

HUDSON, NH BOARD OF SELECTMEN  
Minutes of the June 28, 2016 Meeting

1. CALL TO ORDER - by Chairman Luszey the meeting of June 28, 2016 at 7:00 p.m. in the Selectmen's Meeting Room at Town Hall.
2. PLEDGE OF ALLEGIANCE - led by Selectman Coutu.

Chairman Luszey asked if everyone would stay standing for a moment of silence for the folks in Turkey today that they experienced a pretty significant terror attack at the airport. Thank you.

3. ATTENDANCE

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

Staff/Others: Steve Malizia, Town Administrator; Donna Graham, Executive Assistant; Police Chief Jason Lavoie; Fire Chief Rob Buxton; Kathy Carpentier, Finance Director; Mike O'Keefe, Chairman of Cable Utility Cte.

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. Seeing none.

5. RECOGNITIONS, NOMINATIONS AND APPOINTMENTS

Chairman Luszey stated we have three special guests with us this evening. Is Linda Kipnes in the audience? Please talk a little bit about the Sustainability Committee and the Earth Day contest that we are here to award the recipients for their fine work. Good evening.

- A. Recognition of 3 winners of the Sustainability Committee Earth Day Contest:

Jacob Willett - First Place  
Seamus Delaney - Second Place  
Faith Wherry - Third Place

Good evening. Linda Kipnes from the Sustainability Committee and this is Lisza Elliott. She was the one who was the liaison to the school so I'm going to let her talk about the contest and our special winners tonight.

Lisza Elliott noted we proposed earlier this year - a little too late for the whole town to get involved with but we had proposed for the elementary schools to participate in an Earth Day project. That was coming up with a slogan contest either being however they wanted to express themselves and however they wanted to present their ideas. We had a great turnout from PMA. Unfortunately I think we interfered with some of the other elementary schools in their testing so going forward, we will address that in September. Ultimately we had such a great participation from Presentation of Mary and Nottingham was our second runner up. We had so many submissions that we weeded through them and then we submitted them to you and then you guys were able to look through them and judge and provide us the three winners that were the best to represent.

Linda Kipnes said the Committee is planning to make banners similar to that of what the winners did. We will also make poster of them. Ms. Elliott said yes we may do a poster type thing that can be put on an easel that can be displayed at town events, voting, or whatever events, or even library throughout the year. Something that will ultimately be displayed always. We don't want to have it in hiding. I am so proud that these are still up here after so many years that these children are probably in middle school and high school now and they're saying that's mine. That's kind of what we want to promote. Reaching out to the elementary school kids and their ideas we can keep that ball going forward.

Chairman Luszey thought the important part of the message is through this activity that we do get the younger generations involved in really what it means to conserve. It's all around the conservation of energies and natural resources and not just recycling any more. Your committee encompasses all of that now. With that, we got three awards and if you would like to join me.

Chairman Luszey indicated that our first place recipient is Jacob Willett. Fantastic job. Thank you! Ms. Kipnes said we have a certificate also from the Sustainability and a gift certificate to the Dairy Queen. Congratulations.

Chairman Luszey said our second place recipient is Seamus Delaney. Our third place recipient is Faith Wherry. Good job.

Lisza Elliott thanked the children of our community that showed so much enthusiasm to us as a community can do.

- B. Resignation of Mark Gamrat as a member of the Cable Utility Committee and a member of the Planning Board

Chairman Luszey recognized Town Administrator Steve Malizia.

As you can see, Steve Malizia indicated you've received resignation (inaudible). I believe we have advertisements running. Basically you just accept this with the Board's thanks and appreciation. Selectman McGrath indicated well wishes for a speedy recovery.

Motion by Selectman McGrath, seconded by Selectman Nichols, to accept Mark Gamrat's resignation as members of the Cable Utility Committee as well as the Planning Board, carried 5-0.

6. CONSENT ITEMS

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

Selectman McGrath indicated I'd like to remove Item C. 1.

Selectman Saucier wanted to make an amendment to the calendar for our Senior Affairs Committee. They're not having the July meeting. It's going to be in September as well.

Selectman Coutu asked to remove C. 2.

Motion by Selectman Nichols, seconded by Selectman McGrath, to approve consent items A, B, C. 3., D, E and F as noted or appropriate, carried 5-0.

A. Assessing Items

- 1) Requalification of Elderly Exemptions - Map 156, Lot 008, Sub 026 - 2 Katherine Ct.; Map 167, Lot 010 - 9 Power Street; Map 182, Lot 151 - 34 Library Street, w/recommendation to re-qualify
- 2) Requalification of Disabled Exemption - Map 178, Lot 013, Sub 014 - 7 Mobile Drive; Map 253, Lot 024 - 67 Schaeffer Circle; Map 178, Lot 013, Sub 104 - 26 Mobile Drive; Map 204, Lot 054 - 18 Shelley Drive; Map 160, Lot 097, Sub 002 - 44B Windham Road, w/recommendation to re-qualify
- 3) Current Use Lien Release - Map 111, Lot 69 - 18 Senter Farm Road, w/recommendation to approve
- 4) Current Use Lien Release - Map 110, Lot 12 - 25 Balsam Way, w/recommendation to approve
- 5) 2015 Abatement - Map 176, Lot 27 - 218 Central Street, w/recommendation to approve

B. Water/Sewer Items - NONE

C. Licenses & Permits

- 1) Dance Hall and Entertainment Places of Assembly - Capri Pizza/River's Pub & Pizzeria

Selectman McGrath indicated this business was before the Planning Board two or three months ago - the minor site plan review committee to put an addition on the back of the property. At that meeting at which I attended, we requested that a report be provided from the Police Department and Fire Department concerning any adverse activity that might have occurred. We deferred that item and in the interim before they came back before us, the owner of the property got in touch with Mr. Cashell the Town Planner and indicated that he didn't give authorization for that activity to occur and he was not going to authorize any activity such as that. This particular site I'd like to get the same information concerning this request - a report from the Police Department, report from the Fire Department for any overcrowding or any issues that they might have had with this business, as well as a report of some sort of written information or authorization from the owner of the property before we act on this.

Selectman Coutu said there are in this location from what I understand - well I've seen them. I've never been in either of them but I've driven by. There are two bars on that property and they're almost immediately adjacent to one another. From what I've been told is that they both conduct the same activities. They both have dances. They both have music and entertainment on Friday and Saturday nights. From what I understand, there may be others in town. I'd like to have a report as to how many applications have we had. Is he the only one to comply with applying for an entertainment license? Has anyone else applied? If not, why isn't the entertainment if it's a by-law or whatever it is not being enforced? I can understand that we don't have code enforcement people out after 4:30 in the afternoon so I don't think we're going to pay people to go bar hoping at night. That's what the liquor commission is all about. Certainly somebody should be checking to see whether or not proper permits are acquired. I noticed that on this application the Police Chief did sign off on it. I would think that's not really a tacit approval of what's going on. I would think that if there were problems, he would have brought them up.

Selectman Coutu's concern is that if the guy next door is doing the same thing. Why is he being subjected to a different set of rules? Not necessarily he's being subjected to them, he would properly apply and others in town may not have. I'm not faulting the Zoning Administrator on this at all on this one.

Steve Malizia indicated there are probably 3 or 4 businesses that have been under this license for several years. They're on what we call a renewal. So they've gotten their initial approval some number of years ago. Every year they pay a fee. They get a renewal and it gets reviewed by for example the Police Chief. There are three I believe that we are aware of that have either the capacity greater than 100 and entertainment or they have a dance floor. This one came to our attention from what we understand has entertainment and a dance floor. The one that's in the same plaza, I don't believe has a dance floor but has the capacity over 100. Apparently they've had some entertainment. I can't say on a regular basis I don't know. They've received the application for their initial permit. As we hear, find, or see, we make sure we get them to comply. You'll see probably at a future meeting the other location in that same plaza. There is a method, a system, or whatever you want to call it for renewal. We get people into the system. If somebody is doing something, it has to either come to our attention either through the police or someone because again we're not all running around to these places.

Mr. Malizia indicated basically it's by Town Code. Town Code passed this in the early 2000. It's actually dance hall and entertainment places of assembly. It's in the Town Code and it requires that folks who have either an entertainment place of assembly - they have a band and they have say a capacity of more than 100 or they have a dance floor dancing without a capacity limit. They're required to get one of these permits. So for example a business like White Birch, a business like California Room they come in on a regular basis and get these permits. Again when it's brought to our attention and we're aware of it, we send the application and say you need to comply with our rules and regulations. Normally I don't know what's going on in half these places.

Selectman Coutu said I own the bar. I have a capacity over 100. I don't comply. I don't apply for a license. Someone reports it to whoever - somebody in Town Hall. The Code Enforcement Department I would think would be the proper authority to vet this. They send me a notice and says I have to apply for a license. Is there a cease and desist order on the activity until they license is approved by the Board of Selectmen? Steve Malizia said I'm not aware in the Code that it says there's a cease and desist order. Selectman Coutu noted they can continue. Mr. Malizia presumed they would do what they've always been doing. Selectman Coutu said they don't really have to apply for a license. They can just continue having dances without a permit, license.

Chairman Luszey believed it's for assembly.

In Selectman McGrath's opinion, and I think if we consulted with Attorney LeFevre he would indicate that the action should cease and desist until they get the proper permits. That's what code enforcement is all about. This particular site, this particular business - and I'm trying to be careful how I word things because I'm also privy to some other information that I didn't think we were going to get into tonight and I wanted to get information back from Fire and Police before we got into a detailed discussion. The neighborhood is concerned with this application as well.

Chairman Luszey asked isn't this a business area. It's a mall.

Selectman Coutu called point of order. Can we take this up in nonpublic please? Chairman Luszey thought we probably should. If there's information we can't talk about and we want to start using names...Selectman Coutu said we're getting a little descriptive here and we're going to start pointing fingers, we need to avoid that. Selectman McGrath said that's what I'm trying to avoid. I don't think that we need to go into nonpublic. I think that it's appropriate to get the information from our 2 departments - police and fire that have both had interaction with this site. Also the owner of the property. I have information from that individual as well that I don't feel at this point until I can have proper verification, I don't think it's appropriate to discuss it right now. We certainly need that information. That's why I requested to withhold any permits until that information comes in.

Chairman Luszey said here's my issue all right unless we're willing to take it in nonpublic. This is the only thing we ever see is an application for a permit. The Chief of Police signed it off. With that as the governing body, I would say okay and that would be my intentions right now. Unless we want to take in nonpublic and get into the nitty gritty of it, I would say move it and go.

Selectman McGrath said you can do whatever you want. I just disclosed to you. I just indicated to you that we have this application before the Planning Board and we did the same thing. It was for putting a deck on the back of the building. Chairman Luszey noted that's a different topic matter. That's not for an application to do business. It's not a...Selectman McGrath said it actually is because it actually increases the amount of people that he can have in that building. Chairman Luszey said in Planning that's right but this here he's seeking a permit to do business. I'm not approving a building. I'm approving...Selectman McGrath said if the end result is that we have a discussion about it and after we have the discussion and get the information from police and fire about actions that have taken place at that site that we might all be concerned about. Chairman Luszey stated we either take it in nonpublic or we vote on it as it stands on its own merit as we see here.

Selectman Coutu asked to make a point. I agree with you inasmuch as I feel that yeah I'm aware of some things that have gone on. Is it the owner of the business's fault? I don't know. I can't say that it was his fault. What I was questioning was if he the owner of this business is subjected to doing this are there other businesses in town who are conducting themselves similarly and don't have a permit. I wasn't questioning his application for the permit. He did the proper thing. He was notified he needed to apply for a permit. He did so. I know there were other issues and I think that the Fire Chief would attest to it that there were other issues with signs and what not. Came in, spoke to you or somebody about it, it was rectified. He or she maybe sometimes circumventing the rules but you eventually get caught and you apply. From an administrative perspective, I don't think that we should be denying his request for a permit for a business which 1) meets the criteria for capacity, 2) has a license to sell beer and wine, 3) is allowed to operate the hours that he operates unless he's going beyond it and I'm not aware of that. I think that to deny him especially on the basis of Police Chief signing off on it, if I were the Chief of Police and I had some serious problems with any business and something came before the Board I would discuss it. Even then I think the Chief even though he may have had problems might find that administratively there's no reason to deny his application. On the basis of that, I'll make a motion.

*Motion by Selectman Coutu, seconded by Selectman Saucier, to approve Consent Item 6. C. 1.*

Selectman McGrath thought if this goes the way that it looks like it's going to go, I think that this Board is going to be very disappointed in themselves. I think that you're doing an injustice to the residents that live right behind that business. They came to the Planning Board meeting. They've expressed concern about this issue and I think it's only fair to get information that I've request so that we're ensuring that everyone is safe.

Chairman Luszey's only response to that comment Selectman McGrath is when I see the Police Chief's signature with approved, I would have to say our highest official in safety has said its okay.

*Vote: Motion carried 3-2.* Selectman Nichols and Selectman McGrath opposed.

Selectman McGrath said it was a shame.

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

Selectman Coutu said after reviewing this very carefully, it appears to me that this is a true circumvention of our ordinance. It would appear to me unless I misread this that we have here not just a Hawker/Peddler trying to sell coffee, sandwiches, or whatever, we have somebody who wants to park a restaurant for 5 or 6 hours in one location every single day to conduct the same business. He's going to be open from 5:30 to 11 a.m. He's going to stay in one place and he's going to sell food product. I don't know that that is zoned to be able to do that. I don't know what the restrictions are on the Planning Board on the site approval for that particular business. Whether or not it allows for a retailer to open up a mobile restaurant and stay located. Other hawkers and peddlers travel around the town and stay in a location 5 or 10 minutes. This on the surface what I'm reading unless I misread it is asking that he be able to stay year round, 6 days a week, 5:30 to 11 a.m. in a pre-approved or licensed, or paid for parking space at that business. It's an extension especially if the parking spot is being rented. It's an extension of the business. I would think that that is an illegal activity and may not be allowed by code.

Selectman Nichols noted the Police Department section recommended.

Chairman Luszey brought to the Board's attention - I'm trying to think what year it was. About 4 or 5 years ago, this Board denied a hawker's license for a vendor that wanted to park outside - it was a hot dog truck. Steve Malizia thought they issue a site plan approval. I think what the crux of this is if it's on the site plan. If it's not on the site plan, you have to move around. That's been the practice of this Board. So if this is not on a site plan, you have not permitted these. You have not approved these. Again if they move around like the similar coffee wagons or whatever, that's been acceptable. If this is going to become "part of that site", I think they need site plan approval.

Selectman Coutu noted the Zoning Administrator signed off on it.

Selectman McGrath said there you go.

Selectman Coutu asked is he saying that you can have a mobile restaurant park somewhere and just open up for business for 5 or 6 hours. That's a lucrative business. I'll do it tomorrow morning. I'll go buy myself a truck and do it. There's a lot of money to be made in doing that if you can establish a site and sit there for 6 days.

Selectman McGrath asked how can you question this if our Police Chief has signed off on this and our Code Enforcement Officer has signed off on it indicating that it's not a problem. Why would you have a problem now with this?

Selectman Coutu said administratively there's no problem with a license for whatever he's applying for - dance hall and place of assembly. He meets all of the criteria for a place of assembly. Here I'm not so sure that this business which is relatively new - I watch almost all of the Planning Board meetings and I remember when they came before the Planning Board. You raised the same concerns about what was going on as you did in another.

Selectman McGrath stated I wasn't there for this particular site. Mr. Maddox was there. I didn't attend those meetings.

Selectman Coutu could have sworn you raised the same issues. I believe you. I still think it's illegal.

Chairman Luszey indicated if I look at the back page and it says "Zoning Administrator's Section. It says, "Location is consistent with zoning regulations". I think its 1 zone or I zone. - Industrial zone. It's all checked. He's got a State license. He's got a health license and he's got owner's permission. If our zoning regulations say that's all that is required, I'm not sure how we reject this.

Selectman Coutu said anybody can just - I'm just letting the people know if you want to open up a business in the industrial zone, get a mobile truck and go park it somewhere.

Chairman Luszey stated apparently if our zoning code says that is okay, then it is okay. We cannot just cherry pick which ones we like and dislike.

Selectman McGrath noted the only alternative you have is to appeal the decision of the Zoning Administrator if you think that that's incorrect. I must add that that's happened several times in the recent past.

Chairman Luszey interjected on that. I would not say the Zoning Administrator was incorrect. Like all lawyers and judges, they have to interpret the law, the code. Every judge interprets the code differently. We see that all the way into the Supreme Court. We have decisions that are split 5/3. Because someone made a decision based on their interpretation of a regulation does not mean it is wrong. It's just that you may interpret it differently. Selectman McGrath indicated I'm not making any interpretation about this. Chairman Luszey said when I say you, I'm talking a generic view.

Selectman Nichols was looking at the first page, the first bullet. "If proposed site is situated on private property, include a written statement from the owner and possessor of the property proposed to be used. This statement shall indicate consent by both the owner and possessor for the proposed use and the period of time for which the consent is given." That makes more sense to me than anything. It's just been approved. He's got the approval.

Selectman Coutu indicated he's not the approving authority. The Town of Hudson is. Selectman Nichols said he has done all the things that he's supposed to do according to this record. He's included his NH Hawker/Peddler application. I imagine the fees have been done. He hasn't missed out on anything as far as I can see. He has followed the line on everything. I don't understand why we would not grant him that.

Selectman Saucier's only question is just because I don't know - people are allowed to rent out their parking spaces. It says they have a parking space rental agreement. Selectman Coutu said exactly.

Chairman Luszey didn't know if it's rented or if he just has an agreement. Can you rent out a part of your driveway? I don't know.

Motion by Selectman Nichols, seconded by Selectman Saucier, to approve Consent Item 6. C. 2., carried 3-1-1.  
Selectman McGrath abstained. Selectman Coutu in opposition.

Selectman Coutu asked the Town Administrator to recheck with the Zoning Administrator to ascertain the legality, again, of a mobile business parking in a parking lot; ascertain that the person who wrote the letter is in fact the owner of the building and not just the business. I think the owner of the building would have some say.

Chairman Luszey asked say it a little differently if he holds a lease to it he's the acting owner at the time.

Selectman Coutu noted well you better tell that to all the landlords I ever rented businesses from. Chairman Luszey said industrial lands are a little different than...Selectman Coutu said you own the walls and the interior of the building only not the exterior. You do not own the exterior of the business. That's what my attorney told me.

Chairman Luszey indicated you want an opinion as the legality is whether or not the owner of the property...Selectman Coutu indicated if he in fact is the owner of the property. If he's just a tenant, he does not own the parking lot. He has the right to use but there are restrictions as to what you can do on the use which we spelled out in the lease. Chairman Luszey said I'm following you but it's based on the lease. It's the owner and the leaseholder to see whether or not they have the right to do this.

Selectman Coutu stated if this can be done in the Town of Hudson, we're going to have mobile restaurants all over the place and more power to them they want to open up a business. Chairman Luszey said all that suggests is that the Zoning Board needs to be updating some zoning...Selectman Coutu noted don't get me wrong. I'm not anti-business. I just want to make sure that this guy doesn't get in trouble when he parks his vehicle there later on.

3) Request to Solicit Funds - Southern NH Spirit Boosters

D. Donations - NONE

E. Acceptance of Minutes

1) Minutes of the June 14, 2016 Meeting

F. Calendar

7/05 6:30 Recreation Cte - BOS Meeting Room - CANCELLED  
7/05 7:00 Benson Park Cte - HCTV Ctr.  
7/11 7:00 Conservation Cmsn - BOS Meeting Room  
7/12 7:00 Board of Selectmen - BOS Meeting Room  
7/13 7:00 Planning Brd - Buxton CD Meeting Room  
7/19 7:00 Cable Utility Cte - HCTV Ctr.  
7/19 7:00 Municipal Utility Cte - BOS Meeting Room  
7/20 7:30 Senior Affairs Cte - Buxton CD Meeting Room  
7/21 7:00 Benson Park Cte - HCTV Ctr.  
7/25 7:00 Sustainability Cte - BOS Meeting Room  
7/26 7:00 Board of Selectmen - BOS Meeting Room  
7/27 7:00 Planning Brd - Buxton CD Meeting Room  
7/28 3:00 Trustees of the Trust Fund - Buxton CD Meeting Room  
7/28 7:30 Zoning Brd of Adjustment - CD Meeting Room

7. OLD BUSINESS

A. Votes taken after Nonpublic Session on June 14, 2016

- 1) *Motion by Selectman McGrath, seconded by Selectman Nichols, to promote Acting Captain Sean Mamone to the position of Captain, a non-exempt position, in accordance with the Police, Fire and Town Hall Supervisors Contract, Step 1, with an hourly rate of \$32.9254 effective July 1, 2016 as recommended by the Fire Chief, carried 5-0.*
- 2) *Motion by Selectman McGrath, seconded by Selectman Nichols, to promote Acting Captain Allan Dube to the position of Captain, a non-exempt position, in accordance with the Police, Fire and Town Hall Supervisors Contract, Step 1, with an hourly rate of \$32.9254 effective July 1, 2016 as recommended by the Fire Chief, carried 5-0.*
- 3) *Motion by Selectman McGrath, seconded by Selectman Nichols, to promote Acting Lieutenant Martin Conlon to the position of Lieutenant, a non-exempt position, in accordance with the IAFF Local 3154 Contract, Step 1, with an hourly rate of \$24.75 effective July 1, 2016 as recommended by the Fire Chief.*
- 4) *Motion by Selectman McGrath, seconded by Selectman Nichols, to promote Acting Lieutenant Toby Provençal to the position of Lieutenant, a non-exempt position, in accordance with the IAFF Local 3154 Contract, Step 1, with an hourly rate of \$24.75 effective July 1, 2016 as recommended by the Fire Chief, carried 5-0.*
- 5) *Motion to adjourn at 9:34 p.m. by Selectman McGrath, seconded by Selectman Saucier, carried 5-0.*

B. Public Hearing - Ordinance - adding a stop sign on Bockes Road at the intersection of Lawrence Road

Chairman Luszey recognized Town Administrator Steve Malizia.

Steve Malizia indicated this is the second of two required public hearings to place a stop sign at Bockes Road at the intersection of Lawrence Road. With the increase in traffic in that area from some recent development, the Highway Safety Committee I believe is recommending this stop sign. You previously held a public hearing at your last meeting.

You need to hold this public hearing and after this public hearing, the next meeting you will debate, discuss and potentially pass the motion to add this to the Town Code. For right now, you're doing the hearing.

Selectman Coutu asked we cannot take action on this after this public hearing. Mr. Malizia said that was correct. You have to wait until the next meeting. State law articulates that.

Chairman Luszey opened the public hearing at 7:39 p.m. Does anyone in the audience wish to speak on this item at this time? Seeing none we'll close the public hearing at 7:39 p.m. A vote will be taken at the July 12<sup>th</sup> meeting on this item.

C. Public Hearing - Ordinance - Benson Park Permit Parking

Chairman Luszey recognized Town Administrator Steve Malizia.

Steve Malizia said like the previous public hearing, this is the second of two public hearings. This is for the parking spaces for Benson Park. This is permitted parking. As you recall, you made some amendments, changes at the last meeting to the actual language. That I believe is reflected in your package. You should all be able to see that. I believe it's in red the changes that you all made. Again this is the second of two required hearings. Again after this hearing, you will deliberate and vote on this at the next meeting July 12<sup>th</sup>.

Selectman Nichols questioned the ordinance. It says, "Permits are not transferable". Does that mean it can't go from one person to another that's a volunteer or does that mean to another area? Chairman Luszey noted that means you can't transfer it to someone else. You as the volunteer cannot transfer the permit to another volunteer. Selectman Nichols said okay it has to go back to the Board and then they will...thank you so much. That straightened that out for me.

Chairman Luszey opened the public hearing at 7:41 p.m. Does anyone in the audience wish to speak on this item at this time? Seeing none, we'll close the public hearing at 7:41 p.m. A vote will be taken at the July 12<sup>th</sup> meeting.

8. NEW BUSINESS

A. Bid Recommendation - Robotic Television Camera System Upgrade

Chairman Luszey recognized Chairman of the Cable Utility Committee Michael O'Keefe.

Good evening. Mike O'Keefe noted also with me is Jim McIntosh our HCTV Facilitator. The Cable Utility Committee over the past few months has been working on a plan to upgrade the equipment in this meeting room and the Buxton Community Development Meeting Room. Much of the equipment that's in here was put in service probably in the early 2000s back when Coleman Kelly was in charge of cable. That's how old it is. We've had failures of the equipment that we've had to put Band-Aid fixes on. The upgrade that we're proposing is to upgrade to the cameras and the control room equipment to support that. That would also bring these cameras to high definition quality so you'll see improved picture and audio quality. It's a duplicate of the system that was recently installed at the HCTV conference room. If this proposal were to go through this room and the room next door and the room that the HCTV center would all have identical setups which would make training and operation by the camera operators a little easier since they're all using the same equipment.

Based on that, Mike O'Keefe indicated Jim and I put together an equipment list to specification basically for these two rooms and given the cost of it, we had to put this out to bid which we did. We followed the standard policy advertised in the Lowell Sun, HLN I believe and the town website, State website. We also directly solicited quotes from three local vendors who are in this business. We had a handful of people request detailed specifications but none of them ended up bidding. At the time that the bids were due, we received two bids on the project. As you see from the memo I provided to the Board, the lowest bidder was Access AV of Concord, NH, who we have worked with in the past. They actually are the ones who did the room at the Access Center. I know most of you know but I want to emphasize again the funds for this project don't come from property taxes. They come from the franchise fees that Comcast pays to the town which is what funds all of the HCTV activity. I'm basically here to ask approval to award this bid and move ahead with this project.

Chairman Luszey noted there's been a number of complaints on the planning side that even when they try to replay the audio, it is extremely poor and it's not even usable. This new equipment I know you say it's a significant upgrade but is there anyway prior to the actual purchase that you can do a test run to see if you're going to get the bang for the buck for the equipment or should you actually spend your money doing something about the acoustics of the room?

Mike O'Keefe wasn't sure the acoustics are the issue. I think it might be more of just better balancing the microphone - yeah Selectman Coutu is pointing out that occasionally it's an issue with the participants at the meetings if they lean back and what not. Jim has worked with the camera operators that we have on staff to try to address the audio issues because as I said, some of it - the mixer that they work in the back room they have to have the levels adjusted

properly. There is a bit of automation that's involved so it can tell who is speaking in it and will turn on that microphone but there's still a level of adjustments. I'm not really convinced it's an acoustics issue. If people speak like this into these microphones, they'll pick up fine.

Chairman Luszey asked to just follow on it. You put all this stuff in and you really don't see the improvement in the audio portion of it then what. Mr. O'Keefe said then we look at an adjustment to the audio system. To be honest, the system that we're proposing here is mostly on the video side of things. We'll still be using the same microphones. Just on that note then, Chairman Luszey said if the real problem is on the audio and not the video, why wouldn't we be spending more time on the audio to address the audio portion versus the video. Mr. O'Keefe said my personal feeling is that the audio issue can be addressed with training and operational changes not equipment changes. I certainly don't think its acoustic issues. Chairman Luszey noted it's been there for years now. If it's been there for years why haven't we gotten better?

Jim McIntosh said the system itself the main units have been there for years. However, we have undergone a number of changes in trying to resolve the issues. If people here remember, the Board of Selectmen used to - we started with these small microphones. People were complaining they couldn't hear years ago. It wasn't a question of the microphones being bad. They're fairly directional. When people turn sideways or point them at the ground and stuff because it's in their way, you just can't pick it up. Some of the camera operators can't see who's talking because of the bad monitors that we have in there. The quality of those monitors don't meet today's standards. The microphones themselves like I was saying, we went from those microphones we went to a belt pack system. Everybody forgot to take off the belt pack. The belt pack sound was excellent. Everybody remembers that we could hear every single thing. If you scratched a whisker, if you swallowed loudly you could hear it but we had to take that off because too many people forgot to take the belt packs off and would get up and start to walk to the door and they got yanked back and some of the microphones got destroyed. So we went to this system and we figured it would be easy enough if we asked the board's and committee's chairmen to tell their people please when you come into a meeting make sure the microphones are pointed at you, speak into the microphone, please don't lean back, don't lean to the side and some of them did it for a while and then that stopped. We do sometimes have problems with the equipment. Microphones have failed. We have replaced the main units. They're called SCM810s that do 8 channels at a time. We have two 8 channel units. So we have the capability of 16 microphones per room.

Mr. McIntosh said if we go with the microphone that's not so directional, then you're going to pick up all kinds of ambient noise. If Kathy Carpentier were to turn a page over there if we had the wider microphones, you would hear that in the background. People complained about those things before so we were trying to tighten it up. Now people want us to loosen up because they don't want to tell somebody over there could you please lean forward. Could you please talk into the microphone or if somebody in the audience like starts yelling out like if somebody has a disagreement about something that's on the board, it will just say well you know my property is and then some of the time people will say can you please step up to the microphone. Some of the times they don't. Sometimes the people just refuse to do it. They'll just keep talking from the back of the room. It's very hard to do things well if there's a body between the microphone and the person in the back.

Jim McIntosh stated the reason we're changing the video portion hopefully is to assist the camera operator and being able to see lips moving. You got people who talk from behind their hands or face away. We're doing what we can but this is a step forward into bringing the video quality better so at least people at home can actually see what's going on and the camera operators can see who's talking because not all the Board and committee chair people will announce a person or introduce them. Not everybody follows any specific set of rules, laws, regulations. I don't think we have any set standards for meetings do we?

Selectman Coutu noted Robert's Rules. Mr. McIntosh said well that's then suggested but Robert's Rules is a pretty hefty book to go by. I don't know if you guys have ever looked at it and tried to read it. I've been through this with other people and other meetings and stuff. If you take some of the basic rules, it works. All it takes is a chairperson to recognize the people. The people wait to be recognized so we can turn up that microphone. These microphones right now are set to auto mute. If somebody else were to start talking with me, it would start off low. If they were louder than me and had a sharper voice, it would default to them over my voice. That's why we need people to recognize people. If we could set rules...

Chairman Luszey said I got you. I hear you but I will tell you that's the number one complaint over there. Mr. McIntosh stated it's my number one complaint as well. We try, and try, and try and there's only so much you can do.

Selectman McGrath asked would it help to have microphones in the ceiling as opposed to on the tables because in the Buxton meeting room, I know that there are some in the ceiling and those are for the engineers or some of the applicants walk around and their voices need to be picked up. Is that something that would work? Mr. McIntosh said no not really. We tried that originally. Actually the idea came from Brad years ago. He had this little recordist microphone up in the ceiling but that picked up every noise in the room. Brad being experienced could pick out voices and stuff and pick out who was doing it plus he had the video records to go by. First it was VHS tape and then it was DVDs. The reason we put a microphone over the table in that room is because a lot of times architects or lawyers will come in and put up a paper presentation instead of something on the monitor. So the microphone is right

over them otherwise we'd have to turn up a microphone at the table. If we did that and say Pat opened up a piece of candy while the guy was talking, all you would hear is that wrapper going crink, crink, crink. So we use the overhead microphone for that. Even that one has been changed at least 4 times trying to find the right one that's going to work. It's a great idea. I'm open to any suggestions really.

Mike O'Keefe indicated we are committed to get the audio better. We recognize that there's been some failures on that part in the past and I think it's getting better and we're going to continue to work on improving that. Some of it is the participants have to work better and I think some of it is on our end. We have to make sure our operators are following along as closely as they can.

Selectman Saucier said (inaudible) the difference between your HCTV room and the rooms here and the ability of it. Mr. McIntosh said yes because over there what we have is instead of - the old way was you had small little mini black and white TV screens down there. If it's a close up of one person talking, that's fine but when you have two Selectmen or like in the CD room with the Planning Board, you'll have 4 people on screen, their faces are little tiny things and they're squinting trying to see whose talking. They can't always and if people kept the same position, that helps somewhat. With the new screens, we have a multi-view monitor that's 32 inches. Instead of a little one, now we have a color one that's bigger and that they can see more and it's sharper because it's high definition. We don't broadcast in high definition. This is only analog. Comcast takes our signal and down converts it and sends it out because that way there they can put like 40 or 60 stations on one piece of fiber at one time. The reason for the high definition equipment is even though this is down converted, high def cameras pick up more definition even if you down convert it - more signal goes out there so there's more clarity and sharper image to the people at home. Maybe people can tell when certain people are talking behind their hand or if somebody is out of sight. Maybe it will help the camera operators and maybe get them glasses will help. It's a good idea though. I'm glad you asked that question.

Selectman Coutu indicated at the last Cable Committee meeting we had somewhat of a conversation relative to the training of our camera operators. There's always been the tendency to always want to do things on the cheap and so they were given limited training and there were limited hours available. Jim's newly appointed assistant suggested to us that maybe the Cable Committee should consider us allowing him to be able to spend more quality time with the camera operators perhaps even at the studio to show them different operational aspects that might improve the overall quality. One of them is despite the fact that it's old equipment, there is a voice control knob or adjustment that they can make. I don't know if they're using knobs or they got the new up and down switchers. No? Mr. McIntosh said we're still using ops. Selectman Coutu said that's too sophisticated for the kids. They're told to listen to who is speaking and there's an indicator that tells them how loud the volume is going out. It's like a flashing light. The higher it goes the clearer the voice. If they locked into to whoever is speaking, they can adjust that knob. In order to do justice to wanting to train them properly, these people need to be first taught to focus - stay off their cell phones and focus on the meeting. That's what we're paying them to do. Those little details like Selectman Nichols is speaking, you notice on her thing you can hardly notice it for various reasons. The microphone may or may not have a defect but more apt than not, she may be leaning away. She may be turning sideways and talking to the people over here. So her voice doesn't carry this way, it carries this way. This microphone might pick up more than this one even though it's closer. So it's making those adjustments and I'm not saying you do that Pat. Most of the time you talk right into the microphone. It's getting the chair people - I know that you've done it Jim. I know that we've tried. I think memos have been sent out. We tell the chair people to please ask people to bring their microphones in front of them.

Planning and Zoning, again are a unique situation. Selectman Coutu said they have maps and maps hit microphones like people are going to hear this at home. People at home know that I'm doing this. I'm going to wrap this paper across the mike as if I'm opening a map and then the people at home they won't hear it here but the people at home will know what I'm talking about. That simple noise comes across as an earthquake on television. Just that piece of paper hitting the microphone. So putting the microphones really close at the Planning Board and the Zoning Board is very difficult. However if the Chair would abide by some rule of assemblance which would be please don't speak until you've sought recognition from the Chair so I can identify you. Yes Selectman Saucier. Yes Selectman McGrath so the camera operator knows - the name plates are right there and they already have the camera on all of us so they'll know who it is. I think that that additional training will go a long way to improving the quality of both the camera operator as well as picking up the audio.

Chairman Luszey asked any further question regarding the specific topic in front of us about the equipment.

Selectman Nichols indicated it says here your bid price, the one that you wanted, was \$53,494. You have \$41k as of today. Where's the rest of that money coming from? Mike O'Keefe said no we have \$112,000 as of today. Selectman Nichols said okay as long as you got the money. Mr. O'Keefe indicated the Finance Director has reviewed it as well and I believe she submitted a memo as well supporting it.

*Motion by Selectman Coutu, seconded by Selectman Nichols, to award the bid for robotic television camera system upgrades for the two conference rooms at Town Hall to Access A/V, the lowest bidder, in the amount of \$53,494 as recommended by the Cable Committee Chair and the Finance Director.*

Selectman Coutu indicated I'd like to make an amendment to that. As we have done in the past rather than hold to a specific \$1 amount, its \$53,494 - an amount not to exceed \$54,000 where there's a little contingency. Most of the time it is what it is but an amount not to exceed \$54,000.

Motion by Selectman Coutu, seconded by Selectman Nichols, to award the bid for robotic television camera system upgrades for the two conference rooms at Town Hall to Access A/V, the lowest bidder, in the amount not to exceed \$54,000 as recommended by the Cable Committee Chair and the Finance Director.

Chairman Luszey it's the Cable's so I'm fine with that. Selectman Coutu didn't know if there anything else they want to buy. I just want just in case. Its \$506 more than but that doesn't mean they're going to spend the \$506. Just so the viewers are aware, Chairman Luszey indicated this has absolutely zero impact to the tax rate as this again money comes out of the cable franchise money that is paid by the users of cable.

Selectman McGrath asked why would we be authorizing greater funds than what they've requested and what the bid was. I know it's not a lot of money but why? Selectman Coutu indicated it's a safeguard that we have built in in the past on some of the bids. Selectman McGrath said these are bids that we've already received.

Selectman Coutu said I withdraw my amendment. I'm not going to argue over it. I'll withdraw my amendment.

Motion by Selectman Coutu, seconded by Selectman Nichols, to award the bid for robotic television camera system upgrades for the two conference rooms at Town Hall to Access A/V, the lowest bidder, in the amount of \$53,494 as recommended by the Cable Committee Chair and the Finance Director, carried 5-0.

B. Acceptance of a NH Fish and Game OHRV Law Enforcement Grant in the amount of \$1,080

Chairman Luszey recognized Police Chief Jason Lavoie.

Thank you Mr. Chairman. Chief Lavoie appreciated the Board's opportunity to let me ask for us to be able to receive this grant. This is the end part of the whole process that we've talked about before. We've applied for this grant a number of times in the past and have not been a beneficiary of it. So we are grateful even though its \$1,080, it is helpful for us to complete part of our tasks.

Chairman Luszey asked what does this actually break down into. I know what it's for but your thoughts of where you would patrol within town with this. Chief Lavoie indicated most of our issues occur in the south end off of Dracut Road and is more so just beyond Stewart's corner area. We also have spillover that will go from Dracut Road off to Bush Hill and into Kimball Hill Road areas. We've been very fortunate the Fish and Game has been fantastic this year. They've been hitting those areas quite heavily and we certainly appreciate their efforts in enforcing things of this nature.

Motion by Selectman McGrath, seconded by Selectman Saucier, to authorize the Police Department to accept the OHRV Law Enforcement Grant in the amount of \$1,080 and to authorize Chairman Luszey to sign said documents on behalf of the Town, carried 5-0.

C. Bid Recommendation - Leonard A. Smith Central Fire Station Renovation

Chairman Luszey recognized Fire Chief Rob Buxton.

Good evening Mr. Chairman and members of the Board. Chief Buxton noted I'm here tonight to seek authorization to award the bid for the construction at Central Station. Just to give you a little history on this project, this project was actually voted on in March of 2015 with a start date of 7/1/15. The original goals for the renovation project were to address the overhead door restriction at Central Station, address the second means of egress to the second floor, lack of compliance getting into the public space on the first floor, lack of an automatic fire suppression system within the building, create a secure facility, and create a work flow on the second floor that supported a training room, kitchen and day room, separate bathroom facility - so male and female employees, fitness room, dormitory support, and support of offices for the EMS Shift Commander and report writing area. The goal was to extend the life cycle of the building for 10 to 15 years.

Starting in July of 2015, Chief Buxton said we started to work on the formal scope and requirements and design of the project. The Board authorized the hiring of Port One Architecture out of Portsmouth, New Hampshire, who started meeting with the building committee and talking about the different construction practices and methods. The bid process at that point in time was developed, finalized in April of 2016. We sent it out for direct solicitation to 11 vendors who we had talked with prior to the bidding process and asked them to check their interest. We conducted walk through with several vendors. We had a formal bid opening in June of this year at 10 o'clock in the morning by Patti Barry and received 3 bids. One from Structure Tone from Boston, Massachusetts; Northpoint Construction from Hudson, New Hampshire; and DL King Associates from Nashua, New Hampshire. The Building Committee further

interviewed these construction companies to check to make sure there was a full understanding of the scope of the project and we checked their communication and their bid process overall.

Chief Buxton indicated Central Station will remain open during this construction process. That means that we need to have an open line of communication, to maintain safety for all of our employees, and create construction efficiencies so we block off certain areas for construction and different phases of the process. The key to this would be an open communication process and the ability to contact the contractor day in and day out on a 24 hour basis. The second week of July they're anticipating mobilization and I can tell you from talking with the bidding companies that we did direct solicitations from a lot of projects were being bid at the same time. The lack of bids coming in more than 3 shouldn't be reflective of the scope of work as reflected of the amount of work that is actually out there for bidding. We had an actual company who was ready to submit their bid and was awarded a State contract for the construction of bathrooms in the prisons and had to withdraw after they had already done all the work for the project based on the fact that they wouldn't be able to meet the time table.

Chief Buxton said tonight we're recommending that you award the contract to Northpoint Construction Management out of Hudson, New Hampshire. Northpoint comes in with a price of \$845,457 which gives you a per square foot cost of \$96.24. This compares to DL King who wanted \$105.25 per square foot or Structure Tone out of Boston, Massachusetts, who came in at \$135 per square foot. Northpoint Construction comes in with a 6 percent profit and they openly put that right in their bid. DL King and Structuretone came in at a 10 percent profit margin. We will be addressing the original goals to the project. We'll be installing/repairing the envelope of the building, reinstalling a new roof. We'll be installing new windows throughout the building. We'll be installing new doors. We'll be addressing the security of the building. We'll be addressing the lack of a second means of egress to the second floor. We'll be addressing the automatic fire sprinkler system. We'll be addressing the overhead door project that has been nagging us for the better part of 15 years, and we'll be updating the kitchen and the bathroom facilities, and we'll be bringing the public area and the lobby area to ADA compliancy through a handicapped ramp off the Library Street side of the building. We were upbeat about the project. We're positive about what we're going to put together and we have a project to move forward with. We're asking your consideration to award the bid to Northpoint Construction.

Before I open it up to the Board, Chairman Luszey said just in view of full transparency, I've actually worked with this company and I will tell you they are an outstanding company to work with. They provide a level of professional services that is almost unimaginable in this field.

Selectman McGrath asked could you reveal what projects you've worked with them on. Chairman Luszey indicated Main Street United Methodist. They helped us save a ton of money in that project. A lot of hazardous waste mitigation that they helped us through. Selectman McGrath stated too bad they didn't help us with that before we had to give more money.

Chief Buxton said Northpoint Construction provided us with a reference list of past projects and current projects. I did spend some time today on the phone talking to Allan Mello, Jr., from Allan Mello Dodge who's working with them on two projects - one on the Daniel Webster Highway by Jordan's Furniture. You'll notice that their lot is gone and they're building a building there. They're also doing a remodel down in Mamone Drive in the auto dealership market. He opened up freely and talked about last minute changes to the project down by Jordan's Furniture. The steel is on site. They were getting to erect and they decided that they were going to change the ceiling heights in the building and they needed to start all over again. He talked about the open communication, the problem solving capability of the staff and the professionalism they brought forward. I also talked to Jack Bulch who is a Hudson town resident down in Mission Point. He represents the Elks project on Daniel Webster Highway and has worked with this company in regards to their problem solving and the ability to come in on cost point and put together an efficient package.

Before Selectman Coutu asks a question about the (inaudible) itself, I just want you to know Chief that I spoke to some people at Jeanne D'Arc Credit Union with their new openings. They were very satisfied. Just so it's clear in my mind, the second exit that's going to address the lack of - is that just going to come out in the back? Chief Buxton asked to go to the Board for a second. You see a second means of egress. That actually comes off the second floor here and exits to the back side of the building. This was a redesign from the original plan which is going to be circular originally. We actually had space between the bar joists to bring it straight up a cost saving measure. Selectman Coutu thanked Chief and said good job.

Selectman McGrath had a couple of questions and then I have a comment. I looked the paperwork over. I also looked this site up. I looked them up on the internet. I checked the Better Business Bureau. I looked at the sites that they've been working with and the two latest ones according to their website, they're working with Main Street Methodist...Chairman Luszey indicated they have a credit union up on Spit Brook Road. Selectman McGrath indicated also Peters Auto on Amherst Street. There were no adverse comments on the Better Business Bureau site.

Two questions for you maybe three. Selectman McGrath asked looking at the proposal by Structure Tone, they listed vendors that they would be utilizing. This business did not. Also DL King. Chief Buxton said within the bid package that I placed upstairs for you folks is a list of subcontractors that they'll be utilizing. Selectman McGrath said she didn't look at that I just looked at this one. Question on the description on the work that they're going to be doing.

They're going to be doing concrete and masonry work. What is that for? Chief Buxton said there were several different pieces. Along the back side of the station currently you have an overhead door that's in place. So this would be concrete/masonry work to fill that door in because we're repurposing this area for turnout gear storage we currently do not have. We'll also be raising all of the overhead doors across the front of the station. The original station will go to an 11 foot 6 door and the actual addition will go to a full 12 foot door. We currently are down approximately a foot of space and we've had some bidding problems for our apparatus to fit within the building. So that's why that piece of that project is taking place that way. Selectman McGrath asked there's not going to be extensive concrete or masonry work. Chief Buxton said you're going to have the door openings. They're all going to be changed over with a new piece of steel put in and they'll be raised 10 inches. So there's some significant structural work that will be done there. Selectman McGrath asked are those local vendors that they're going to be using for that. Chief Buxton said yes. The overhead door company will actually be Shumsky Door out of Hudson. Selectman McGrath indicated that was listed on the other that was on Structure Tone as well.

Selectman McGrath asked about the concrete companies. Chief Buxton said the masonry company will be Drew Masonry out of Dunstable, Massachusetts. Selectman McGrath asked about the concrete. Chief Buxton noted it's the same company. The structural engineering work is done through the contract with Portland Architecture.

*Motion by Selectman Nichols, seconded by Selectman Coutu, to award the bid for the renovation of the Leonard A. Smith Central Fire Station to North Point Construction Management, the lowest bidder, at the anticipated cost of \$845,457 as recommended by the Fire Chief and the Finance Director.*

Selectman McGrath asked this amount that we're authorizing does that take into consideration the \$22,000 that you came in for a couple of weeks ago. Chief Buxton said no. Selectman McGrath said you're still going to be under the \$900,000 threshold that the voters approved. Okay. Thank you.

*Vote: Motion carried 5-0.*

D. Recommendation to Readopt Investment Policy

Chairman Luszey recognized Finance Director Kathy Carpentier.

Kathy Carpentier noted one of the annual things I come before the Board for is to readopt the Investment Policy. It is part of the Board of Selectmen's job under RSA 41-9 to be adopted every year. We have chosen at this point not to make any changes. The Treasurer has looked at it so I'm asking you to readopt the policy as written.

*Motion by Selectman Coutu, seconded by Selectman Nichols, to readopt the Investment Policy as proposed by the Finance Director, carried 5-0.*

*Motion by Selectman Coutu, seconded by Selectman Saucier, to allow the Finance Director to readopt the Investment Policy every year as a "Consent" item on the Board of Selectmen's agenda, carried 5-0.*

E. Recommendation to Readopt Fund Balance Policy

Chairman Luszey recognized Finance Director Kathy Carpentier.

Kathy Carpentier indicated the Town of Hudson decided to implement this compliance in 2011. Since then, I've been before you to readopt the Fund Balance Policy. It has been our goal to be around 7 or 8 percent and the Board has taken action to keep us around that point. That is currently where we are now. No changes have been made to the policy and I ask you to readopt the policy as is.

*Motion by Selectman Coutu, seconded by Selectman Saucier, to readopt the Fund Balance Policy as proposed by the Finance Director, carried 5-0.*

*Motion by Selectman Nichols, seconded by Selectman Coutu, to allow the Finance Director to readopt the Fund Balance Policy every year as a "Consent" item on the Board of Selectmen's agenda, carried 5-0.*

F. FY2016 Encumbrances

Chairman Luszey recognized Finance Director Kathy Carpentier.

Kathy Carpentier explained at the end of every year I send out a memo to the department heads to ask them for any projects that have been started but yet have not been fully paid for. So these are liabilities that are on the book as the end of the year. As things do get paid in the next week or two before we actually close the books, I would take them off the list but these are the things that were proposed to me including donations which roll over year after year as long as they're on the encumbrance list. This is for general fund, water fund, sewer fund and library fund. It also includes the balance of the \$900,000 that was given for the renovation for the Central Fire Station because it was a

warrant article. That is not lapsing at this point so we include all the funds left in that account. I also took the liberty at the bottom of the page to add the two bid items that you just awarded tonight. Had you not awarded them, I would have taken them off but those are included for the cable project and the fire project. So with that I ask you to encumber the not to exceed amount of \$1,962,786.51.

*Motion by Selectman Nichols, seconded by Selectman Saucier, to encumber the not to exceed amount of \$1,962,786.51 for Fiscal Year 2016 as recommended by the Finance Director, carried 5-0.*

G. Draft Schedule for Special Town Meeting

Chairman Luszey recognized Town Administrator Steve Malizia.

As the Board recalls, Steve Malizia said the Board made a motion to have a special election concurrent with the State primary election in September for the purpose of asking the voters of Hudson if they would like to give permission for a second polling place. We're not defining where the second polling place is but that was the direction of the Board to have that session concurrent with the primary. Because we're an SB2 town, we have to have two sessions. We have a Deliberative Session and we have a voting session. The September 13<sup>th</sup> is the voting session. You have to have a Deliberative Session before that. So I worked with Attorney LeFevre to develop or to find out what the schedule should be for that. As you can read from my memo on his notes, you basically have to have the first session, the Deliberative Session, sometime between I believe its July 15 and August 16<sup>th</sup>. So what does that basically mean? When you look at the calendar and you look at the schedule of events in order to have that second session on the 13<sup>th</sup> of September, it's got to be more than 28 and not more than 60 days before that. So that's where those two days come from. If I look at that period of time, you have two regular Board of Selectmen meetings during that regular period of time. I think July 26<sup>th</sup> and August 9<sup>th</sup>. I would not anticipate that you'd want to run the big Town Meeting or maybe you do. I wouldn't want to anticipate that you're going to run the typical big town meeting that you do for the annual Town Meeting vote.

Again this is a one warrant question which I've had Attorney LeFevre prepare a sample of on the last page. It's basically asking the voters shall we have another polling place. Steve Malizia said in my opinion, I think you could run it at the same night as a regular Selectmen's meeting but if you chose not to, you need to pick another date between July 15<sup>th</sup> and August 16<sup>th</sup>. I've tried to lay out a couple of options for you. I would probably think that you'd probably be able to hold it in this room. I can't imagine that you're going to get an overflow of people. Again it's a Deliberative Session type of thing where folks can come in and ask questions. I would assume they could also make amendments. That's the voter's prerogative at the first session. So I lay that out for you. Again I wanted to get a schedule from the attorney just to give you an idea. There's obviously posting requirements. We have to advertise so again I think we need to establish some sort of date for the first session for this warrant article.

On the motion, Chairman Luszey had a question. It's a special Town Meeting for the voter approval of an additional polling place in Hudson and you have for space 2016. Wouldn't there be a period at Hudson because we're just asking permission to create the ability to have a second polling place regardless of the year or are we just doing it for one year? Steve Malizia said we're just trying to do this for the date that you want to hold the hearing in 2016 because it's got to be this year. You pick the date between July 15<sup>th</sup> and August 16<sup>th</sup>. That's what that is all intended to be is what date would you like to hold the first session. That's the intention.

Selectman McGrath asked didn't the Moderator indicate to us that once it's voted on if the voters agree that we can have an additional polling place we don't have to come back again for a further vote on that and that it will continue forward? Mr. Malizia said once the voters authorized a second polling place, you do not have to come back to the voters to ask them that question again. Right now we believe you have one voting place but if you want to have two at some point in the future, this is how you would accomplish that. Selectman McGrath indicated it doesn't mean that we have to have a second polling place. It just gives us the ability to have one. Mr. Malizia agreed and even to make it not more complicated but we've learned and speaking to Attorney LeFevre that if you had two places, you'd have to district the town. Basically you'd have to develop some sort of districts and it isn't A through L, M through Z. Its districts. You'd have to figure out the population.

Selectman Saucier asked didn't we have two polling places in the past - like way, way, way in the past? Selectman McGrath said we had three. Mr. Malizia said it could have been a long time ago in a different form of government but I believe under this form of government, we've only had the one. I don't know what, again, I remember voting in the same spot every time I voted way back when. Under the counsel form of government, Selectman McGrath indicated we had three polling places. Selectman Coutu noted and a thousand members to the Town Council.

*Motion to set the date for the First (Deliberative) Session for the September 13, 2016 Special Town Meeting for voter approval of an additional polling place in Hudson for 2016.*

Steve Malizia indicated if you'd like to run it concurrent or the same meeting that you're already meeting that would either be July 26<sup>th</sup> or August 9<sup>th</sup>. Those are two regular meetings. Chairman Luszey noted we should do it at the July 26<sup>th</sup> meeting.

Donna Graham asked if the Town Moderator had to be there. Selectman Coutu said yes. Mr. Malizia believed...Ms. Graham said he's on vacation that week. The next date would be August 9<sup>th</sup>. Selectman Coutu asked what happens if the Town Moderator is not available? Mr. Malizia said he'd have to appoint somebody else. There'd be a Moderator for the meeting. You'd have to appoint somebody else for the meeting. Selectman Coutu stated there isn't an Assistant Moderator technically. Isn't there an Assistant Moderator? Mr. Malizia said there has been in the past. I couldn't tell you who it is right now. Selectmen Coutu noted the previous one that I knew of passed away. Steve Malizia agreed and before that it was Mike Keenan. We've had them through the years but I couldn't tell you who it is right now. It's however he would I'm assuming deputize.

Chairman Luszey thought we should do it on the 26<sup>th</sup> because if something happens and we can't do it for whatever reason, we end up running out of time. Steve Malizia said no. You have through the 16<sup>th</sup> of August. You could theoretically meet on another evening other than August 9<sup>th</sup>.

Selectman Saucier asked isn't the August 9<sup>th</sup> the workshop or is it a meeting. Mr. Malizia said it's the first regular meeting but you can do it any day on any night. Selectman Coutu noted we don't have a meeting scheduled for the 16<sup>th</sup> but we could have one. It's the last time we could hold it. Mr. Malizia said it's the last day you could hold it.

Chairman Luszey asked if you're comfortable with the 9<sup>th</sup>, we'll go with the 9<sup>th</sup>. Selectman Coutu said whatever accommodates Mr. Inderbitzen. I'd like to see him there. Chairman Luszey noted August 9<sup>th</sup> it is.

*Motion by Selectman Coutu, seconded by Selectman Nichols, to set the date for the First (Deliberative) Session for the September 13, 2016 Special Town Meeting for voter approval of an additional polling place in Hudson for August 9, 2016, carried 5-0.*

*Motion to change the Board of Selectmen's meeting of September 12, 2016 to Wednesday, September 14, 2016.*

Steve Malizia indicated you have a State Primary on the 13<sup>th</sup> of September. You will all be probably be at the polls from 7 to goodness knows what time at night. So traditionally you've met the Monday night the night before. What I'm hearing is you want to meet the day after as opposed to the day before. I don't know if that's what you want to do but that's what is being proposed.

Chairman Luszey indicated in September we have an election on Tuesday which is the meeting of the 12<sup>th</sup>. Mr. Malizia said the 13<sup>th</sup> is the regular meeting but you normally move it to the Monday the 12<sup>th</sup>. This way instead of that date, it would be the Wednesday the day after.

*Motion by Selectman Coutu, seconded by Selectman Nichols, to change the Board of Selectmen's meeting of September 12, 2016 to Wednesday, September 14, 2016, carried 5-0.*

#### H. Nashua Region Electricity Supply Aggregation

Chairman Luszey recognized Town Administrator Steve Malizia.

Steve Malizia indicated this electricity aggregation program is a program we the Town of Hudson were involved in. Through the efforts of NRPC, we've basically aggregated with I believe 13 towns and 9 school districts. Basically it's to bulk purchase the electrical supply portion of our electrical needs. Again we've done this for four years. Our current agreement will be expiring this November. The aggregation is looking to see if we'd like to participate in the next go around which basically means we'd have to sign a Memorandum of Understanding that would express our commitment to the process to go out to aggregate and purchase our electricity at a reduced rate by basically banning together with other communities in the area for the procurement of the supply portion. For the last year, we've saved approximately \$56,000 and that's been a fairly consistent number. We're basically saving a couple of cents per kilowatt hour with this effort. That's what's being proposed and that's what is being requested. If you choose to do it, you would sign a Memorandum of Understanding. If we chose not to do it, we just would pay the retail rate for Eversource I believe.

Chairman Luszey had one question. For the last couple of years, I know when we've done this we've tried to phase it so we got in phased with the school districts because they go out and do this. A couple times they've actually got a better rate than NRPC. Are we in phase yet with them to be able to take advantage? Steve Malizia indicated I've sent two e-mails to them a week apart offering to either have them participate in this program or for us to participate in their program to explain what they're doing. I've gotten no response from the Business Manager. I did reach out to ask. Again I can't go over there and make them do anything. I did ask the question. I don't know what they're doing.

Selectman Coutu said they want to work hand in hand and they don't even respond to our Town Administrator. Shame on the School Board. Mr. Malizia said I didn't send it to the School Board. I sent it to the Business Administrator.

Selectman McGrath asked we have a liaison to the School Department. Selectman Coutu noted we haven't attended any meetings. We're going to a meeting in August. Does everyone have a card? Selectman Saucier noted it came in the mail.

Again Steve Malizia indicated I did approximately a week apart ask them would you like to participate in this program. What are you doing for your program? We'll participate with you if it's better. I don't have a response to give you.

Motion by Selectman Coutu, seconded by Selectman Nichols, to authorize the Town Administrator to sign the Memorandum of Understanding between the Town of Hudson and NRPC in order to participate in the Nashua Region Electricity Supply Aggregation Program, carried 5-0.

#### 10. OTHER BUSINESS/REMARKS BY THE SELECTMEN

Selectman Coutu - I know my wife is watching so point of personal privilege. Happy anniversary honey - 53 years tomorrow. I received a memorandum from Kevin. He keeps me pretty well updated our Road Agent Mr. Burns. In case any of you received any phone calls, one of our school zone lights was knocked out I believe it was Sunday morning. A young man fell asleep behind the wheel. He's not injured and fortunately he has insurance. So the cost to replace that light is approximately \$7,500 and his insurance company I would hope will cover the cost to replace that light.

Selectman Coutu noted the new brush chipper is already at the dealership however we can't pay for it nor receive it prior to July 1 because of the fiscal year cycle. It will be here on or about July 5<sup>th</sup> or 6<sup>th</sup>. Kevin said there was maybe some interest in the old chipper but it's so beat up. Somebody might be wanting to buy it for parts or what not. He's thinking of perhaps going out and bid it out to see if somebody can. Mr. Malizia said it's out on our web page. Selectman Coutu stated its out if anybody wants to buy it or whatever.

Selectman Coutu explained the big project in town this summer will be Webster Street. Webster Street is being prepared for a total reconstruction. They've already removed a lot of tree branches from the overhanging trees along Webster Street. If you see crews out there and they're cutting branches, that's one of the reasons they're all cutting branches. I think Eversource has also contracted branches being taken down around town that may affect power lines. So that should answer a lot of questions that we're getting on 2 or 3 websites that are town related that these questions keep popping up. I've answered every one as quickly as they come up to inform them why the tree branches are being removed. On Webster Street they've done that. All the manhole covers have been lowered. Obviously they have to do that when they're going to do a reclamation. The surface reclamation is going to take place in the next two or three weeks. Just the cost for this phase is \$200,000. He has a limited budget and he has other areas of town that he wants to do paving in. I believe the finish coat will be put down next year. You'll be able to travel this year but there will be a finish coat. People say it's not done. It's because we don't have enough money in this cycle. Steve Malizia said we also like to let it weather so that it settles over the winter time.

Selectman Coutu noted the sewer main on Windhaven Drive has been started. What does that mean Kevin? Mr. Burns said we're replacing it.

Selectman McGrath - I have a couple of things. I attended the Sustainability Committee meeting last night. A few items from that meeting. September 24<sup>th</sup> there's going to be a roadside cleanup for the fall. The road/street locations have not yet been determined and they are looking for volunteers if anybody is willing to step up and help them. Button Up is scheduled for some time in October. The date is not yet known. They've provided information for solar powered street lights to Benson Committee for their review and possible purchase.

Selectman McGrath noted the last thing is from the Police Department. It's my understanding talking to Chief Lavoie. There's been a supply of oxycodone that's being dealt by the drug dealers. They're selling this. It's labeled and marked as oxycodone. However it's pure fentanyl and only a few grains of that what they're putting out on the streets now can kill you. For anybody that has anybody that's dealing with a drug problem, they need to know that this really dangerous stuff and it can be life ending. Not life altering but life ending.

The last thing, Selectman McGrath thought we all received a Memorandum this week from the Department of Transportation concerning Benson Park and some mitigation that's going to have to take place. Again I ask what the anticipated cost of that is and for that to be included in the listing that I requested at the last meeting. Steve Malizia didn't expect that that's a cost that we have to bear. They have a solid waste easement. They're responsible for those costs. Selectman McGrath stated I don't know that so it's something that I want to make sure that if it's something that we have to deal with that we know about it up front. That's all that I have.

Selectman Nichols - I went to the library meeting. They had a 3D printer demo on June 21<sup>st</sup> which I never got to. I forgot. I thought it was July 21<sup>st</sup> so I didn't get to see that. I guess they liked it but, again, that's another down the road sometime because things change and as things progress, they get better and cheaper so that maybe down the road. They're doing policy manual updates. They're having an end of the summer barbeque on Friday, August 19, at

6 p.m. so people are invited to that. They're also looking for someone to be a recorder because the girl that used to do the recording has left. So anybody who wants that job can contact Charlie Matthews and see what you can do about that. That's all for that.

Selectman Nichols indicated I have two things. The south end coming into town it's welcoming. It's beautiful. It's clean. There's no litter. There's the sign. There's the flowers. Really nice. Now you go to 102 coming in the other way. We have yard sales that go in all week. Do we have an ordinance or something that says only one day? We have one yard that is filled almost two. One is way in the back and it moves up off and on. There is one yard - I'm sorry but if I were coming into town I'd be embarrassed. I would be embarrassed because at one end it's welcoming and the other end it's really looking terrible. I don't know what our ordinances are for yard sales. I don't mind a yard sale because they have them all over the place on a Saturday and a Sunday which is fine then things are gone. On this particular place as you're coming in from I think 102 and Elm, you come up there and this thing is facing you. I'm sorry but it's really not welcoming. I don't want to say that its junky but it's not welcoming.

Chairman Luszey said it's actually more than that. We need to change the zoning. It's been addressed a couple of times in the past and the way the code reads there's nothing to be enforced. Unless the Zoning Board rewrites the code for that and gets the people to approve it.

Selectman McGrath commented it's not the Zoning Board that's going to rewrite the zoning code. It's Planning Board. They're rewriting the zoning ordinance with input from some Zoning Board members as well as our new Code Enforcement Officer. Then it will be adopted by the voters. Chairman Luszey agreed. Until that happens, I'm not sure what you do.

Selectman Coutu noted there was a similar operation on Dracut Road and the Code Enforcement shut them down but they never shut that one down on 102. When you go out and you buy or order merchandise wholesale and you sell it on your property, it's no longer a yard sale. It's a retail outlet. I've gone down that road on a Saturday afternoon with my wife and we had to go around cars double parked on 102 on a busy travel day because they were double parked. People were going in shopping. The car on the outer lane had no visible driver in it. This has just been going on for years. But they shut one down and they let one stay. This is the kind of reputation this town has. It's who you know I guess. Chairman Luszey said it's not who you know. Selectman Coutu asked how come they shut the one down on Dracut Road. Chairman Luszey indicated I don't know the particulars Selectman Coutu but I'll tell you what. He's here. We'll ask him to go out and take a look at it and what can be done.

Selectman Nichols indicated that's one. The other one is worse. There's two. There's on right near the hardware store. I don't know what's in there. I go by it every day and I'm thinking it's still there. Nobody has closed it down. I'm thinking if people are coming into our town from that end, it's heartbreaking because it's so beautiful at the other end. They come across the bridge and Kevin and his crew did a beautiful job there. It looks so nice. It's so welcoming and then you come in from the other end and it's enough to make your hair stand on end.

Chairman Luszey understood. My logic says that if we're going to address this, then we address them all. It's not just the ones on 102. It's the ones on Whip-poor-will Drive, and Musquash Road, and everywhere. You cannot apply the law one way to one set of circumstances and not all. The Fire Chief is here. I will see him and I will ask him to look into what it is we can do to manage that. Selectman Nichols would like people to come in and see what a nice town we have and not...like I said, some places every weekend there's places that have their yard sales. One or two, okay - Friday and Saturday or Saturday and Sunday for a few hours and then it's gone. It's clean and you never see them again. They're gone and they do it once a year or something like that. This one is every single day with rusty stuff. It's a mess. Chairman Luszey said I got you but again we have codes that regulate how and what we can do. If it doesn't say we can only do it two hours a day on Saturday and one hour on Sunday, then you know what they're within their right. Selectman Nichols said I'm not complaining about that just the 24 hour a day that's the ones I don't like. It's more of a business than a yard sale. I have to agree with Mr. Coutu. It's a business. Chairman Luszey indicated I'll ask the Chief to come back and give us his finding in the August time frame.

One other thing, Selectman Nichols said I got that letter from David Wheeler Executive Council thank you note. I thought that was really great. I loved it. I called him and said thank you.

Selectman Saucier - I attended my first Senior Affairs meeting. I wanted to thank everyone there for having me. It was a great group of people. Their next meeting is going to be in September. You had asked about the amount of members. They have to do a manual count. The count that they have is from the beginning of inception until now. They don't have just the fiscal year and Lori's computer crashed so she doesn't have the numbers. She's going to do a manual count to find out how many actual members they currently have to get us what the 2015/2016 numbers are so we have an accurate number. Chairman Luszey asked this is the senior center's computer. I would ask the IT Director for the backup of that to be installed somewhere so we can get it this week. Selectman Saucier indicated I will do that. Chairman Luszey indicated as the IT liaison, I will go ask.

Selectman Saucier noted they're having a luau barbeque on August 25<sup>th</sup> at 10:30 in the morning at the Community Center. It is \$8 per person and that is all I have.

Selectman Luszey - The only thing I really want to add to general comments is I wish everyone a safe 4<sup>th</sup> of July weekend.

11. NONPUBLIC SESSION

*Motion by Selectman Coutu, seconded by Selectman Saucier, to enter Nonpublic Session pursuant to RSA 91-A:3 II (a) The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, unless the employee affected (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted; (b) The hiring of any person as a public employee; (c) Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the public body itself, unless such person requests an open meeting. This exemption shall extend to any application for assistance or tax abatement or waiver of a fee, fine, or other levy, if based on inability to pay or poverty of the applicant; and (d) Consideration of the acquisition, sale, or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community, carried 5-0 by roll call.*

Chairman Luszey entered Nonpublic Session at 8:48 p.m., thus ending the televised portion of the meeting. Any votes taken upon entering open session will be listed on the Board's next agenda. The public is asked to leave the room.

Chairman Luszey entered open session at 10:54 p.m.

*Motion by Selectman Nichols, seconded by Selectman McGrath, to promote Derek Desrochers to the position of Special Equipment Operator Sewer, Grade XII, Step 7, \$26.89 per hour according to the Hudson Highway Department Local #1801 of the American Federation of State, County and Municipal Employees (AFSCME) Contract effective July 17, 2016, carried 5-0.*

*Motion by Selectman Saucier, seconded by Selectman Nichols, to accept Chief Lavoie's recommendation to recognize and award \$250 each to Sergeant David Cayot and Records Clerk Michelle Vachon with merit awards according to the Hudson Police Employee Association Contract, carried 5-0.*

*Motion by Selectman Nichols, seconded by Selectman McGrath, to accept Chief Lavoie's recommendation to recognize and award \$250 each to Lieutenant Dave Bianchi, Lieutenant Tad Dionne, Lieutenant Jason Lucontoni and Information Manager Jamie Iskra with merit awards according to the Hudson Police, Fire and Town Supervisors Association Contract, carried 5-0.*

*Motion by Selectman Saucier, seconded by Selectman McGrath, to hire Andrew Gardner for the position of Firefighter/AEMT in the Fire Department at the contracted starting salary of \$19.36 per hour (Step 1) effective July 17, 2016. This assignment will be a non-exempt position in accordance with the International Association of Firefighters Local #3154 Contract, carried 5-0.*

*Motion by Selectman Nichols, seconded by Selectman Saucier, to authorize the Fire Chief to move Firefighter Sarah Graham from Step 3 (\$21.34) to Step 4 (\$22.41) effective July 11, 2016, carried 5-0.*

*Motion by Selectman Nichols, seconded by Selectman Saucier, to sell town owned, tax deeded property located at 12 Village Lane, to Chelsey McNamara and David Lafleur in the amount of \$23,000, carried 5-0.*

12. ADJOURNMENT

*Motion to adjourn at 10:58 p.m. by Selectman McGrath, seconded by Selectman Nichols, carried 5-0.*

Recorded by HCTV and transcribed by Donna Graham, Recorder.

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Ted Luszey, Chairman

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Marilyn McGrath, Vice-Chairman

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Roger E. Coutu, Selectman

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Pat Nichols, Selectman

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Angela Saucier, Selectman