they're going to say well other people are being granted permits to go to 11 p.m. why can't we make noise until 11 p.m. That's the reasoning and the reason why I objected to the party being until 11 p.m.

James McLaughlin understood what you're saying about a Pandora's Box but is it really a Pandora. So there are a lot more Block Party Permits. I was not aware of that. You'd have to see what my property is. We're not out in the street actually blocking it having a party in the street. It's confined to my property which you can't even see my house from the street. All the people at the party are away from the street. Noise is noise. I understand your concern. I'm just in hopes that it is not a case of opening Pandora's Box. Anybody requesting that wouldn't automatically be granted approval just based on the fact that you made an exception in my case. They would have to come into the town and present their arguments of why it shouldn't be greater. A lot of people in this town have attended that party and had a very good time. I always hear from people it's the best party that they've ever been to. I rest my case.

Selectman McGrath asked Mr. McLaughlin you have hosted this party for 19 years now and this will be the 20<sup>th</sup>. For those 19 years what was the time that was placed on the music that you provided? James said typically I have had the music play until 11 o'clock at night and we've toned it down. I think in 20 years there have been about four years where someone called and made a complaint. The police came to the property. When they came to the top of the driveway and said it doesn't sound bad to them but they have to respond to every noise request and I turned it down or in one case we had to stop.

Just so we're clear, Selectman McGrath said for 19 years this Board has approved your block parties. Mr. McLaughlin indicated I have not submitted a block party request every year. Selectman McGrath asked if this was the first time. Mr. McLaughlin said it's not the first time. I think I applied for it in 2008 and 2009. Then I forgot about it until last year. Somehow in those years I got to thinking that there was an 11 o'clock curfew for noise. That was corrected when the police came at about 10 o'clock. I decided I better request that permit again.

Selectman McGrath stated the only concern that I would have and may I ask another question before I even go with that, on this application you said that it's going to be a ten-piece funk dance band. To me that sounds like it's going to be pretty loud with a five-piece horn section. How does your decimeter determine that? Are you going to be able to determine what the noise level is? James said yes. Selectman McGrath noted that would be a concern for me because it sounds like it could be pretty noisy. If the police told you 10 o'clock was the limit for having loud music would this Board be willing to alter the approval to 10 p.m. as opposed to 11? Could you live with that? Mr. McLaughlin indicated yes I could.

*Motion by Selectman McGrath, seconded by Selectman Martin, to amend the approval (of the Block Party Permit) to allow the music until 10 p.m. and no later, carried 5-0.*

## 5. DISCUSSION

- a) Discussion with State Representatives relative to circumferential highway and other issues possibly impacting Hudson

Chairman Morin thanked everyone for coming tonight. We appreciate it. We haven't gotten together in a long time I understand. It will be a good night. We have some questions from some of our department heads which forwarded some questions. We have some questions. We'd just like to see what's taken place in Concord, what's taken place in this area from Concord, and what's taken place in Concord for Hudson. If you want to go around the table real quick and introduce yourselves so that people at home know whose here I'd appreciate it: Jordan Ulery, Bob Greene, Alicia Lekas, Tony Lekas, Andy Renzullo, Sharon Carson, Lynne Ober, Russell Ober. Thank you very much. Would somebody like to just start with a quick overview from the legislature?

Senator Carson stated we're very lucky to have a very diverse delegation representing the Town of Hudson where we have people that are on a number of different committees that will be able to speak to a number of different things. Quite frankly when you're talking about finance, this is the person you need to talk to. She's great on finance. I guess probably the biggest issue is we don't have a budget. I think that is something that everyone should really be concerned about. We usually have a budget in place by June 30<sup>th</sup> and the Governor vetoed the budget. I think he was very clear about what he was looking for in a

budget and unfortunately that did not happen and he vetoed it. From what I understand, people are starting to get together and starting to have conversations about the budget and what needs to happen. I believe the veto day that we're going to be going into deal with the budget is September 19<sup>th</sup>. We did pass a continuing resolution so essential services are being funded. There were a lot of very important things that were in that budget that are just not getting funded right now. Again Representative Ober can speak to that.

Because I sit on Finance, Lynne Ober said we actually do have a budget. We don't have a new budget. The new budget was vetoed. However unlike Congress that went on vacation and left federal people working without pay or people at home not getting a paycheck when we passed a continuing resolution what that did was pass the previous year's budget in its entirety on to every department and they could pay their people and it was business as usual. Nothing is closed. Nobody went home. Everybody is being paid. Services are being provided. So we do have a budget. It's not the budget we wanted to have. What happened with the budget? I'm in the minority party.

Representative Ober explained when the budget came to us from the Governor, there's a committee called "Ways and Means". Jordan sits on it. They ran through revenues and they said the Governor's budget is \$56.1 million too much over your revenues. We do not borrow money. We are a balanced budget State. So we don't borrow money to go forward. When Ways and Means says that, the House votes on it and then that's the amount of money that will be the budget and House Finance where I sit is supposed to make the budget match that. When the budget left House Finance, it was \$350 million over when it had come from the Governor plus the \$56 million that the Democrats on Ways and Means had already decided needed to be cut. The budget overspent the revenues we were going to have by \$400 million. The Senate always has more money than the House does to spend. The House has a budget in February. We have January revenues. The Senate has the budget through May the beginning of June. April is a big month for revenues because that's the business tax month. Those actual dollars come in and now the Senate really knows they don't have projections they have actual dollars. Ways and Means came back and said we've been watching. We've been reviewing. We need to revise the revenues. The House voted on it and we agreed with that. With the budget that came before us still overspent those dollars plus. We're a State of primarily small businesses. We don't have a Kellogg's. We don't have a Ford Motor Company with a big factory here. They're not making cars here. So we're mainly small businesses. The tax cuts that we the Republicans have voted in the previous biennium were actually suspended and the interesting thing about that is that all the small businesses had already filed their taxes for April. It was going to be retroactive. They were going to charge them more tax dollars than they had filed. So every business in the State was going to have been in default for their taxes. The Governor would not support that. The Governor would not support the overspending. What happens if the Governor supports overspending? Then what you guys don't see, what the State doesn't see is the Governor just goes to every one of his department heads and said you have to cut your budget by 5 percent, 10 percent, 20 percent. It never comes to legislature. Services are cut. The money is not spent, we do not borrow the money. That actually goes on. It's really up to the legislature to put together, and that's both branches, a real budget. Work has been ongoing all summer on trying to reach a compromised budget. Back and forth and of course differences of opinion - you and your husband, you and your spouse, Russ and I you watch us to try to buy a couch. Well try to spin how we're going to spend our money at home. Those conversations go on at a higher level and that's what has been going on.

On the Ways and Means side of it, Jordan Ulery said there was a unanimous decision coming out of Ways and Means. That is it was a bi-partisan committee decision. There was some little discussion but not anything that was really bitter. The decision was that the amount of money that we put forward was a reasonable amount. It was based upon previous revenues that came in. We did, however, not anticipate the increase in the mortgage rate that caused some decrease in the real estate transfer tax revenues. That's the one major area that's been a little bit low. Because of the business tax cuts however, revenues have increased substantially because business has increased substantially. New Hampshire's unemployment is a record low. We're below the statistical zero unemployment number even though there is still some unemployment because of disability or other reasons. It's below the statistic zero number. People are getting paid a lot more now than have been in the past at least in New Hampshire. Somewhere along the line when the budget was finally brought forward onto the floor for the entire House the revenue estimates

suddenly increased. Ways and Means didn't vote on it. It was just here it is. This is how much it is going to come in. From where? Can't get an answer.

Selectman Coutu asked to ask a question at this point. Just so you're not caught by surprise, I want all of the Legislatures to know that Chris Sununu the Governor reached out to various communities and I was one of the people they reached out and I agreed to sign the letter endorsing his veto. I had some serious concerns about seeing a budget and I didn't read the entire document because it was quite lengthy, and very numeric, and very difficult sometimes to sort through things. As you stated Representative Ober, we're a State that doesn't borrow money. We've lived with the revenue that we've received and it's akin to what we do at the municipal level. We ascertain and estimate what we think the revenue is going to be and our budget is based on that final number. If there's excess at the end of the year, then it goes into our unspent balance and it goes into reserve. His office called me and I agreed to support his veto and there were 49 other local leaders who signed the letter as well. I know that there are other things that are a little more contentious in the budget that we haven't discussed. If you could elaborate on maybe two are the major areas that the Governor is in conflict with that are not being funded and why I think that would help enlighten the citizens who are watching.

Representative Lynne Ober indicated there were a total of 113 new employees for the Department of Health and Human Services. The interesting thing about that is the previous year in June we had added 30 employees for Health and Human Services. With our situation with the employment, they hadn't filled those 30 positions yet and they were going to get more than 100 new positions. If you've been watching Senator Rosenwald in Nashua, she's been tweeting the disability wait list has not been funded and finally Kevin Landrigan who is a Democrat but a Republican, tweeted back and said that's not true everybody on the waiting list has been funded even with the budget veto. There's this stuff going back and forth. We constantly look at education funding. One of the problems we have with education funding in my opinion is a court decision. The court told the legislature a number of years ago that the way we were funding education wasn't appropriate and we should be funding on a per pupil method. That sounds terrific. Every kid is worth the same as every other kid and every student should have the same amount of funding as every other student. In that time, attendance in the schools has shrunk because our kids are growing up and we don't have nearly the same amount of kids going through the schools. In Hudson, the high enrollment year was 1998. Our enrollment has gone down. When you're funded on a per pupil basis, then you're going to get fewer dollars every year because you have fewer pupils. Yet you have fixed costs - staff costs, utility costs. This funding came about as a result of the court decision. We're constantly looking at how should we do it that we wouldn't cause another lawsuit. That's an issue and it's not fixed in the budget but there was a little more money in the budget for that.

However, some of the big things that people don't think about Representative Lynne Ober stated last year there was \$18 million in the budget for school safety and Hudson got nearly half a million above and beyond their budget to increase safety in their schools. There's been a lot of spending that has come down to the towns. We have upped the amount of money you get to repair your roads. The cost of asphalt still keeps going up. Steve Malizia could probably tell me a lot more about that. No matter how much you get, it doesn't quite cover what you need to get. So you're making those kinds of tradeoffs all the time. If you have a specific issue that you'd like to discuss Roger.

Selectman Coutu said that's fine. There are a lot of issues. That's the reason why he vetoed the budget. It isn't just one or two. I want people to be aware that if they don't understand State government, local government is a little easier to understand. It's a little more convoluted at the State House because there are more people and the opinions differ vastly from one Rep. to another in both parties. Regardless of who controls the House or controls the Senate - in this case the Democrats are controlling the House and the Republicans still control the Senate. Several Representatives stated no. Selectman Coutu stated we Republicans have lost control but that doesn't mean that we can't compromise. That's where we're at at this point. The Governor has the pen to veto or the option to let it ride to veto day. He decided to veto the budget. I have a daughter-in-law who works in one of the biggest concerns in this State and it's also a concern of I would say every single legislature both House and Senate, both Republican and Democrat. It's certainly a concern of Chris Sununu who I'm please to call a friend and the Governor of the State of New

Hampshire is the opioid crisis. My daughter-in-law works in an opioid environment. She is totally involved from day one from the time people are assessed and allowed to get the services, and be housed, and provided services for continuum until they get to a point that they can be released and protected by the parents and the family and monitored by a case worker. Those numbers have gone down and yet they still want the same amount of money that was projected to services that would be needed. Well those services are not needed as much as was projected because parents are more aware today of the signs of what to look for and they're trying to catch it early. There are a lot of other families in this State that can afford to send their kids to facilities that are well-known nationally in Texas, Florida, California, and other places in the mid-west and that's what they're opting to do rather than take the services that are available in the State.

Another thing that concerns Selectman Coutu about the school portion of the budget is aside from everything that you said Lynne, there are federal mandates. Those federal mandates are adding all kinds of needs that I personally don't feel are necessary in the special education budget portion of the school side. That has increased our costs tremendously because they're mandates. One mandate doesn't fit all States. Lynne Ober stated they are mandates and if we refuse as a State to comply with them, we get zero federal aid. That would have a really detrimental effect on every school district in the State. Manchester which gets more federal aid than Hudson would have a worse affect but you're caught where State Reps. can't fix that. State Senators can't fix that. That is coming from the federal. It is a State law. We have to comply and they clearly say you comply or you do not get the education funding we're going to give you for that. It's that way with every bit of funding. We got four years ago we were audited as a State and paid a huge fine over the way the school districts and they thought they were doing it correctly we billing for special education transportation and yet the rules are so convoluted every school district and Hudson was not one that was caught but there were districts in the southern tier that were caught. They're billing for special education transportation. If students that have services out of district or whatever and the feds came in and audited, the State paid the fine not the individual school districts. It's just very convoluted trying to meet all those mandates legally. You do get audited.

Chairman Morin stated I'd like to speak a little bit in reference to the opioids. As you know Mrs. Ober, we discussed that we have a meeting coming up. The numbers may be down on the drug side of it but what we're trying to deal with the Town of Hudson, with town employees, private organizations, and some State organization have formed a group called "Connect the Dots". We're actually going to have our last meeting on the 13<sup>th</sup> because we got it all put together to start helping the families within Hudson where the grandparents are aunts and uncles are starting to take over these children that their parents have been affected. Probably one of the biggest questions you're going to get at the meeting is is there funding available to come to us to help this? We have a very solid core of people that are going to take care of this. We already have a group that's going to meet monthly when these people can come in. We have an idea of the services we can provide to them and where we can send them but is that going to continue funding for that? That's very important. We're seeing a lot of that. We had cases where people came in. We had a grandmother that was concerned in reference to she was going to lose her apartment because she had her grandkids. They weren't supposed to have children. We had another one that came in and said that her grandchildren were sleeping in the living room because she just didn't have enough room but they had to do something with their kids. This is what we're finding now is the problem. It's the overlap of what happened with the drugs.

Representative Lynne Ober indicated last biennium day we did pass a law and it's a law that provides grandparents who take over for the kids the ability to get money and get assistance just as any foster parent would. Those people do need to apply to the State and they have to apply individually. There's no blanket you can do. I can get that information for you on to apply and then every one of those families could be pinpointed right to the right place to apply. I'll be happy to do that. Chairman Morin indicated our final meeting before this goes on line will be next week. They've put a lot of time into it and we're going to put it forward. When you contacted me, I was very happy. I appreciate that very much. Thank you.

Selectman McGrath noted some of the employees have compiled a list of questions and I'll just go over a couple and then someone else can jump in and I can finish up. Number one was the meals and rooms distribution to municipalities. Does the Hudson delegation believe that the State should now fulfill its

obligation to fund the cities and towns the full share of the room and meals tax at 40 percent as promised and not at less than 21 percent where we are now? The catch up formula to get to that point was suspended Fiscal Year 2010 through 2014, Fiscal Year 2016, and Fiscal Year 2018 through 2021. Representative Ulery indicated the rooms and meals is the one shining example of increased revenues within the State. The Town of Hudson is receiving more this year than they did last year and has anticipated next to receive even more because the overall state-wide people have more in their pockets so they're going out to dinners more often. As a result, more money is coming in. The distribution plan that was originally set up was set up by the State and can be taken away by the State because of the way it was set up. There is no obligation to pay anything. When it's taken away, it's taken away because the State took it away. Should they have is a question to ask but that question is not the one being asked. The question is whether or not the town is receiving an increased amount of meals and rooms distribution and they are. Could they receive more? One of the bills that was proposed this year was to have a local tax implemented. I think it passed the House and I think it passed the Senate as well. I haven't hear was that vetoed or not?

Senator Carson said I don't know. He's vetoed 50 bills. I haven't see a list of them all.

Representative Ulery indicated what that does is drive people to other towns. If Nashua imposes a tax, more people will be coming to Hudson.

Selectman McGrath asked do you know what the threshold is though for the tax that we do receive. Representative Lynne Ober said yes. That is in the budget. It is in the budget every year in House Bill 2 and I guess what I'm going to say to you is when Social Security started, employees and employers were each going to pay one percent up to \$1,400 if salary in a year. Steve Malizia indicated that's changed. Representative Lynne Ober noted oh yeah that's changed. What you end up with and I think what Representative Ulery said quite succinctly is that those laws change as you go along. Hudson got their full share out of last biennium based on the law that had changed. It changed under Governor Lynch. They have gotten their share. I will say last biennium we beat back a bill that said towns will get no more rooms and tax than they contribute and they'll get a small portion and this comes from places like Waterville Valley and Hampton Beach where they've got all the tourists and they've got lost of services during the season time and they don't think any of the dollars they collect should be distributed to a Hudson, a Franklin, a Pelham. That was a bill - wasn't that in Ways and Means the last time?

Representative Ulery thanked Representative Lynne Ober for reminding me. That was an interesting discussion. That was partisan. It ultimately did not pass. It's ultimately unfair. Meals and Rooms Tax is a State-wide tax. It's one that everyone pays. Just like the formula for the property taxes. It's something that everyone pays including apartment dwellers via the rent.

Selectman McGrath indicated that's one question. The second question that I received is not the State obligated to restore revenue sharing to municipalities which has been suspended since FY2010. It is relatively easy to say the State balanced its budget when in fact it removed revenue that has been due to municipalities in order to do so which in turn increases property taxes at the local level with less promise in State revenue.

Representative Ulery agreed you're correct. However once again the towns don't have any standing. The State is the only thing that has any standing in NH. It's called a "Dillon Rule". It's a Supreme Court decision from a century or so ago. The towns don't have any independent standing in New Hampshire. They are political subdivisions of the State. If the State says political subdivision A is going to be named Nottingham, it's going to be named Nottingham. If another town further west wants to use the same name, the State will say no you get to be Nottingham West or Hudson. That's putting it in the political terms. Now what it also does is it gives the Selectmen increase obligation to the residents of the town. They have control of how many people are employed and what their pension plans are going to be. The Selectmen have that power. So it means that the Selectmen then have to make wise decisions as to where my tax dollar goes and I hope that you do.

Selectman McGrath indicated there's more but I'd rather open it up to others.

Selectman Martin commented that this Board of Selectmen gave a budget that we're operating in now to the voters last March that was two cents less than the operating budget that we were currently in at the time. Why can't we all just get along and get it done?

Senator Carson replied if it was only that simple.

Unidentified Male Representative stated congratulations on doing that. At the State level, we'll see if we can keep it from going way higher.

Unidentified female Representative said if we could do that, the legislature would be in session for maybe two months instead of six.

Unidentified Male Representative stated one other point on the budget is that the general budget did get vetoed. However, the capital budget was passed and do go into effect. It included money including the CTE funding for Hudson and other things. The people of the budget was vetoed.

Selectman Coutu said you opened the door, I stepped in. Why didn't we get the full funding for CTE? Representative Ulery said because you're only entitled to 75 percent.

Representative Lynne Ober noted State law says you will get between 50 and 75 percent of CTE renovations where there is a three-year enrollment that you can see that that's a class. The expansion of the CTE which includes the new patio where the kids can gather and the new front door was never going to be eligible. The CTE warrant article also had sprinkler systems for the old high school which I think is great to be put in but maybe that should have been its own warrant article so people would understand that wasn't the CTE. Then it had renovations of the Art Department and the Special Ed Department. Again not related to enrollment figures for CTE. The 50 percent amount that you were guaranteed was \$11 million. Rochester is the CTE right in front of us before we get our money and last biennium Rochester got \$4.5 million and this year they needed another \$3 million to finish their project before Hudson started. Hudson got \$14.45 million which is more than the guaranteed 50 percent and the understanding that next biennium just like with Rochester they will finish the funding. I talked to Mr. Beals in 2017. He knew there was going to be no State funding until Fiscal Year 2020 which we're in now. You got a big chunk. The rest of the amount for the eligible projects Roger will be in next biennium's. Those things that were not eligible will never get any funding.

Selectman Coutu said I suspected that whoever wrote the grant forgot to exclude items that were not going to be funded. It's good to hear that though there's no guarantee what next year brings, that we're certainly under consideration for the remaining \$3 million because otherwise we'd have to go to the voters. We're not going to abandon a project because we're \$3 million short. We would have gone to the voters even if it were by a special Town Meeting to make sure that we have enough funds to finish it.

Representative Lynne Ober indicated I spent a lot of time in the House. Sharon has spent a lot of time in the Senate. The House that's heard by the Public Works and not by Finance. That's heard by Public Works a committee I sit on. I got a gentleman's agreement in the House that they would do for us what they did for Rochester - fund up to the 75 percent in the second biennium. They could have just held off any funding because Rochester wasn't done and we were after Rochester. I think you got the same, didn't you?

Unidentified Male Representative asked didn't you have it put in House Bill 25. Unidentified Female Representative stated yeah that's the capital budget. Unidentified Male Representative thought it's in there that it will be paid and it indemnified money from the Trustees. Representative Ulery said it's not a maybe. It's a will be.

Senator Carson indicated the interesting thing about the capital budget, it is not political. The regular budget is political. Very, very political and the capital budget passed in the Senate 24 to nothing. It passed through the House and a voice vote. I've spoken with the current Chair of the capital budget and I have been assured on numerous times that while Hudson didn't get the full amount this year, it will be no matter which

party is in power it will be in the next budget and you will receive the other money. There's no question about it. Again this is not a political issue. This is an educational issue and they agreed and unfortunately because of what happened with Rochester having to pay Rochester this year they couldn't fund the full thing. I'm really hoping that we do have surplus and I've spoken with the Chair of capital budget and I've said listen why do we keep having to play catch up. If we have the money in surplus, when don't we just pay Hudson the rest of the money so the next capital budget will start clean?

Representative Lynne Ober stated we can't do that with the capital budget though. They would have to do that out of Finance with an operational expense. The reason is the Treasurer every two years comes to Public Works and says listen you can bond this amount of money and our bond rating will stay good. Now you think so what happens if the State bond rating goes down. Let's look at our school district, Hudson School District currently has three bonds. They still have the bond over building Hills Garrison and they just added on the CTE and we had bonded money for the renovations at the Memorial School. Interest goes up when you pay more. So the State has to be very careful to keep the bond rating up so that every municipality in every town and every school district pays the least amount of interest. That's why you didn't just see another \$3 million tacked on to bonding. The impact across the State would have been very negative.

Selectman Coutu said thank you. That's good news for Hudson. We wanted to hear something positive and that is something definitely positive.

Representative Ulery noted the State has one of the highest bond ratings of the 57. The territories are also rated individually as with the States. I think Moody's has us at an A+++. You'd like to have that when you get a mortgage.

Chairman Morin said we may need all of you in the future so I guess I'll ask it now - circumferential highway. That was exactly the response I was expecting. Representative Lynne Ober explained from a State perspective, it is a dead project Dave. Chairman Morin asked so there's no plan for funding in the future anything to that affect. The way we understood it, please correct me if I'm wrong, if we built it the State would someday come in and continue it with the four lanes and all the stuff. You don't see that happening? Senator Carson said there is no guarantee of that whatsoever.

Representative Ulery indicated Victoria said something just a little different than that.

Representative Lynne Ober said when we were all with - Roger weren't you Chair and we all went and met with Chris Cimet was then the Commissioner. I think Sharon you were there. He said that if the State was going to do it they would make it a toll road. It would have no intersections and it would do some of this. I think there was also a cash commitment needed on the town part. I don't think the town ever really pursued it. We had a great conversation that day - 2 or 3 hours - with the Commissioner. That would be the only way to try to work that out that the State might do something later. If they're collecting the toll to do the construction and to do the maintenance - and actually that's not a bad idea because personally I think it's going to be a lot of people who are coming up Lowell Road, getting on 111, and going towards Windham and whatever. I really think a lot of the traffic is not in Hudson and maybe that's a partnership we should pursue.

Representative Ulery said what Lynne said is correct regarding the traffic. Remember in the Planning Board we had the traffic studies that were done. In upwards of a third plus of the traffic is out of town traffic heading towards Windham and Salem. That would be individuals that are going to work on the mid side of 128 - not the Boston side but the center side of 128 in the Waltham area where all the really interesting stuff takes place. Putting in that bypass, your capture audience would be most non-residents but you would still have it. It would be a bypass for other people. I understand that Elvis is working on a build grant again. Is that correct? Steve Malizia indicated it's been submitted. Representative Ulery said that will entail getting the federal government involved with the wetlands and all that permits. You're going to be hamstrung by the regulations. They're going to tell you you can't do what you want to do because. Building it that way and they having the State take it over like they took over the turnpike system is still a possibility but it's a



possibility. The highway is in the ten year plan. The circumferential highway is in the ten year plan. It's there but its 100 percent town funded.

Representative Lynne Ober agreed but not State funded. From a State perspective, it's a dead project.

Representative Ulery said it's there which means it's like when you do your town budget and you want a position but you don't want it right now but you want to have it available to see it funded for zero, so it's funded for zero. Chairman Morin asked there is no outlook at all for any funding for any type of project in Hudson like that. Representative Ulery said not unless we run across a uranium mine or platinum mine somewhere in town.

Representative Lynne Ober told Dave I would think there might be a possibility that would take a lot of meetings with the Commissioner and talk to her about what would she expect from the State side. How can we get this done? How would the State keep control? How would they pay the tolls? There's EZpass now you can just make it all EZpass and not have any toll booths. I really think that's worth pursuing. I thought when we met at the time with Christopher Clement that it might be a viable project but that's been what 8 years, 9 years. It's been a long time.

Selectman Coutu indicated we met last year - Chairman Morin, the Town Administrator, the Town Engineer, and myself. We went back to Concord. I don't know who else accompanied us. Chairman Morin said Elvis and Mr. Malizia. Selectman Coutu noted I got them all. The new Commissioner though it was a struggle to get any commitment even to get it on the ten year plan by the time we finished, there were concessions made. The concessions made were that she would support putting it on the ten year plan, 100 percent town funding. There would be no State revenue. It would be at zero dollars as you said.

However, Selectman Coutu indicated they were very receptive to the tolls. The reason why is the State doesn't own that land. It's owned by bond holders. They want their money back. The only way they're going to get their money back is through the revenues and the tolls. The State based on our conversation with her is ready, willing, and able to work with us if we go to the 100 percent funding so that's why we applied for a \$25 million grant. That's 50 percent of the project. If they can open it up as a toll road and start paying back some of the money that they owe for the entire project and bank some of the other money, she would be receptive to putting in requesting the funds to extend once we get from the Sagamore Bridge to 111 open, start looking at 111 to 102 down years - 5 to 10 years from now, and 102 finally across the Merrimack to create a new Exit 9. If you were to stand on Lowell Road at the intersection of Central Street and 111 and you watch the traffic, two out of every ten cars make a right hand turn. So that's 20 percent that vehicle traffic. However there are a lot of people who learn to get off into Hudson and realize the Wason Road way. Two out of ten are heading north and going to - Salem is a big shopping mecca for a lot of people because of the variety of stores they have. Windham and Pelham offer what we offer here. They have a variety of restaurants. Some of them are awesome. Some of them not so but there are a lot of pizza parlors. Why anybody would go through Hudson and not stop at one of our 50 parlors is beyond me. We have great food and restaurants here in our town.

Selectman Coutu indicated we do get a lot of traffic because we do have a reputation that offers our gem which is Benson Park. It brings people from other communities even from Massachusetts which is fine because while they're here they're shopping and eating in Hudson. It might just be local stores. It could be Walmart, Sam's Club, or whoever. We needed to question them. Thank you Mr. Chairman for bringing up the circumferential highway. I'm not embarrassed by it at all. It's a project that was in the making but I think we need to work more closer with the Nashua Regional Planning Commission to see if they can come up with an alternate plan, a traffic plan for us and maybe look into commuter service - the bus service coming into Hudson to alleviate traffic, get people back and forth to Nashua to work, maybe alleviate some of the traffic on 102 crossing across the bridge. We might be able to accommodate a lot of the working traffic because I know in Nashua the bus service works well because a lot of people are commuting within the community. People who work the Post Office I know several of them who take a bus to work. Walk two or three blocks and wait for the bus. They go to work and then they're not using their car. It saves on wear and tear and gas. In the long run, it's a good value for their trip.

Representative Lynne Ober indicated should you pursue this with the State, be sure they're collecting tolls for their bond players that they are also going to pay all the maintenance on that road and do the snow plow removal so that doesn't fall on the town. I think you've got some pushes you could use there if you're going to pursue that. Selectman Coutu indicated we have some chips we can put on the table.

Chairman Morin indicated I have two further questions. Who in this group wants to help us? Representative Ulery indicated we all will. Chairman Morin said if we're going to do this, we're going to need some help because there are a lot of issues and you were all up there a lot more and know how it's played up there versus up.

Chairman Morin said the second question is if this never goes through what's going to happen to the land. Representative Lynne Ober explained there's a State law that the State can sell it. They won't give it away if that's what you're looking for. Representative Ulery said again because of the bond holders who had purchased the land in the first place. Representative Lynne Ober stated they'd have to pay off their debt so they are not going to sell it for a \$1 an acre either. Representative Ulery said some of the land should be government controlled because some of it is wetlands and those wetlands would need to be relocated or regulated in some fashion. Of course some of the new building techniques that are out there, wetlands become inconsequential because you're essentially putting pilings in. You're not disrupting more than a few square feet at a time. A bridge does create a habitat for smaller animals as well. I think the more pressing issue would be the Memorial Bridge and its underpinnings. We've have discussions both formal and informal with DOT. The way they look at it is you tell us what you want us to do. We're going to look at your plans and we're going to go through with what needs to be done to get that done. The first angle is the most difficult one. Once that gets done, the other arcs of the circumferential highway are relatively easy to design, control, and to build and the intersections are easily - well compared to the first one and can be done quickly. We can start with the two-lane road. It only takes a little bit more to make it into a four-lane and then make it into an improved four-lane.

Chairman Morin stated the best bet would be a toll road would probably make it the easiest. So everybody is clear if the highway never goes in, it's going to be sold but it's not going to be sold cheap.

Representative Ober noted they're going to have to pay their debt.

Steve Malizia indicated I think they're required to sell for market value. There's a certain hierarchy they have to go to State agencies. Then I think they can go out to the public. There is a hierarchy. No more dollar deals.

Selectman McGrath had two more questions. Retirement system downshifting costs. Again this is from others within the town employment system. The retirement system downshifting costs - does the Hudson delegation believe that the State needs to increase from zero the State's commitment to firefighters, police officers, and teachers and restore their 35 percent contribution to their retirement costs?

Representative Lynne Ober said I'm going to tell you no and I'm going to tell you why. June 30, 2018 - the accumulated average annual pension for the firefighters who retired in the year of 2018 the annual pension was \$57,000. The annual pension for State employees who retired at that same date for that year was \$17,600. The annual pension for police officers for that time was \$44,000 a year. The State does not control what you want to pay your employees. We're okay with that. When the salary is so much higher in the towns than it is in the State and the annual pension costs for the people retiring in those years. The NH Retirement System I could have brought if I'd known you were going to ask this. I had the actual chart from them. They have been tracking this since 2010. The State versus the police, the firefighters, and the teachers. The teacher's annual pension at that time was \$27,000. Still you're looking at for a teacher you're getting \$10,000 more a year than a State employee. The cost went up so much Selectmen that the towns literally killed the golden goose. I don't see any way unless all the towns and school districts want to let the State set the salaries which I know you don't because you want to hire your own people. You want the most competitive people. People in Hudson you guys have to hire somebody. You're competing with people in

Tyngsboro. The people in Berlin where the cost of living is much lower and the State has to deal with that are not. So it would be a travesty if the State took over salary setting for everybody. It would just be a horror show.

In addition to that, Representative Ulery indicated there's a lovely requirement that the federal government has imposed upon the State, the Counties, and the Cities GASB General Accounting Standards Board which says that if you've got ten people that are going to retire and they're going to retire at \$50,000, or \$10,000, or \$1 a year, you're going to fund that and have it available the day they retire. The day they retire you have to have their life expectancy in the pot.

Senator Carson thought it important that you as Selectmen know that the retirement is over \$5 billion in debt. That could be a reason why you're not getting the money because the money we just owe the pension system owes so much. Representative Lynne Ober indicated potentially owes the retirees. Senator Carson said we had to insure that that pension is going to be there for people when they retire. We have to be very, very careful and we came up with what has been called a very conservative plan to pay off that unaccrued liability. We will have that paid off by 2039. The focus has been paid this off. We can't afford to keep this and have us owe this much money. That really has been the legislative focus. Not so much on returning the money back to the communities but we've got to get this down. That's been the focus.

Representative Ulery stated the interesting thing about New Hampshire and the pension fund, we're nowhere near Illinois, New Jersey, or New York but then again we're nowhere Tennessee either which is at 97 percent funded. Senator Carson believed we're at 59 something, almost 60 percent funded. Quite frankly that's really unacceptable. The only way we can make it up is if you jack the rates up which means the municipalities would have to pay more as well as the employees. Representative Ulery noted which would then increase the cost of the taxpayer to hire one person. If you maintained it where it is, you could continue to hire individuals at a good wage or a competitive wage because the town is doing competition with every other town to get someone to work. You're going to be able to hire them at a competitive wage and still have a pension when they retire at 55 for firefighters.

Representative Lynne Ober said I think everybody here knows you don't want the pension system to come to a point where people who used to work down here suddenly can't afford even a monthly check and those people without any pension. That's been the whole goal of the pension system - how do we ensure that we will actually pay every person who retired every bit of money until their death? How do we get this money back in here so we can afford to be guaranteed to those people that they will get their monthly check which is pretty critical for most of them?

Senator Carson said one of the things we did a few years ago when we revamped the whole system was to put together an independent investment committee which is working wonderfully. Their investment returns that are coming down are very, very good. We had to lower the expectations because they were unreal. Now they're adding more reasonable rate and were not only hitting that but last year we went above it. The system is making money if we were to look at giving money back to the communities, it would take us a step back instead and going a step forward.

Chairman Morin asked has the State borrowed from that fund. Representative Lynne Ober said not at all. It is independent and it's not a State agency. The State has nothing to do with it. They don't even really come for a budget hearing. They do come and report to the Finance Committee the state of the finances because we are critically aware that we need to get every retiree a check as long as they're going to be alive. So we do get financial updates. They're not a State agency. We don't set the wages. We don't have anything to do and we have not taken any money out of their money ever.

Representative Ulery believed we are barred from having a pension under the Constitution - the State is. The State can create a private corporation to do them.

Selectman McGrath indicated for the last one and this one is shorter and perhaps not as controversial as the others. The new water standards - the arsenic and PFA thresholds reduced, the State DES estimates

that the PFAs requirements alone passed in rulemaking nonetheless would cost municipal water systems alone \$200,000 million to adhere to not counting the new arsenic standard.

Representative Ulery commented the EPA does not have a low a standard as New Hampshire does. Why New Hampshire has that standard when the effects of PFOAs is not fully understood, documented, or undergone any vigorous scientific review. Are they bad? New Hampshire has arsenic. We've got granite. We've got radiation. We were built on the ruins of the last world war that was involving nuclear weapons.

Selectman McGrath asked to jump in just to finish this because I missed the last sentence because it's separated out from the paragraph. "No one is against keeping drinking water safe but doesn't the Hudson delegation believe that the State should at least fund the cost formula to pay for the majority of those costs.

Representative Lynne Ober thought if you went around the table, you would find that all of us voted against those very narrow PFOAs because of the cost to the towns. As a delegation, we voted against doing that because it was too expensive for the towns. It's not just towns, there are some places where individual condo associations - maybe 100 condos - have their own water system and they can never support that. We supported not going forward with this.

Representative Ulery indicated until there was some sort of adjustment either in the standard or in the methodology of doing the testing. Did you say less controversial? We spent some time on that one in the State House.

Senator Carson noted there is a commission - I know Senator Morse sits on it - and they deal with the water issues but there are communities that have been hit hard by the PFOA issue and I want to say \$6 million they have control of or there was \$6 million in there someplace. They're working to work with those communities. I agree. Those standards it seemed arbitrary. If I remember correctly that when I came through rules, it was literally pushed through. There was no real public comment and even people that were there that wanted to address that issue were not allowed to speak which is unfortunate. That unfortunately I will tell you is happening a little bit in Concord.

Just to follow up on that PFOA situation, Representative Ulery knows some individuals and you know the brewery gets its water from wells in Merrimack and they're downstream from the St. Gobain plant which is believed not known but is believed to be the origin of some of the increased PFOA levels. Budweiser beer is not contaminated in any way shape or form. Every time they test their wells, there's nothing in them. I know some farmers downstream, they're test by DES all the time because they're checking for phosphate pollution into the Merrimack. Why they would check for fertilizer being applied on a farmland in January is a question that begs explanation. At any rate, no PFOAs on the farmland. Where that plume is, it's not known and yet one instance is now going to apply to the entire State because. Do we address an issue when something happens? Yes we do but we don't apply an issue here to the entire State because one plan doesn't fit the entire State. Unfortunately Hudson is going to be paying much higher water prices in the very near future.

Steve Malizia noted we're actually under the number. Representative Ulery asked how far. Mr. Malizia thought it was 7 or 6. The standard is 11 to 12. So we've tested. Right now the water coming out of our wells is below the level. They're coming from Pennichuck. We get nothing out of the Merrimack. We get it from Pennichuck. We're an interconnection from their surface water so it's either Pennichuck and Nashua surface water - not the river - or up in Litchfield our three ground wells. Representative Ulery noted that's interesting because again no one know where that plume is and where it goes. Mr. Malizia said I know we're under the number because we've tested it. We keep an eye on it. We've been monitoring it. We're well aware of the standard. EPA is at 70. The State was talking about 30. Now they've set it at 11, 12 parts per trillion. Representative Ulery indicated there are quite a few towns that are going to be very surprised. Mr. Malizia said community water services like you said anybody with 25 or more hookups you could be like the Hudson mobile park for example. You could be a condo, Raymond, all these little towns. I don't know how they're going to pay for it. I really don't.

Representative Lynne Ober noted here's a little interesting kind of inside ballpark with politics. We voted against the bill that gave DES rulemaking. Those rules were never voted on by the legislature and that's why we fought against the rules. We wanted whatever was made to come forth in a bill and have it up front and let every town have input seeing what it was going to be and see what it was going to cost. That is not the way the majority decided to do it. From a perspective of the rules, none of us voted on those. We voted against allowing DES to set the rules and go to a small committee of a few people who have no right to say no and put the rules in.

Representative Ulery said understand that up at the State House you have what they call JLCAR - Joint Legislative Committee on Rules. Representative Lynne Ober stated they can't say no because there's nothing in the State law that lets them say no. Representative Ulery indicated that's 20 people when you have 400 legislatures and 24 Senators.

Senator Carson explained I served on JLCAR for I think 10 years and it's an interesting committee. They're right, it's a small committee and people - Representative Lynne Ober interrupted saying no public input, right? Senator Carson said no. The public can come in. The public can talk but the committee doesn't have the ability to tell a department no you can't do this. They can just override it and put it in place. I always tell anybody if you're writing a bill and you want to give rule making ability, be very, very careful. Tell them what they can make rules about just don't blanket and say you can do whatever you want because this is what you get. You have the rules and then if you don't like the rules and you have to pass a bill through Statute in order to negate those rules and people get confused because they see one thing in rules and another thing in Statute. JLCAR is a committee that most people have no idea even exists, nobody wants to serve on it because it's the minutia. It is real minutia but it is very, very important because it overrides the whole legislature. You actually need a resolution to overturn it and those are hard to get.

Representative Ulery said Russell will remember when we served together in Ways and Means how many different departments did we either prevent from having rulemaking authority or strip. One of them was agriculture. We took it away from them because they were making rules and charging fees. What's this fee for. A fee because it's raining today and that kind of thing.

Senator Carson thought a lot of the rules sometimes are rules that come down from the federal government especially concerning programs and their updates. What I found is that every eight years every agency has to go through their rules again. Many of them don't. Many of them are really out of date. Sometimes it can be a real mess. Representative Lynne Ober said this was the most complex of all. Senator Carson stated whenever anybody says this is going to be easy, you kind of go oh no it never is.

Selectman McGrath told the group just remember I didn't write these questions. I do have a question of my own and it's something you mentioned earlier was the decline in enrollment for the Hudson system. Do you what that percentage is? Representative Lynne Ober said I knew when I sat on the School Board but that's been years, and years, and years ago. Senator Carson indicated I can back to you on that. Representative Lynne Ober noted the Superintendent knows. You can get that from him.

Senator Carson indicated when there was talk about putting this education funding plan which by the way never had a public hearing into the budget, I was like wait a minute why aren't you talking about declining enrollment. I live in Londonderry and we've seen our enrollment decline as well. I asked Senate research to do a chart for me of the enrollment for each district throughout the State and I do have that. I will be more than happy to get that to you. Selectman McGrath noted I would be very happy to look at that. Senator Carson had them do a ten year look back. We've just seen an incredible decline. Lynne was correct. The infrastructure is built and you have to maintain that infrastructure. Sometimes that means you have to make really, really difficult decisions. That means closing a school to fill another school and that can be a real nightmare. Selectman McGrath indicated sometimes an expansion is certainly costly and is it really warranted. Senator Carson stated it's a good tool to have at your fingertips to really look at.

Representative Ulery said one of the things the demographers told us at the end of last year and every two years we have a bunch demographers come in, financial people, and the fed from Boston comes up and

says you have to do it our way or else. The demography portion is when I was growing up you had your babies when you were in your 20s and 30s. Now they're having their babies in their 30s and 40s. There's a group of youngsters that will be entering the system in a few years. It will be instead of 2 or 3 from my generations, it will be 1 or 2 from the current group. So you're still going to have a lower population in the schools and it's going to be later.

Selectman McGrath noted some of the reports that I've been hearing is that the birth rate is actually declining to a point where it's concerning. Representative Ulery said in Germany for example cannot sustain its workforce and that's why they have such a large imported population. Selectman McGrath said the United States and the current generation that they're terming "millennials", they're not interested in having families. Unidentified Male Speaker spoke (inaudible) they're not including immigration or immigration, we're not at replacement any more. Senator Carson said we're below that. In fact, last year there was a bill that came through that looked at creating a state demographer that was going to compile information and make it available. It passed so making all that information available because the legislatures sometimes need to have that information. Representative Lynne Ober said it wasn't funded in the budget.

Senator Carson didn't realize it got through because it came through one of the committees. It's one of the things that we need to be aware of as well is that New Hampshire and the population is much older. We've got a problem about enticing young people to move to New Hampshire. You've got all these different set of problems due to an aging population versus a younger population that we haven't even begun to really address. It's going to be interesting. Transportation issues because a lot of people won't drive or cannot drive so how are they going to get to places. You've got issues with healthcare. There's just a lot of different things that are going on. There's a great report that was put out by the Josiah Bartlett Center it's called "The Silver Tsunami" and it talks about this wave of older people that is going to hit New Hampshire. There are things that need to happen in order to be prepared for that.

Representative Ulery said not that it would paint a completely dark picture but that will level out over a period of time but it would be my grandchildren's generation that will see back to about where my parents were as far as the population is concerned. You did have a period of large loss of life and immediately following a large increase in life.

Representative Lynne Ober noted right now there are only 44 school districts with a growing population in New Hampshire.

Representative Alicia Lekas indicated we did spend weeks and weeks in committee and subcommittee in the education planning trying to figure out how to deal with this. We did come up with a formula that would help the towns most in need and whatever but then another one of things at the last moment a few 2, 3 people decided what the numbers of that formula were going to be and they came in way above what we had talked about.

Representative Lynne Ober stated the other problem is right in her statement - towns in need. Every town thinks they're in need and when they hear some other town is getting something that they're not getting, then the legislature gets a lot of comments from the people who aren't deemed to be going to get this. There's this constant back and flow. If you can't do it equally across the board, there's always somebody bad lobbying you that I'm in more need than Litchfield or Pelham.

Representative Alicia Lekas said what we're finding is in a lot of these districts is they just don't want to close schools but when we had a population boom, we had to open schools. Hudson over time has done that and there may come a time when Hudson is going to have to close or repurpose some of those buildings and some of the districts just don't want to do that.

Unidentified Male Speaker said the other thing while it's maybe not pleasant to think about, there's a question as to whether some school districts are run better than others and make more efficient use of their money. What Lynne said, it's the same as you're worried about giving an exception on the hours for a block party. A lot more interest in lobbying on dollars for schools in that. Representative Lynne Ober noted you

were right. You open a door once and back open it for everybody. We couldn't agree more with you because we get that all the time in the legislature at a different level.

Senator Carson indicated often times someone from one community that are experiencing a problem will file a bill and we can't change the law just for one community because it will affect all communities.

Selectman Coutu didn't know what the stringency rules are relative to bills that are submitted and acted upon favorable within the House and the Senate. In looking at the quagmire that exists relative to the retirement, would it be possible - tax is not a word that people take lightly, take seriously and not akin to want to do anything. However, I strongly believe as much as I was a retailer who opposed the increase in cigarette tax every time it wasn't proposed much in New Hampshire but you got snookered several years ago by the manufacturers RJ Reynolds, Philip Morris went to you and said don't increase the cigarette tax by \$1 a carton because if we don't increase it, we have no intention of raising our costs to the retailer. The House and the Senate approved the dollar increase. We generated a lot more revenue. It didn't hurt our sales at all because of the costs in our neighboring States and yet the industry raised their prices also a \$1 in conjunction of what we did. They blatantly lied to you. What I would support if there was a stringent rule, I would support if I were a legislature or I would want a bill - there is one caveat. That is to increase the carton of cigarettes by \$.50 but all of that extra money would have to go the retirement system to help offset the \$5 million. Where you could cut maybe - what did you say the expectancy was a full debt pay out by 2039. I think you could bring it down to 2032, 2033 with that extra \$.50 if that rule could apply to the increase of the tax increase.

Representative Lynne Ober explained the Cancer Society would go ballistic and we would get thousands of e-mails because the American Cancer Society believes that the legislatures in New Hampshire do not raise enough money to educate people about the dangers of smoking. When I say thousands of e-mails, I'm talking about 400-500 e-mails a day complaining about this and many of them will say the same thing because they'll use a website and they just generate them and send them out. That's a perfect example of what I said about a school in need which is what Alicia mentioned but any project - they would say if you were raising the taxes on smoking, you should start to use it to support so people don't smoke. That's exactly what happens.

Unidentified Male Representative said the other group is going to say no put that in education because they need money. The other group is going to say give it to the towns because they need more money. That's what happens every time you try and put some money in a fund.

Unidentified Male Representative stated the other issue is we're talking about 2033 but we can't buy into future legislature to follow that. Representative Ulery said we can put it into law but the law changes. Selectman Coutu said we have in a law that funds from the lottery will go to education. Representative Lynne Ober indicated they do. A Constitutional amendment. Senator Carson indicated that's the only reason why it doesn't get touched because it was a Constitutional amendment but people voted for it. We can't overturn that. Selectman Coutu suggested that you in order to generate more revenue without taxes, the legislature should consider putting in a bill that allows other than restaurants to have Keno - convenience stores, and things like that. You would generate a lot more revenue in Keno if you allowed more than just restaurants. People who own stores it's our responsibility to make sure that kids aren't playing it.

Representative Ulery stated the regulations on Keno have been reduced. The Selectmen still retain the ability of warrant articles put forward. If T-Bones wants to put it in, they could. Selectman Coutu indicated that's fine that's a restaurant. I'm saying what about a convenience store. Representative Ulery thought that's in Charlie's plans for next term. Representative Lynne Ober didn't know. That goes through Ways and Means so you see those bills more than I do. Representative Ulery said that's in the pipeline. When you talk about raising taxes on cigarettes, how many times did we listen to this argument? Our cigarette price is carefully truncated to Maine, Vermont, Massachusetts. What was the breakpoint \$.52 under them? Unidentified Male Representative said all these years we've kept them in business because of the number that we put on the tax. Representative Ulery indicated the drive from Tyngsboro to Hudson is worth buying

a carton of cigarettes and the prices carefully watch. We did the same thing with gasoline and alcohol even more so. We don't control alcohol. We only control cigarettes and gasoline.

Selectman Coutu noted the Liquor Commission controls and have their own police force.

Representative Ulery said they'll give you as much information as they want and if they don't want to give it to you, too bad. Senator Carson noted the same thing with the Insurance Commissioner.

Unidentified Male Representative seemed to recall there was a time some years ago where the cigarette tax was raised and actually the revenue did actually go down and maybe I'm remembering incorrectly. The revenues go down every year anyway. Representative Ulery said the amount of money coming in from cigarettes is going down. Steve Malizia asked what about vaping. Is there a tax on the vaping? That's becoming very popular. Selectman Coutu said that's going to increase this year because Massachusetts just passed a law that you have to be 21 to buy cigarettes. You're going to have that 18 to 21 who have been buying cigarettes coming across the border.

Unidentified Male Representative noted that bill is sitting in the Senate right now. Selectman Coutu asked is it really in New Hampshire to do the same thing. There's more revenue you're going to lose. Let's do gambling. We need to find ways to get revenue. Representative Ulery stated there's quite a few bills in for a casino.

Senator Carson stated living in Londonderry that Encore bus from the casino in Boston Harbor it's in Londonderry four times a day at one of the park and rides and they're full. People are going down. Selectman Coutu noted we're letting our money go to Massachusetts. Shame on us. Representative Ulery said that's a two-hour drive to travel 40 miles.

Selectman Roy said as another way to look at an increase in revenue, are we going to revisit the legalization of marijuana. Representative Lynne Ober said yes. Selectman Roy asked will it pass. Senator Carson didn't know. Selectman Roy indicated we have three States around us that are reaping the benefits. Representative Ulery said there's also a federal effort in that. You notice marijuana oil because that was a term that was created to denigrate Hispanics. It's not marijuana. It's cannabis. Cannabis oil was used to rate effect before 1932 Tax Act. After the Tax Act was ruled unconstitutional and then they made it just purely classified as a Class A drug in '47 I believe, the beneficial uses of cannabis were forgotten about. The beneficial uses of cannabis are now legal in many States. The oil is legal in every State by FDA regulation and rules over law. There is a movement to get rid of the issue for the States and prevent a State conflict. Selectman Roy explained I almost see it as going much like prohibition. States will just start doing whatever they want and as they should. There's millions and millions of dollars in revenue across the country at this point.

Senator Carson said it's not as much money as you think. I attended a conference last week in Pittsburgh and one of the presentations was through States that have legalized marijuana and they did make the point that it wasn't as much money as people thought they were going to get. There is a bill that was heard this spring. It is currently being held by Senate Judiciary. The bill needs a lot of work. One of the things we do is we look at the experiences of other States and we look at the problems so we can mitigate the problems if we decide to pass it. One of the biggest problems has to do with law enforcement. We know, and there's a report out of Colorado, about the number of individuals that are driving stoned. It's causing a lot of problems. The problem is there is no roadside test that you can administer for that. There's a lot of different dots that need to be connected before we do it. I also met two legislatures from Maine at the same conference and they were talking about all the problems that they have in Maine as well. Again speaking with legislatures from Colorado talking about the problems that they've encountered.

(Senator Carson) So New Hampshire I think is taking a very cautious approach to it and we're trying to connect the dots to create the best program that we possibly can create. We already have problems with the medicinal side. We're looking at it very, very carefully. I think for me the biggest problem is the fact that it's illegal according to the federal government. It puts an individual between the State of New Hampshire



and the federal government. There are federal ramifications being that you can't get a CDL license. You will not qualify for one because the federal government controls that process. There's also a second amendment issues as well. That's why I've always said look the federal government needs to remove the prohibition and then turn it over to the States. The States will do it. I tell people I'll guarantee you that New Hampshire will do it better than anybody else because that's the kind of product we specialize in. We have to get there first. We did decriminalize small amounts of marijuana. We have made it easier for individuals to annul any charges or anything else. We've done all of those things. It's just the full out legalization that I think we need to be very, very careful about.

Representative Ulery said understand that we talked about the federal issues. Let's say New Hampshire had it legal and if you sold X number of dollars, you can't take it to the bank.

Selectman Martin indicated that begs the question if you can't take it to the bank, how do you pay your taxes on it? What do you do with the money at the State level? Representative Ulery said you'll have to take to the Treasurer. Selectman Martin commented, "Oh it goes to the bank don't it."

Representative Ulery said it's called "laundering money". Now the other issue regarding neighbors to the south, they set it up to make money. As a result, it's cheaper to go to Lowell and buy it on a street corner. So why do I have to go wait in a 15 mile long line to get an overpriced product when I could get it immediately on a street corner.

Selectman Roy asked have you gone by that. Steve Malizia stated it might be cleaner in the dispensary. Some of the stuff is getting laced with some opioids is what I've heard.

Representative Ulery said there is that issue as well. Now Mike the Senator I've got friends in cannabis States. When we went to Denver a couple of years ago. Nice tour of the facility across the street that provided us with ice cream. The problem that they are having is that the control of the product, and its quality, and whether or not it is high THC, low THC, where it is in there, how are you going to measure these things, and what affect it has on the human body. When you go for your CDL license, you have to provide a urine sample for your medical. You can fail that if you had poppy seeds the day before. Selectman Roy stated I would beg to differ on that. You would have to take a lot of seeds. Selectman Coutu said it happens a lot. I know somebody that had a bagel and failed the test. Representative Ulery noted my son was a senior NCO in the military and he sat on those boards. It doesn't take much to cause it to spike. The other problem is is that marijuana takes up to six months to fully metabolize in your body. How it metabolizes is different in each person. There is no standard yet of intoxication just like an alcoholic can consume more alcohol than a non-alcoholic and have the same level of function. Whereas there's no comparable well that's what happens when you take marijuana. There's no base level this much concentration causes this much impairment so we're going to strike that. As was said, there's no field testing. There are some being devised. There are some breath analyzers but all they do is the same thing as you nose does when there's blue haze comes out of the window.

Senator Carson noted one of the bigger problems too is the edibles. They're proving to be very, very problematic. Representative Ulery said very, very toxic with high levels of THC. Senator Carson said there are a lot of different moving parts with it and we've got to make sure that we get it right. We've got to look at other States what they did right, what they did wrong, what have they learned, and see if we can apply it here. The big question is how are we going to sell it?

Selectman Roy asked what are you looking for for a timeline. Senator Carson indicated it's going to be as long as it takes.

Representative Ulery said that's a good answer. Pat Abrami last year completed a program who is on the Ways and Means and the Vice-Chair. He did a very, very good comprehensive report on the bi-partisan committee. You might want to look that one up. It's on line. I forget the name of the Commission.

Unidentified Male Speaker concern that I have because it's getting back to the revenue issue is that all the States where it's legal, they were promising big returns, big revenue gains and they just not have been realized. Colorado which is supposed to be looked at as a success story, one percent of their revenue is coming from the legalized cannabis. Everywhere where it's been legalized the results are going to be very disappointing when the revenues come in. There has not been one State where...Selectman Roy noted that's interesting because that's different from what I read.

Unidentified Male Speaker said a lot of it is because the whack market in those States too because people would rather buy the cheaper on the street than buy the government pot. The price of no on it has plummeted over the past few years and that's really affected those revenue projects that the States were counting on.

Unidentified Female Speaker said right. If all the growers thinking there was going to be all this income they were going to get from it and it turned out to be a (inaudible) on the market and you know what happens when you have a cloud on the market, right? So now there's so much of it that they're just not...

Representative Lynne Ober stated how about this for an alternative suggestion. You listen to these people talk about everybody talking about impaired driving and whatever, I don't drive if I take an over the counter cold medicine because it has very detrimental impact on my reaction time and if I take it two or three days in a row, my vision isn't quite the same. I'm not the only one. You just said nor do I. There are a lot of things that we just don't check. Selectman Roy indicated I won't drive after I've had one drink. It's a judgement kind of responsibility call. Senator Carson explained I was stopped at a stop light. I was waiting to make a left-hand turn and a car pulled up behind me with a young man and a young woman in it and I looked up in the rearview mirror and they're passing a joint between each other. I'm looking at that and I'm just going you're in a car. You're driving. You're using a substance. You shouldn't be using while you're driving. The question is how do you deal with issues like that? Selectman Roy said I look at that as it's no different than if you drink a beer.

Senator Carson indicated we see it all the time. How do you create a law that's going to capture that? We can pass all the laws you can but the question is how do you enforce them? That would be a good question to have with the Police Chief. How are you going to enforce this? You can't. There's not enough police officers.

Selectman Coutu said people don't abide by the traffic regulations let alone drugs and alcohol. People are going through stop signs all over the place. They're going through red lights not just here but all over. New Hampshire at one time - we had bumper stickers put out by the chief law enforcement officer appointed by the Governor who was the Attorney General, he ran the Concord Police Academy. He was the overseer. I think it was Earl Sweeney. Earl Sweeney put out a bumper sticker drive like - something about New Hampshire. Drive the NH Way or something like that. When he released the bumper stickers, I was one of the few police officers selected - I was honored to be among police officers selected to attend the ceremony where he released the bumper stickers. I picked up 100 of them and I handed them out to everybody. Now I'm finding everybody in New Hampshire is driving like they're in Massachusetts. It's defensive driving as opposed to offensive driving. You look at it and you say where are the cops when you need them. Well they may be at a person's home in a standoff situation. They may be at an accident. We may have small populations in a lot of our towns north or east or west of Hudson and Nashua but we have a large geography. If there's a major catastrophe on 102 up on the Litchfield line or just over the Litchfield line and we're called in to assist, we deployed almost everybody out there. Now the rest of the town is wide open and you do what you want. Of course the average citizen doesn't do that because they do what they want anyway. People don't know what that little thing on the side of their steering wheel is that little thing called the directional signal. I've watched people cut all the way across three lanes because they weren't paying attention. We can't enforce all these laws. People get mad at police. It's not the police's fault, it's because there are too m any laws on the books to enforce and we don't have one for every law.

Senator Carson stated that was my point. You can't create enough laws and it has to do with personal responsibility. One of the things that we have to be concerned about is how do we keep this out of the

hands of kids as well. We look at our liquor laws but we're just not at a point where we can pass a good bill for the State of New Hampshire.

Selectman Coutu said one of my problems is and it may be with a lot of Republican legislatures, it might be on their mind. For me, it's difficult to talk about the opioid crisis and say when are we going to legalize marijuana. People say what they want. I'm going to say what I believe. It's a gateway drug. Though it's controlled by prescription because you can't just walk into these places and buy it, it's bringing it into the home and there maybe children in that home and they find it. That's the problem. I think it's hypocritical for us to sit and talk about the opioid crisis, how much money we need to shelter and care for people. Now we're dealing with the periphery of the opioid problem which is grandparents, aunts, and uncles having to take children in because the parents are locked up, displaced, or committed suicide, or OD'd so now we have all of these children in critical need of care. Grandparents and family members are coming to rescue them and they can't afford to do it ego having to do something locally like Chairman Morin has been doing with committee meetings and trying to address that problem in this community. We have to be more than cautious on how we deal with legalizing marijuana. It is a gateway drug. Anyone who denies it has no idea.

Senator Carson indicated we are taking a very cautious approach and I hope that that can satisfy you. There's a lot of unanswered questions that have to be taken care of before we begin to go down that road.

Representative Ulery urged people to read the Abrami report. It's really comprehensive and covers a lot of these areas.

Selectman Roy added that there's really no signs of (inaudible) to support that it's a gateway drug.

Just to add my two cents, Selectman McGrath said to add to the conversation about legalization of marijuana. I think that there's been such a decline in society's values and behaviors that that will only cause a denigration further of those. I don't think that there's any amount of money, any amount of revenue that we could collect that would take care of those problems. I grew up in the generation of free love, free drugs, free everything. I think that it is such a dangerous path to start to travel. I think that it would add to the decline further of our society's values.

Senator Carson added I will tell you a few years ago when we started to tackle the opioid crisis, I sat on the Opioid Crisis Task Force. It's very eye opening to listen to parents who have tried to help their kids through addiction and then have lost their children. Also young people who started out with marijuana - and there were many, many young people that came in and said well you know I started out smoking marijuana with my friends, and then we went to this, and then you did this. I understand when Selectman Coutu says it's a gateway drug. Many of the young people that came in to testify identified it as a gateway drug for them but it's a horrific state of affairs. I agree with you. Why would you add something else? Why would you throw something else into that mix? We haven't studied it. I would agree with Selectwoman Roy that there's not a lot of signs that's been done with it. We need to get that sign back on. I did read a report a few years ago of the effect on an adolescent brain and the damage that it can do to an adolescent brain. I think that a lot more research needs to be done on it. I will tell you it's very telling during a public hearing where you have the adults coming in and advocating for the passage of the legalization of marijuana and then you have teenagers who belong to various groups will come in and talk about why we shouldn't legalize it and they base it on their own experiences and with their own friends. It's very eye opening. I would invite all of you to come up when we do have some sort of a public hearing. I'm sure we're going to be having another one because more legislation will come forward and you listen to the stories from parents and the people that have been caught in the throes of addiction and it really opens your eyes to a lot of things.

Selectman McGrath explained we had a session like that in Hudson and it was. It was heartbreaking for the parents and the family members. I'm acutely aware of all of the deaths of young - not necessarily teenagers 20s, middle aged people. I know when I see the obituaries that it's either a drug overdose or it's a suicide. Rarely is it anything other than that for that age group. I just learned of a very far removed friend of the family and there was a death in the family - rather young and middle aged. I thought it was a heart attack. It turned out that he committed suicide. He committed suicide because he had number one an

alcohol problem but he also had a drug problem that no one knew about. It crosses all boundaries. For people to lose friends or family members that have committed suicide by taking a drug overdose if it's deliberate or not, they live with such guilt afterwards because maybe there was something that they could do. My heart breaks for them because it's an atrocious way to live. To think about legalizing drugs that would only lend more to that, I couldn't do it.

Senator Carson found that most parents that come in to us anyway and testify on the issue what they really fault themselves for is why didn't I see it. Why didn't I see it? That's one reason why we made Narcan available for people to keep if their child should overdose. I will tell you a few years ago I also sat on the Decennial Commission looking at the retirement system. Our actuaries told us that they actually had to adjust the death tables because of the number of opioid deaths in New Hampshire amongst young people. There has been a huge impact. I believe Selectman Coutu you had said the number of deaths were down and he is correct but there's another side to it that a lot of people just aren't aware of and you alluded to it as the children. Last year we saw a 60 percent in the termination of parental rights because of opioid addiction. What do you do with these children? They have to go into foster care. Our foster care system just has been overwhelmed with the number of kids. A good friend of Representative Ober and mine who was a representative from Nashua got a grant families bill passed that put the grandparents at the head of the line and offered support. It was really the first type of bill passed like that in this country and I was glad that we got that passed. There's a lot more than we have to do and the federal government has just revamped their program. It's called "Families First". New Hampshire is not ready it. We have to be ready by 2021. We're taking steps to be ready for it but we've got a long way to go. Foster care is another big issue here in New Hampshire.

Representative Lynne Ober said that is an exact example of the federal government not thinking about what they're doing. It is a federal law that termination of parental rights be done at 12 months, not 13 months, not 14 months and yet their finding that a parent in drug rehab may need 24 to 36 months to get to a point where they could really have their children back. Too late. The federal law has already terminated those rights and that child is put up for adoption. Now they're going to do this Families First legislation but they haven't cleaned up part of the problem with having. We tried to get parents into rehab, get them started on the right path, and yet they've already lost their kids. So they're like well what's the good of that, I've lost my child at 12 months. Its federal law and we have to do it.

Selectman Roy noted it's kind of more of a technical question. Are you talking about a permanent severing of paternal rights? Representative Lynne Ober said yes at 12 months. Selectman Roy told the group I can tell you I practice family law in Massachusetts and I can tell you they're not doing it in Massachusetts.

Senator Carson explained we had a presentation by Judge Kelly who was the then head of the Family Court Division and that's where we found out about the 60 percent of the termination of parental rights. Selectman Roy said that's a huge increase. Senator Carson agreed but it reflects the huge problem that we had with the opioid crisis. To see them together if you look at the statistics, it makes sense. They reflect each other. The problem is we took care of this problem over here and it is working. We are doing a great job of helping people. We had to make a decision when we started hearing about the opioid crisis. How do we handle this? Do we just incarcerate these people or do we treat them. The legislature at the time made the decision we're going to treat and that's where we started putting a lot of money into treatment centers and offering treatment, modalities, all of these things that we really needed to do. We still put money into the incarceration side because we needed the police to catch the drug dealers that were bringing the stuff in and we've done that as well.

Representative Lynne Ober said I wrote a bill drug court. If you are a committed felony and you're addicted, they won't necessarily put you in drug court but you have an option going into drug court if you successfully complete it your felony isn't on your record. That took a long time to write that legislation. We've been doing that for three years now.

Selectman Roy asked is that treatment pre-arraignment so that they don't have a record at all? Representative Lynne Ober explained they've been in arraignment. They're in front of a judge. I can get

you the law if you'd like. They have been arraigned and they're in front of a judge. In fact sometimes they agree to do this after they've gone to jail because it's not automatic that you're offered. It's comprehensive. You have to be available to be potentially drug tested every day but they won't tell you which day you come in. You call every day and they tell you if you're coming or not. You have a certain time to get there so it's not like you're oh I got drug tested on Monday so now I'll do drugs on Tuesday - nope - and therapy, and you have to get a job, and you have to remove into the community, and there are all these benchmarks you have to meet to become a productive person and off your addiction.

Selectman Coutu noted and it's successful. Senator Carson indicated the success rates are very high. Representative Lynne Ober said the success rates are high but we also have failures.

Representative Ulery said almost all the counties now are taking it to the next level. We have a program here in Hillsborough County for the lower level offenses - the misdemeanor offenses where they can do the same thing but then they stay on the hook if you will for three years. The drug court and SACO (?) program for Hillsborough County are some of the work that another agency might want to look at is called "Right On Crime". It's a national organization that's done stuff and run by a friend of mine that reduced the population of the Texas prisons by over one-third and closed three prisons and at the same time reduced recidivism by 80 percent.

Senator Carson decided that we weren't going to put people in jail because we can put them in jail and it's not going to do anything. Representative Ulery noted putting them in jail teaches them how to be a better crook.

Selectman Roy asked what are the number of beds available for rehabilitation. I know that's a huge problem. Representative Lynne Ober said the people on drug court don't necessarily go into rehabilitation. Senator Carson indicated most of it we do through the nonprofits that do drug rehab.

Chairman Morin noted it's coming up on 9 o'clock. What we've had right now, this has been a very good conversation. We learned a lot. We appreciate you all coming here tonight. I do have one real quick thing from myself and the firefighters. We really appreciate your work on the cancer and the PTSD bills. We appreciate that very much. Thank you. That was very much needed and is very appreciative. Other than that, anybody anything?

Selectman Martin indicated I do. I just thought of it while I was sitting here. This evening myself and Chairman Morin attended the National Night Out event. The first annual here in Hudson at the Rodger's Memorial Library with not a lot of publicity starting at 4 o'clock this afternoon to 8 o'clock this evening. It was a tremendous turnout. I have to thank the Police and Fire Chiefs and all of their staff that participated in this and the library staff and its Director Linda Pilla for putting this National Night Out with a movie. They're probably still in the movie if you want to catch the tail end of it. It was a very successful event. Good food at the food trucks and a lot of people there for the first year and I just wanted to put that shout out to them. Thank you Mr. Chairman.

Chairman Morin thanked everyone for coming. We appreciate it.

6. ADJOURNMENT

*Motion by Selectman Coutu, seconded by Selectman Roy, to adjourn at 9:00 p.m., carried 5-0.*

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

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David S. Morin, Chairman

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Kara Roy, Vice-Chairman

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Roger E. Coutu, Selectman

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Marilyn E. McGrath, Selectman

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Normand G. Martin, Selectman