

HUDSON, NH BOARD OF SELECTMEN  
Minutes of the December 13, 2016 Meeting

1. CALL TO ORDER - by Chairman Luszey the meeting of December 13, 2016 at 7:00 p.m. in the Selectmen's Meeting Room at Town Hall.
2. PLEDGE OF ALLEGIANCE - led by Donna Graham, Executive Assistant.
3. ATTENDANCE

Board of Selectmen: Ted Luszey, Pat Nichols, Marilyn McGrath; Angela Saucier

Absent: Roger Coutu

Staff/Others: Steve Malizia, Town Administrator; Donna Graham, Executive Assistant; Police Chief Jason Lavoie; Fire Chief Rob Buxton; Lisa Nute, IT Director

4. PUBLIC INPUT

Chairman Luszey asked does anyone in the audience wish to address the Board on any issue which the Board has control of at this time.

- Darlene Cambra - Anne's Florals and Gifts - Liquor License (NH Liquor Commission denied permit based on BOS letter)

Sean Cullinane, 2 Hemlock Street, Hudson, NH.

Darlene Cambra, 21 Cove Drive, Derry, NH.

Chairman Luszey asked how can we help you this evening. Sean Cullinane stated we wanted to take the opportunity given to us to be able to go into a little explanation. We had submitted an application for licensing for a retail wine for Anne's Florals and Gifts. Wanted to explain what our intent was. I know at first it might seem we're trying to get into an increased sales of wine. That's not what we envision. I think our vision is because we're flowers, and gifts, and gift baskets, and balloons, we believe that by bringing in wine or champagne there would be a small amount of sales that would be actually helpful to our current patrons who already come in to grab a centerpiece at Christmas time when they're on their way to dinner on Thanksgiving. We thought it fit. It gives us a little different dynamic we believe with our current patrons. No means do we see it being a major volume for us. We wouldn't even stock a lot. Just wanted to be able to explain what our vision is.

Chairman Luszey noted probably the most single major concern of the Board was having like an open wine table for tasting and stuff like that. Would you be agreeable to have a stipulation that says that you wouldn't have that and that you would only be putting the wine in the baskets unopened? Mr. Cullinane said yes we would agree to anything. I guess the question is that meaning - our vision is that it would be the wine that we would get would be from some of the local wineries rather than a larger winery distributor. Does that include the ability for those small wineries to come in and handle their small tastings that they do? By all means that is not a make or break to us. I just want to make sure that I'm clear on that.

To be real clear, Chairman Luszey thought it was the open wine tasting on your premises is what caused this Board to make the motion it did. I think if we can agree to that, we could get past this one and then maybe come back at a later date for a further - but I understand your urgency for time in order to get if you want to make this..Sean Cullinane said it's not a push by all means. It's something casually that we're trying to add and I understand it's the holidays but there's no push at all. Again I think it's just timing that we happen to be here during the holidays. I don't want the committee to feel like it's a push in the hat.

Selectman McGrath noted I wasn't opposed to what you were proposing because I assumed that it was going to be like small little cups with wine tasting for any customer that might want to buy a bottle of wine to go along with their flowers. I'm not opposed to that if that's something that you anticipate doing. Having the wineries come in, that might push it a little bit over the top because if they want to just give little samples of their wine so that you don't have people coming in - not that I think that very many people would do it but you know if they thought that there was a big wine tasting going on, you might have people coming in wanting a glass or two then stumbling out and causing problem elsewhere. I'm fine with like small tastings and if you can put that off until our other Selectman is here because he did have concerns. If you can put that off to a later time where you want to do wine tastings if that's what you want to do but I'm perfectly fine with them selling.

Selectman Nichols stated I was one that had said no because of the wine tasting. If you just want to put the wine in a basket to sell for the holidays or whatever, I'm not against that. That I could approve. Wine tasting - we'll get to that at maybe another time but I'm thinking of the Christmas holidays are here and if it passed, next week you could sell a few of those baskets with a nice bottle of wine in it or goes with the flowers or whatever then I don't object to that. I don't know how you'd want to work that.

Selectman Routsis indicated I wasn't against it either. I think for your business being able to add that additional service is something that would be beneficial to you and to people that are ordering as opposed to having to make separate stops. It's like your one stop shopping. I'm not opposed to small wine tastings either but again we do have another Selectman out this evening and he may have some questions and concerns about it. If we were able to do it with holding off the wine tastings, that's something I'd be good with.

*Motion by Selectman Nichols, seconded by Selectman Routsis to reconsider.*

Point of clarification. Selectman McGrath asked don't you need to second that Mr. Chairman as opposed to someone that was on the opposing...Chairman Luszey agreed to that. I will momentarily turn the Chairman seat over to you at this point.

*Motion by Selectman Nichols, seconded by Selectman Luszey to reconsider the motion made on September 27, 2016 by Selectman Coutu, seconded by Selectman Nichols to authorize the Town Administrator to write a letter to the State Liquor Commissioners recommending denial of Anne's Florals and Gifts application for a Retail Table Wine Liquor License, carried 4-0.*

Selectman McGrath turned the floor over to Chairman Luszey.

*Motion by Selectman Nichols, seconded by Selectman McGrath, to support Anne's Florals and Gifts application for a Retail Table Wine Liquor License with a stipulation that there will be no wine tasting done on the premise, carried 4-0.*

5. RECOGNITIONS, NOMINATIONS AND APPOINTMENTS

- a) Conservation Commission - (5 vacancies - 3 member terms to expire 12/31/19; 1 alternate term to expire 12/31/17; 1 alternate term to expire 12/31/18)

Ken Dickinson (incumbent)

Selectman Nichols noted I've worked with Ken off and on for years. I have no hard time with him at all.

Good evening Mr. Chairman and Board of Selectmen. My name is Elliott Veloso. I live at 25 Bradford Circle. Chairman Luszey asked tell us a little bit why you would be interested in this Board. Mr. Veloso stated I've lived in Hudson essentially since I graduated from law school in 2008. I'm currently admitted to the bar in Massachusetts and the State of New York as well as the federal circuit, specifically First Circuit Federal District Court of Massachusetts. I've been practicing law for approximately five years. I work for the City of Lowell in their City Solicitor's Office. So I'm a municipal attorney. We deal with predominantly matters of civil litigation and those issues that deal with governance, municipal finance, and things of that nature.

In terms of my present experience, Mr. Veloso stated I currently practice in the State of Massachusetts. In terms of my work for the City of Lowell, we sort of comment that we're a bit of jack of all trades when it comes to municipal law. I dealt with defense municipal employees in a variety of lawsuits. I've also provided legal counsel to several of the City of Lowell's municipal boards as well as the City Council, provided advisory opinions and the like. I've also provided legal guidance and have represented the city in a variety of legal settings. Specifically District Court, Superior Court, wrote a brief for the Court of Appeals as well as several civil boards such as the Fireman's Board that deal with fire alarm systems in the State of Massachusetts, Housing Court and the like.

Quite recently, Elliott Veloso stated I came to the conclusion as sort of my professional life has settled a bit in terms of the practice of law that I'd like to get more involved in both my community as well as the community at large. To that end given my experience providing legal counsel for several of the boards and City Council where I work in Lowell, I thought it might be useful if I could reach out and see if I could provide assistance or volunteer with the town that I live in. I checked the Town of Hudson's website in your left column indicated that you were looking for volunteers. I checked that and I noticed that there were a number of boards that you currently had where there were vacancies. To that end, I thought that it would be appropriate that I submit an application. Given that I am currently unaware of what pressing needs you may have for certain boards given the vacancies, I thought it would be appropriate that I put my name in for those that were currently indicated as vacant on the website to give you the ability to see where I might be most useful for the boards. However I do wish to note that there has been a change in my employment in the sense that we've changed our work hours. On Tuesdays we work from 9 to 8 o'clock at night which gives those that live in Lowell an opportunity to come to City Hall and conduct city business outside of traditional work hours 9 to 5. As a result, I will be unavailable to participate in those municipal boards that meet on Tuesdays. I believe based on the current listings, the Municipal Utility Committee meets on Tuesdays. As a result, I would respectfully request when that agenda item comes that my name be withdrawn from that given the conflict. Other than that though, I feel that I have the ability to contribute to the town and I'd like to respectfully submit my name for consideration to some of these boards.

Chairman Luszey said you could have all the ones that we have available checked off with the exception of the Municipal Utility Committee now because I'd scratch it out. Do you have a preference of what board you would like to participate in if we could select it for you or you could select it for yourself first?

Elliott Veloso said certainly. In terms of my skill set given that I work with the law, probably my skill set would be best suited for those that deal with municipal laws and regulations. For example the Planning Board or the Zoning Board of Adjustment. I do have an interest in environmental issues as well as well as conservation issues. If the Board of Selectmen feel that there is a need for my services in that, I can also volunteer that aspect as well obviously, however, the Board of Selectmen see fit. In terms of my preference, probably Planning Board and Zoning Board of Appeals most works with my skill set. However, I'm open to assisting in whatever capacity you feel is appropriate.

Chairman Luszey asked have you ever watched any of our meetings on line. Mr. Veloso noted I have watched several meetings on your website. You do stream it on your website. I've reviewed several Planning Board meetings as well as one meeting of the Zoning Board of Adjustment. I haven't had the opportunity as of yet to review any Conservation Commission or Sustainability Committee meetings but I have reviewed several of your meeting minutes as well as agenda items to develop an affinity and a familiarity to those topics that those committees address.

Selectman McGrath stated you mentioned in your law practice in Lowell that you've presented cases before the Superior Court, District Court - District Court doesn't really concern me because I don't know that that would be applicable to zoning or planning here. Any of those cases that we deal with on those boards would be going to Superior Court. Can you tell me what cases you presented before the Superior Court in Lowell or in Massachusetts that would be comparable to what we'd be dealing with in Hudson?

Elliott Veloso explained in terms of my experience, in Massachusetts there is a separate level known as "Land Court". Land Court specifically deals with appeals from a local Zoning Board of Appeal. I've dealt with two cases in which I represented the city in matters in which our equivalent to the Zoning Board of Appeals were a decision was rendered, a party that disagreed with that determination appealed up to the land court and then we would represent the city. Both of those matters eventually settled but I did submit arguments in one case and I believe if I recall this was a case involving either a Planning Board or a Zoning Board rejection of a - it was an opioid treatment center that was proposed in a certain area of the city - I believe it was known as "Habit OPCO". There was an initial denial of the request to be situated in a certain area of the city. They were moving from one section of the city to another. Habit OPCO appealed that. I represented the city in one of those hearings before the land court. That ultimately settled. Obviously I can't discuss that but I have represented the city in that land court area. I've also represented the city in certain matters in housing courts, specifically in Lowell session where they meet every Monday as well as in Lawrence in front of a judicial center. Those matters involved issues building code violations as well as issues involving receivership. In Massachusetts the Attorney General's Office and State law provides that certain properties that engage in a variety of code violations are found to be repeat offenders can be placed under receivership in which a receivership can then institute the repairs necessary to bring the property up to code and then place the cost of those repairs. So I have represented the city in a variety of cases involving properties within the city that have been placed under receivership.

Selectman McGrath indicated or with code violations. Mr. Veloso said yes with code violations or in this case placing the property that had the code violations under receivership so that the receiver could then enact the necessary repairs to bring the property back up to code. Selectman McGrath stated that's different than what we do up here because we don't have a land court. If the Zoning Board voted to deny a variance, they can appeal that denial back to the Zoning Board. The Zoning Board would review their decision and they either uphold it or they overturn it and allow the applicant to come back. The Zoning Board often times they'll find that they didn't make an error in judgement so therefore they'll deny the appeal and then the applicant can then go up to the Superior Court level. Planning Board decisions that someone is aggrieved by, the only recourse for them is to go to Superior Court. It's a little bit different here than in Massachusetts.

Elliott Veloso indicated there are some differences although the procedure you mentioned in which matters can be remanded back to the Zoning Board of Appeals for reconsideration, there is a somewhat similar method in Massachusetts. You are correct there are differences in both New Hampshire procedure compared to Massachusetts. Selectman McGrath noted I've served on both boards so I have a little bit of knowledge about what goes on with both and how they operate.

Selectman McGrath asked have you reviewed plans - site plan review, subdivision reviews. Have you ever done any of that or is it more reviewing files as opposed to actual engineering plans. In terms of engineering plan review, Mr. Veloso said my review of engineering plans has been more for cases and files. I have reviewed plans on a number of instances but not specifically in a Planning Board aspect unless it is to provide the council for various decisions. In terms of my experience in reviewing engineering plans, I have reviewed them before but not specifically in a planning board context.

The last question that Selectman McGrath said I have at least for now is whether or not you've reviewed our zoning ordinance so that you're familiar with what the requirements are in Hudson for zoning. Elliott Veloso stated I have reviewed some of the Zoning Board. I am aware that all of the materials are available on the city website. I have taken

the opportunity to start reviewing both that and local ordinances. I haven't completed that review as of yet. Unfortunately I had matters that I had to deal with last week. I have done a cursory review of those sources and materials that the city has available on its website and I know on both the Planning Board section of the Town's website there is an available list of both regulations as well as applicable laws. There's also a portal to the town's own ordinances. It's a similar portal that the City of Lowell uses as well. I am trying to develop a familiarity at this point. I have to confess I haven't completed that familiarity yet but I am trying. Selectman McGrath noted you'd need to do that for both planning and zoning depending on what board you end up on.

Just as a comment, Selectman McGrath said obviously you have a very impressive background and I think you'd be an asset to any of the boards that we can put you on. The Zoning Board right now we only have one full time member opening and we have an applicant for that that wasn't able to be here this evening. Then the other seats are alternate seats. Would you be willing to serve as an alternate? Elliott Veloso indicated certainly I could serve as an alternate. Selectman McGrath said the same for planning. We have vacancies - a full member positions on planning as well as alternates. Would you be willing to serve as an alternate or would you prefer to go as a full member? Mr. Veloso said I could certainly serve as either an alternate or a full member however the Board of Selectmen feel would be the most appropriate.

Chairman Luszey asked if there were any other questions from any member. The way this will go down this evening given that you're on so many boards. We'll go through it all and then what we'll do is we'll figure out which one we'd like you to sit on and we'll make that selection on January 10,

Elliott Veloso noted that my application for all those positions is more of a reflection as to the fact that they were open at the time I reviewed them. Certainly if you feel it appropriate that I not serve on all of them that would be fine with me as well. Chairman Luszey indicated we'll probably whittle it down to two maybe three but I don't think it would be much more than that. We could consume your entire time.

Selectman McGrath stated let me just say this Mr. Chairman. I would be certainly agreeable to putting him on one board and letting him work on that and see how that fits for him and then if something else comes up that he prefer, then we can talk about it then. Certainly we don't want to put you on 2 or 3 boards all at once and then find out that you don't like any of them and you're gone. Mr. Veloso said I certainly appreciate that. Again my application was more a reflection of whatever you feel would be appropriate rather than an interest in serving in all of them at once.

Chairman Luszey thanked Mr. Veloso. Unless you have any other questions for us, I think...Selectman McGrath noted we're going to make a decision on appointments at the next meeting in January. Chairman Luszey said a number of these yes. Some of them we'll do tonight like we normally do but a couple of them will require us to move out to next meeting, specifically the ones that I think he's talking about.

Donna Graham asked the Chairman if he wanted Mr. Veloso to come back at the January 10<sup>th</sup> meeting or are we going to notify...Chairman Luszey said only if you choose to because we can notify you of your appointment if that's okay. If you want to come back to the January 10<sup>th</sup> meeting, you're more than happy to. Selectman McGrath noted he can sit at home with a glass of wine and watch this wonderful meeting and hear our decision. Mr. Veloso stated I'd certainly have to look at my schedule but I'll certainly inform the Board of Selectmen. Thank you very much.

*Motion by Selectman McGrath, seconded by Selectman Nichols, to suspend the rules and nominate and appoint Ken Dickinson as a member to the Conservation Commission with a term to expire 12/31/19, carried 4-0.*

- b) Municipal Utility Committee - (2 vacancies - 1 member term to expire 4/30/17; 1 member term to expire 4/30/18)

Elliott Veloso - withdrew application

- c) Planning Board - (5 vacancies - 2 member terms to expire 12/31/2019; 1 member term to expire 12/31/18; 1 alternate term to expire 12/31/17; 1 alternate term to expire 12/31/19)

Chairman Luszey asked do we really need to interview Mr. Della-Monica unless he needs to really come up and say something,

Glenn Della-Monica (incumbent) - 38 Bush Hill Road. We can always use a lawyer on the Planning Board. I came just in case anybody had any questions. One of the things that came up just a minute ago on serving on multiple boards, we already have a couple of members that serve on Conservation Commission and Planning Board and its limited how many can serve on more than one board. Just keep that in mind when you're deliberating. If you've got any questions, I'm here to help. If not, that's all I had to say.

Selectman McGrath stated I'm completely familiar with Mr. Della-Monica and I have no questions.

Motion by Selectman McGrath, seconded by Selectman Nichols, to suspend the rules and nominate and appoint Glenn Della-Monica, the incumbent member, to the Planning Board with a term to expire December 31, 2019, carried 4-0.

Jordan Ulery (incumbent)

Selectman McGrath indicated I'd like to torture him but seeing that he's not here, I'll wait until I attend a Planning Board meeting for that. In the interim, I'll make a motion.

Motion by Selectman McGrath, seconded by Selectman Nichols, to suspend the rules and nominate and appoint Jordan Ulery as a member to the Planning Board with a term to expire December 31, 2019, carried 4-0.

Elliott Veloso

- d) Sustainability Committee - (2 vacancies - 2 member terms to expire 4/30/17)

Elliott Veloso

- e) Zoning Board of Adjustment - (4 vacancies, 1 member term to expire 12/31/19; 1 alternate term to expire 12/31/17; 2 alternate terms to expire 12/31/2019)

Maryellen Davis (incumbent)

Elliott Veloso

Selectman McGrath asked to defer action on this because Ms. Davis wasn't able to be here this evening and Mr. Veloso has indicated a preference for either Planning or Zoning or Conservation. Until we hear back from Ms. Davis, I'd like to defer action.

Motion by Selectman McGrath, seconded by Selectman Nichols, to defer, carried 4-0.

Chairman Luszey noted we'll make that decision on January 10, 2017.

## 6. CONSENT ITEMS

Chairman Luszey asked does any Board member wish to remove any item for separate consideration at this time.

Selectman McGrath asked to remove items C. 2, 3, and 4.

Motion by Selectman McGrath, seconded by Selectman Nichols, to approve consent items A, B, C 1., D, E and F as noted or appropriate, carried 4-0.

### A. Assessing Items

- 1) Disabled Veteran's Tax Credit - Map 198, Lot 024 - 7 County Road; Map 205, Lot 061 - 39 Glen Drive, w/recommendation to grant
- 2) Requalification of Elderly Exemptions - Map 248, Lot 057 - 88 Dracut Road; Map 191, Lot 032 - 37 A Street, w/recommendation to requalify
- 3) 2016 Tax Abatement - Map 248, Lot 57 - 88 Dracut Road; Map 191, Lot 32 - 37 A Street, w/recommendation to approve
- 4) Veteran's Tax Credit - Map 247, Lot 062 - 15 Walnut Street; Map 140, Lot 057 - 28 Gabrielle Drive; Map 193, Lot 047 - 24 Speare Road; Map 147, Lot 022, Sub 037 - 17 Berkeley Drive; Map 183, Lot 041 - 12 Blackstone Street; Map 148, Lot 079 - 19 Towhee Drive; Map 197, Lot 122 - 20 Cedar Street; Map 138, Lot 008 - 6 Forest Road; Map 184, Lot 032, Sub 028 - 47 Brody Lane; Map 184, Lot 032, Sub 016 - 17 Tiffany Circle, w/recommendation to grant
- 5) Current Use Lien Release - Map 207, Lot 4-1 - 5 Jarry Way, w/recommendation to approve
- 6) 2016 Supplemental Bill - Map 165, Lot 64 - 14 Federal Street, w/recommendation to approve
- 7) 2016 Supplemental Bill - Map 247, Lot 51 - 3 Chestnut Street, w/recommendation to approve
- 8) 2016 Tax Abatement - Map 191, Lot 170 - 3 Nevens Street, w/recommendation to approve

### B. Water/Sewer Items - None

### C. Licenses & Permits

- 1) Hawker/Peddler/Itinerant Vendor's License - B & B Catering
- 2) Hawker/Peddler/Itinerant Vendor's License - Jimmy's Catering

Selectman McGrath questioned Jimmy's Catering. They've got year round sales and yet it doesn't indicate timing - well I guess it does 5 to 15 minutes but I'm not sure exactly. Steve Malizia noted these are mobile food carts so they move around. They don't stay in any one place for any length of time. They would perhaps show up at a BAE for 15 minutes. They may go over to the Executive Drive, go the various businesses there so they are not parked somewhere permanently. They are actually the mobile food carts. Selectman McGrath clarified so this one won't stay at any location longer than 15 minutes. Mr. Malizia agreed. Usually it goes for the employee's breaks. Selectman McGrath stated I'm okay with that one.

3) Hawker/Peddler/Itinerant Vendor's License - Just Coffee Plus

Selectman McGrath stated that one they've got yearly sales year round and they're planning to stay at one location for five hours. How is that different than a business that like a restaurant that would want to compete with that? That seems excessive to me as opposed to the food truck that only stays 10 or 15 minutes. This is staying at one location at a gun shop for five hours. Why wouldn't we require them to have site plan approval?

If Chairman Luszey recalled, we've been down this route before. Because it's a mobile unit, it's not affixed to the property and there is no stipulation on the site plan that says they cannot do that - allow a temporary food vendor in on the property. It doesn't violate. There's been a number of these throughout the years within Hudson. There used to be one up at SoHo's. There was a mobile coffee cart out there in the morning from about 5 o'clock in the morning until about 2 in the afternoon up here on Lowell Road.

Selectman McGrath said they're staying at one location, one business, one location for almost a full day. You might as well say five hours as opposed to eight hours. To me it's circumventing a site plan review. That's what I think. That's why I pulled it out. Let me just say this. I'm not going to support this one.

4) Hawker/Peddler/Itinerant Vendor's License - Lix Ice Cream

Selectman McGrath commented I was talking to somebody today and I mentioned this and when I said Alvirne High, they questioned whether or not having this ice cream truck at Alvirne if it would be interfering with the Friends of Alvirne and anything that they're doing to raise money. Chairman Luszey said that would not be our concern. Selectman McGrath stated that wasn't my concern. That was somebody else's. So I'm just raising that. Chairman Luszey noted it may or may not but that's not...Steve Malizia commented for the sporting events that I've attended there going to the concession stand that the boosters run tends to be things like Nachos, popcorn, water, soda, Gatorade. The ice cream truck is fairly that an ice cream truck over here and I don't believe they compete as far as the products they offer that I've seen when I've attended.

Selectman McGrath said and this is the same as the first one what actually caught my attention first on both of those was that the Zoning Administrator section - "location is consistent with zoning regulations" - and then he writes in "grandfathered". We have no grandfathering in the Town of Hudson for zoning. I would think that our Administrator would know that but in case he doesn't, I'm saying it for the record.

Chairman Luszey commented I know what you're saying but we'll have an off line discussion about what the definition of "grandfathered" means in terms of case law.

Selectman Routsis's question was actually on the 6 C. 3. Is this the one that was before us a few months ago? I remember something for being at Granite State where we ended up having discussions about parking spaces and whether someone could go in those parking spaces or not. I just don't remember is was this person or if it was someone else. If it was someone else, then you'll have two people there. Steve Malizia noted it sounds familiar but I'd have to look.

Chairman Luszey wasn't sure if it was the same one but I know this is not in the parking spaces.

Selectman Routsis was just saying is it the same person or not because if it's the same person, then I believe we already approved that one for this year and not next year but I just didn't know. The reason I ask is because then is there going to be two that are there type of thing just out of curiosity.

Selectman Nichols stated mine was C. 4. Lix Ice Cream. They did say private functions which is fine but there's also local fundraisers. Well sometimes Benson barn has a fundraiser. Are they allowed in there? I don't think so. Steve Malizia indicated you have to get somebody's permission or invitation. If Benson's doesn't say no, we're not letting them in. For example the Lumberjack contest that gets sponsored. They say oh yeah come on over. They can't just show up without somebody's invitation or permission. Selectman Nichols indicated that bothered me same with like Old Home Days I can see, private functions I can see, the Lumberjack competition. Local fundraisers - well if they go...Steve Malizia stated that maybe something with the Hudson Bears for example where they would show up and they're doing something that from a fundraising perspective. That would be that kind of thing.

Selectman Routsis stated usually like the Bears or the organization will reach out to him and say hey can you do this. That's how he would know to go there.

Selectman Nichols indicated I had the question but I'm all set with that one then. I don't know about the C. 3. the five hours. That gets to me and they're only going to be at one place. I have my questions about that one. I'm not 100 percent sold on that one. The others are all set.

Motion by Selectman Routsis, seconded by Selectman McGrath, to approve the Hawker/Peddler/Itinerant Vendor's License for Just Coffee Plus (C. 3.).

Selectman Routsis noted I'll make that motion and the reason being is I think we've already done this. I see a benefit to it for people going into that area who may need to just make a quick stop to get something whether it be to eat or to drink before they're going into work depending on the hours. For me it's easier to know that I can go to that one spot as opposed to if it's 7 a.m. am going business to business and hoping you're there, you can just get in and out quickly.

Selectman McGrath countered that by stating Dunkin Donuts is right up on the corner.

Selectman Routsis commented you can have a 20 plus minute wait at Dunkins trying to pull in.

Again Selectman McGrath's concern about this is that if they were there for an hour or even two hours, I could accept that. Five hours - I think that they're really circumventing the planning process and site plan review and therefore I can't support it.

Vote: Motion carried 3-1. Selectman McGrath in opposition.

Motion by Selectman Routsis, seconded by Selectman Nichols, to approve the Hawker/Peddler/Itinerant Vendor's License for Lix Ice Cream (C. 4.), carried 4-0.

Selectman McGrath asked to go back to item #2. I'll make a motion.

Motion by Selectman McGrath, seconded by Selectman Routsis, to approve the Hawker/Peddler/Itinerant Vendor's License for Jimmy's Catering (C. 2.), carried 4-0.

D. Donations

- 1) Mrs. Anne Walls - \$950 for the Animal Control Donation Account
- 2) Anonymous donation of \$2,500 to the Police Department

Steve Malizia believed that everybody had a copy on their desk. It's an anonymous donation of \$2,500 to the HPD to help distribute Christmas gifts. The donor wished to be anonymous. The police have the amount and they will work with the various agencies in the area to find families so that they can distribute it for Christmas. It came in a little later and we wanted to make sure it was official. It's anonymous. The person doesn't wish to be named.

Motion by Selectman McGrath, seconded by Selectman Routsis, to accept an anonymous donation in the amount of \$2,500 (to the Police Department to distribute for Christmas gifts), carried 4-0.

E. Acceptance of Minutes

- 1) Minutes of the October 27, 2016 meeting
- 2) Minutes of the November 7, 2016 meeting
- 3) Minutes of the November 22, 2106 meeting

F. Calendar

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|-------|------|---|
| 12/14 | 7:00 | Planning Brd - Buxton CD Meeting Room           |
| 12/15 | 7:00 | Benson Park Cte - HCTV Meeting Room - CANCELLED |
| 12/15 | 7:00 | Budget Cte - Buxton CD Meeting Room             |
| 12/20 | 7:00 | Budget Cte - Buxton CD Meeting Room             |
| 12/20 | 7:00 | Municipal Utility Cte - BOS Meeting Room        |
| 12/21 | 7:30 | Senior Affairs Cte - Buxton CD Meeting Room     |
| 12/26 |      | TOWN HALL CLOSED - CHRISTMAS                    |
| 12/26 | 7:00 | Sustainability Cte - Buxton CD Meeting Room     |
| 12/28 | 7:00 | Benson Landscape Cte - BOS Meeting Room         |
| 12/28 | 7:00 | Budget Cte -Buxton CD Meeting Room              |

7. OLD BUSINESS

A. Votes taken after Nonpublic Session on November 22, 2016

- 1) Motion by Selectman Nichols, seconded by Selectman McGrath, to hire Paula DeAngelis as a Floating Employee at a rate of \$19.50 per hour effective December 1, 2016, carried 5-0.
- 2) Motion by Selectman McGrath, seconded by Selectman Nichols, to hire Jered Neff as a Full-Time Police Officer with a starting salary of \$23.89 per hour (Step 1) effective December 18, 2016 in accordance with the Hudson Police Employee Association Contract, carried 5-0.
- 3) Motion by Selectman Coutu, seconded by Selectman Nichols, to approve the Tentative Agreement with the Hudson Highway Department AFSCME Local 1801 Union, carried 5-0.
- 4) Motion by Selectman McGrath, seconded by Selectman Nichols, to approve the Tentative Agreement with the Hudson Police Employees Association, carried 5-0.
- 5) Motion by Selectman Coutu, seconded by Selectman Nichols, per advice from Attorney LeFevre's Memo dated 11/21/16 to not allow the conservation easement on the Miller property - map 126/32, 126/34, and 135/17, carried 5-0.
- 6) Motion to adjourn at 9:16 p.m. by Selectman Coutu, seconded by Selectman Routsis, carried 5-0.

8. NEW BUSINESS

A. Hudson Police Employees Association Warrant Article "O"

Chairman Luszey recognized Town Administrator Steve Malizia.

At your last meeting, Steve Malizia stated you tentatively approved this contract and we learned that the Police Employee's Union has also accepted it. Therefore, it's eligible to become a warrant article. A warrant article has been written and we're recommending that it get forwarded to the warrant. This would be Warrant Article O. The Budget Committee will get a copy and they will be deliberating and putting their recommendation on warrant articles for collective bargaining on January 4<sup>th</sup>. So this needs to be forwarded to the warrant by this Board and then the Budget Committee will review it in January.

*Motion by Selectman McGrath, seconded by Selectman Nichols, to forward Warrant Article "O", the successor labor contract between the Town of Hudson and the Hudson Police Employees Association, to the 2017 Town Warrant, carried 4-0.*

B. Hudson Highway Department Union Warrant Article "P"

Chairman Luszey recognized Town Administrator Steve Malizia.

Steve Malizia noted the second labor contract we also negotiated and have a tentative agreement on as you have approved at your last meeting is with the Hudson Highway Department. Again this would be designated as Warrant Article P. It would get forwarded to the warrant and also to the Budget Committee on the same date. The Highway Department has also agreed to this tentative agreement. So in order to put this on the warrant, we need another motion.

*Motion by Selectman Nichols, seconded by Selectman Routsis, to forward Warrant Article "P", the successor labor contract between the Town of Hudson and the Hudson Highway Department Union, AFSCME Local 1801, to the 2017 Town Warrant, carried 4-0.*

C. Revenues and Expenses

Chairman Luszey recognized Town Administrator Steve Malizia.

Steve Malizia indicated we are five months complete into this fiscal year. It's amazing we're already talking about next fiscal year and the budget but we still have this fiscal year or 42 percent if you do it as a percentage. Again just like last month, things look pretty reasonable. We're just entering winter time so we'll see what that brings us. We've encumbered legal. We've encumbered legal, we've encumbered trash pickup, and that sort of thing. Sometimes numbers look a high but that's only because we've put the contract onto the actual costs. Revenues still look strong. Automobiles are trending a little higher still. They're 45 ½ percent which is real good. Ambulance - we're always a month behind billing so if you were to take that average month, we're right on there 42 percent I believe. I don't see any cause for alarm at this point. Again we've gone through the budget with the Budget Committee. I think things are doing fairly well in the Town of Hudson financially.



9. OTHER BUSINESS/REMARKS BY THE SELECTMEN

Selectman Nichols - I just wanted to wish everyone a happiest of holidays. I wanted to thank the town for Library Park which looks absolutely beautiful and for every house I see that has a candle or a little something in the windows, the Christmas trees, and the decorations out front, thank you for making me smile all the way over here. Thank you.

Selectman Routsis - I have nothing other than to wish everyone a happy holiday and happy New Year.

Selectman McGrath - I have nothing either this evening. Again with my colleagues wishing everyone a very merry Christmas, happy holidays, and all the best in 2017. This year really flew by and hopefully next year it will slow down a little bit more.

Selectman Luszey - Well unfortunately I have about 20 items. No just kidding. I only have two items.

- Discuss Town Moderator Paul Inderbitzen's election update

We went through the Presidential Election a few weeks ago and most of you have heard the Moderator talk a little bit about the results and how that all went. Just a couple tidbits in case folks that are watching have not seen it. We had a participation rate of 73 percent and that's a little misleading given the new voter registration. We actually are now sitting at 18,558 registered voters which is up significantly. About 1,221 to be exact. So that dropped that participation rate overall down a little bit but it's also the most ballots that we ever processed.

In terms of our ability to process it, Chairman Luszey said folks thought the polls opened at 6 o'clock which caused a tremendous cue. With the support of the Highway Department and the Police Department, we were able to process 3,000 votes within the first two hours and from that point on with I would say with just a couple minor glitches because of a flashing sign that really didn't quite work the way we anticipated, we had no lines. We had no backups. So all in all, I think this past Presidential election went extremely well if you consider the lines that we had back in 2012. Again I just want to thank everyone for all the hard work that they put into it. We look forward to the next Presidential election in four years.

- Change BOS Monday, March 13, 2017, meeting to Wednesday, March 15, 2017 - after the Town Meeting

Chairman Luszey stated we need to discuss changing that meeting because that is our March town vote which would occur on this date. I would like to have that meeting changed from Monday to Wednesday the 15<sup>th</sup> right after because there are some things that have come up that I need to address and I'd like to be here for our meeting. If I could get a motion to change the meeting of March 13, 2017 to Wednesday, March 15, 2017, the day after the meeting I'd appreciate it.

Motion by Selectman McGrath, seconded by Selectman Routsis, to change the Board of Selectmen's meeting of Monday, March 13, 2017, to Wednesday, March 15, 2017, the day after the Town Meeting, carried 4-0.

Chairman Luszey explained we will be meeting the day after the vote to give us a time to also reflect on the happenings of the previous day. We will know the results. I thank you.

10. NONPUBLIC SESSION

Motion by Selectman Nichols, seconded by Selectman McGrath, to enter Nonpublic Session pursuant to RSA 91-A:3 II (b) The hiring of any person as a public employee; and (c) Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the public body itself, unless such person requests an open meeting. This exemption shall extend to any application for assistance or tax abatement or waiver of a fee, fine, or other levy, if based on inability to pay or poverty of the applicant, carried 4-0 by roll call.

Chairman Luszey stated Nonpublic Session is being entered at 7:56 p.m., thus ending the televised portion of the meeting. Any votes taken upon entering open session will be listed on the Board's next agenda. The public is asked to leave the room. Open session was entered into at 8:31p.m.

Motion by Selectman McGrath, seconded by Selectman Routsis, to hire Ryan Bianchi as the Alvirne High School Student Maintenance Assistant at the Police Department at the rate of \$10.00 per hour, with an average of 15 hours per week, effective January 8, 2017, carried 4-0.

Motion by Selectman McGrath, seconded by Selectman Nichols, to hire Haley Magee and James Curran as Part-Time Telecommunication Technicians with a starting salary of \$18.20 per hour, in accordance with the Hudson Police Employee Association Contract, with an average of 16 hours per week each, effective January 8, 2017, carried 4-0.

Motion by Selectman McGrath, seconded by Selectman Nichols, to hire David Bryce for the position of Dispatcher in the Fire Department at the contracted starting salary of \$16.53 per hour (step 1) effective January 8, 2017. This assignment will be a non-exempt position in accordance with the International Association of Firefighters Local #3154 Contract, carried 4-0.

Motion by Selectman Routsis, seconded by Selectman McGrath, to hire Peter Manzelli for the position of Part-Time Inspector in the Fire Department at the hourly rate of \$23.58 per hour effective January 8, 2017 with an average of 16 hours per week, carried 4-0.

Motion by Selectman Nichols, seconded by Selectman Routsis, to hire Donald Bohnwagner, Jr. for the position of Part-Time IT Technician at the rate of \$21.00 per hour, not to exceed 29 hours per week, effective December 22, 2016, carried 4-0.

11. ADJOURNMENT

Motion to adjourn at 8:33 p.m. by Selectman McGrath, seconded by Selectman Routsis, carried 4-0.

Recorded by HCTV and transcribed by Donna Graham, Recorder.

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Ted Luszey, Chairman

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Marilyn E. McGrath, Vice-Chairman

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Pat Nichols, Selectman

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Angela Routsis, Selectman