

HUDSON, NH BOARD OF SELECTMEN  
Minutes of the April 28, 2015 Meeting

1. CALL TO ORDER - by Chairman Maddox the meeting of April 28, 2015 at 7:01 p.m. in the Selectmen's Meeting Room at Town Hall.

2. PLEDGE OF ALLEGIANCE - led by Dave Yates.

3. ATTENDANCE

Board of Selectmen: Rick Maddox, Roger Coutu, Pat Nichols, Marilyn McGrath

Absent: Ted Luszey

Staff/Others: Steve Malizia, Town Administrator; Donna Graham, Executive Assistant; Dave Yates, Recreation Director

4. PUBLIC INPUT

Chairman Maddox asked does anyone in the audience wish to address the Board on any issue which the Board has control of at this time. If you do, please state your name and address for the record. Seeing none, we'll move on.

5. NOMINATIONS AND APPOINTMENTS

a) Sustainability Committee - (3 vacancies, 2 member terms to expire 4/30/2018; 1 alternate term to expire 4/30/2018)

Debbie Johnson (not in attendance)

6. CONSENT ITEMS

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

Selectman McGrath asked to remove under Consent Items Licenses and Permits - License to Operate a Motor Vehicle Race Track - Hudson Speedway.

Selectman Coutu asked to have removed 6. A. 2. - Elderly Exemptions because I have a question and I also want to remove C. 1. - Raffle Permit.

Chairman Maddox indicated we'll take those out first and then we'll see where the votes go.

Motion by Selectman Coutu, seconded by Selectman McGrath, to approve consent items A 1, 2, 3, 4, 5, 6, 7, C 3., 4., 5., D and E, as noted or appropriate, carried 4-0.

A. Assessing Items

- 1) Veteran Tax Credits - Map 177, Lot 005, Sub 021 - 10B Farnum Court; Map 185, Lot 074 - 21 Bear Path Lane, w/recommendation to grant
- 2) Elderly Exemptions - Map 254, Lot 4 - 135 Dracut Road, w/recommendation to deny

Without getting into detail, Selectman Coutu asked about A. 2. We have a recommendation from the Assessor to deny. I believe when these people were here we were in Nonpublic Session. We were giving them an opportunity to speak to their attorney. Has the Assessor received additional information? Steve Malizia stated he has not received anything back. He has called them but he has not received any additional information. Selectman Coutu asked if the motion would be in order at this point. If Mr. Malizia was not mistaken, the parties were looking for an abatement of something. This is a denial of something they've just applied for. Selectman Coutu asked based on the information that was provided, based on the RSA. Mr. Malizia said based on the RSA, it appears that this property does not qualify.

Chairman Maddox asked how many bites of the apple do they get. Does this preclude them from coming back for this year? Selectman Coutu said it would preclude them from coming back here. They can go to the appellate board. We would be denying so the only avenue they would have then would be the appellate board in Concord. Steve Malizia informed the Board that the Assessor did inform them that this was on the agenda just to tell them. We're not blindsiding anybody. They have the good cause abatement process to follow if they so choose to going forward. Based on the information we have in front of us, he can only recommend or deny it based on the RSA. Selectman Coutu accepted that.

Motion by Selectman Coutu, seconded by Selectman McGrath, to approve Consent Item A. 2. as noted and appropriate, carried 4-0.

- 3) Elderly Exemptions - Map 178, Lot 013, Sub 053 - 67 Mobile Drive; Map 153, Lot 017 - 11 Cheney Drive; Map 187, Lot 012 - 21 Hawkview Road; Map 173, Lot 004 - 40 Webster Street, w/recommendation to grant
- 4) Disabled Exemptions - Map 135, Lot 023 - 7 Griffin Road; Map 152, Lot 005 - 107 Barretts Hill Road, w/recommendation to grant
- 5) 2014 Tax Abatement - Map 247, Lot 8 - 4 Wissahickon, w/recommendation to approve
- 6) 2014 Tax Abatement - Map 156, Lot 6-53 - 7 A Taunton Lane, w/recommendation to approve
- 7) Institutional Exemptions - Charitable Exemptions - Map 183, Lot 100 and Map 190, Lot 015 - Kiwanis Club of Hudson, Inc.; Map 242, Lot 058 - The PLUS Company; Map 147, Lot 027 - Alvirne School (Chapel); Map 168, Lot 122 - Hudson Grange; Map 109, Lot 010 - Southern NH Medical Center; Map 106, Lot 006 - Area Agency Properties, Inc.; Veterans Organization Exemptions - Map 182, Lot 022 and Lot 030 - American Legion Post #43; Map 136, Lot 036 - Hudson Memorial VFW Post #5791; Religious Exemptions - Map 140, Lot 047 - Hudson Congregation of Jehovah's Witnesses; Map 228, Lot 054 - New Life Christian Church; Map 166, Lot 001 - St. Patrick's Cemetery; Map 166, Lots 011 and 017 - St. Casimir's Church and Cemetery; Map 182, Lot 129 - St. John the Evangelist Church; Map 235, Lot 009 - St. Kathryn Church; Map 210, Lot 010 - Sisters of Presentation of Mary; Map 176, Lot 034 - First Baptist Church; Map 156, Lot 035 - United Pentecostal Church/Parsonage; Map 182, Lots 049 and 052 - Community Church of Hudson; Map 105, Lot 007 - Lighthouse Baptist Church, w/recommendation to grant

B. Water/Sewer Items - None

C. Licenses & Permits

- 1) Raffle Permit - Teen Challenge New Hampshire

As you know, Selectman Coutu said historically I try to vet solicitation requests carefully. I don't believe Selectman Nichols and I certainly know that Selectman McGrath wasn't present. The reason why I pay close attention is we has a young child come before this Board or a permit request asking to be able to solicit to what appeared to be a legitimate cause. It was a young girl from Tewksbury looking to raise money at Sam's Club for her vacation in Florida. If we could do that, I think you and the three of us would be standing out there soliciting for our vacations as well. On this particular one, it's Teen Challenge. I'm very familiar with the organization however I'm not satisfied. It's very simple. It asks certain questions. It asks for date and time of a raffle. It gives a date. It doesn't give the time. I have a name that I don't recognize. There's no stationery from them. They don't tell us how they're going to sell the tickets, where they're going to be sold. I will not support it as presented to us. We can do one of two things. We can deny or we can ask Donna to call them. I don't think that she should have to. They should understand instructions. I'm amenable to having Donna call to see if they can provide us further information.

Donna Graham indicated I have spoken to Hector and they will be soliciting at Ayotte's Market. They already have their permission. They're selling tickets at Ayotte's for their raffle.

Motion by Selectman Coutu, seconded by Selectman McGrath, to deny Consent Item C. 1.

Selectman Coutu indicated this is not the first time these people have requested. They know what the procedure is. They didn't follow procedure. It's a simple thing to do. On that basis and that basis alone not having sufficient evidence or information at the time that we're voting on it and we're getting it last minute. We told these people we needed their request. What is the policy? Two weeks in advance of any meeting we want this information? Isn't that the policy? If they don't have the information within two weeks we...Ms. Graham said it's the Thursday before. You're thinking about the...Steve Malizia jumped in and said you're thinking of the Tag Day Permits. This is a little bit different. It's a Raffle Permit. A Tag Day Permit we ask that they have a permission letter. We ask that they give us the dates. We ask that they're on the charitable organization list.

Selectman Coutu noted there's no organizational letter informing us. It's just...Steve Malizia said this is their application. The filled this out. Similar to the Fish and Game which is a little further in the packet; similar to the Republican Committee...Selectman Coutu indicated we know all those organizations and the people associated with it. Mr. Malizia said I don't personally know all these people. I know these people are on the charitable list not that it matters but they are on the list.

Chairman Maddox indicated they have time. Do you want to deny or send it back to them? Selectman Coutu said deny.

Vote: Motion carried 4-0.

Donna Graham asked if the Board would like me to call them up. What other details are you looking for in order for this to go through at the next meeting? Selectman Coutu would like to have a letter from the organization. I'm familiar with the organization but I'm not familiar with the individual. I don't know that he's legitimately representing the organization. I'm not familiar with them. I'm familiar with one teacher at the academy. I'm familiar with what they do because we have them frequently at Sam's Club. There's insufficient information. I would like to know what time the raffle is being held at Ayotte's.

Ms. Graham said it's not. They're soliciting and the raffle is going to be at the Manchester Harley Davidson. Chairman Maddox said they're just selling tickets there probably from now until the raffle.

Selectman McGrath had a point. Looking at the application that they filled out, the date of the ticket sales they've indicated 4/29/15 and after. That's a little questionable. It's certainly not definitive. I'm comfortable with the denial.

2) License to Operate a Motor Vehicle Race Track - Hudson Speedway

Selectman McGrath had a couple of questions. In reviewing the information that we have number one the Police Department Police Chief has made some recommendations about conditions that would be attached to this permit. Reading the suggested motion, those conditions aren't mentioned and I wanted to make sure that we covered that.

Chairman Maddox believed this is the boiler plate. Steve Malizia said you can say with conditions. We grant them with those conditions are part of it but if you want to make that explicit you certainly can.

Selectman McGrath noted I haven't been here before. This is a new thing for me but I wanted to make sure that his conditions of approval were incorporated. Within the packaged it's referenced that there are 500 - as a matter of fact it's in Steve Dube's recommendation or his information about this site. He references the second exit gate will be opened if there are more than 500 on site. There have not been more than about 200 spectators at any one race for some time now. Then the very next page is the State of New Hampshire Permit to Operate and the authorized capacity is 1,280. There's sort of a disconnect there. If there's 500 that normally attend or a part of the speedway process why are they getting permits for 1,280? Steve Malizia indicated that's his max capacity. He traditionally I believe draws a much smaller crowd of 200 people approximately. He may have an event occasionally where he gets more than the 200. If it approaches 500, they'll open the second gate just for egress access. He cannot have more than 1,280 people in there though. That's the maximum capacity. Selectman McGrath asked have they ever had that many. Steve Malizia said probably many years ago. I couldn't tell you. Selectman McGrath said I can tell you that I've never been there. I wouldn't know.

The last question Selectman McGrath had was within the recommendations when school is in session they are not to be opened. On the calendar from the School District June of 2016. I guess that really wouldn't matter in hindsight. It's saying that the last day of school is June 21<sup>st</sup> but it's tentative. It's not a firm number.

Selectman Coutu indicated that races are only on weekends and there's no school on weekends. Chairman Maddox noted it's for the following Monday right. Steve Malizia asked are you looking at the 2016 calendar, June of 2016. You should be looking at June of 2015. This season is from basically now 2015. The only reason I included the second year's calendar is because he runs into August and September which runs into not the end of this school year but the beginning of the next school year. Next year he'll come in for a totally different permit. You'll see this calendar again in sync with 2016. You can't look that far ahead. We're only going from now until September/October. Selectman McGrath indicated the same issue is with the 2015 calendar. Here it says "tentative the 24<sup>th</sup>". I would expect that we probably know by now the last day of school. I wouldn't anticipate any more snow days. Those were questions that I had within this package. Where I haven't been through this process before, I thought it was important to bring it up.

Chairman Maddox thought they've circled the 24<sup>th</sup> as the last day of school in theory. Steve Malizia said that's what they've told all the parents, children and everybody else. Chairman Maddox said the night racing on the 28<sup>th</sup> should not be a problem but we could get snow between now and then. I hope not. The plows are off the trucks.

Motion by Selectman McGrath, seconded by Selectman Nichols, to approve the Hudson Speedway License to Operate a Motor Vehicle Race Track for the 2015 season with the amended Memo from Chief Lavoie dated 21 of April with the conditions stated.

Chairman Maddox said this is going a lot smoother now that we've actually got the procedure in place where the Police Department denotes what time they close. We changed it to 10 o'clock. Hopefully this will make things go well in the neighborhood.

Vote: Motion carried 4-0.

- 3) Raffle Permit - Hudson Fish & Game
- 4) Raffle Permit - Hudson Republican Committee
- 5) Request to Solicit Funds - VFW - Hudson Memorial Post 5791

D. Acceptance of Minutes - None

E. Calendar

- 5/05 7:00 Board of Selectmen - BOS Meeting Room
- 5/06 7:00 Planning Brd - Buxton CD Meeting Room
- 5/07 6:30 Recreation Cte - BOS Meeting Room

5/07 7:00 Benson Park Cte - at Benson Park  
5/11 7:00 Conservation Cmsn - Buxton CD Meeting Room  
5/12 7:00 Board of Selectmen - BOS Meeting Room  
5/13 7:00 Planning Brd - Buxton CD Meeting Room  
5/14 7:30 Zoning Brd of Adjustment - CD Meeting Room  
5/18 7:00 Sustainability Cte - BOS Meeting Room  
5/19 7:00 Cable Utility Cte - HCTV Ctr.  
5/20 5:00 Municipal Utility Cte - BOS Meeting Room  
5/20 7:30 Senior Affairs Cte - Buxton CD Meeting Room  
5/21 3:00 Trustees of Trust Fund - Buxton CD Meeting Room  
5/21 7:00 Benson Park Cte - BOS Meeting Room  
5/21 7:00 Budget Cte - Buxton CD Meeting Room  
5/25 MEMORIAL DAY - TOWN HALL CLOSED  
5/26 7:00 Board of Selectmen - BOS Meeting Room  
5/27 7:00 Planning Brd - Buxton CD Meeting Room  
5/28 7:30 Zoning Brd of Adjustment - Buxton CD Meeting Room

7. OLD BUSINESS

A. Votes taken after Nonpublic Session on April 14, 2015

- 1) *Motion by Selectman Coutu, seconded by Selectman McGrath, to accept the offer to purchase 2 Merrill Street from Todd Boyer and Lorrie Filocamo in the amount of \$99,000, carried 5-0.*
- 2) *Motion by Selectman Nichols, seconded by Selectman McGrath, to authorize the Fire Chief and the Town Planner to hire Brooke Lambert for the position of Administrative Aide II at a starting salary rate of \$16.04 per hour (Step 1) effective Monday, May 4, 2015, with advancement to Step 2 at the completion of probation. This assignment will be a non-exempt position in accordance with the Town of Hudson Support Staff AFSCME Local #1801 Contract, carried 4-1. Selectman Luszey in opposition.*
- 3) *Motion by Selectman Nichols, seconded by Selectman McGrath, to hire Holly Roberts and Cassidy Udice as a 2015 Summer Staff Counselor I at \$9.75 per hour effective May 22, 2015, carried 5-0.*
- 4) *Motion by Selectman Nichols, seconded by Selectman McGrath, to promote Nick Bunker from Counselor I to Counselor II at \$10.25 per hour effective May 22, 2015, carried 5-0.*
- 5) *Motion by Selectman Nichols, seconded by Selectman McGrath, to hire Kendall Brigham, Zachary Brower as Substitute Counselors/Robinson Pond Attendants - Counselor I for the 2015 Summer Program at \$9.75 per hour effective May 22, 2015, carried 5-0.*
- 6) *Motion by Selectman Nichols, seconded by Selectman McGrath, to promote Taylor Thyne from Counselor in Training to Substitute Counselor I at \$9.75 per hour effective May 22, 2015, carried 5-0.*
- 7) *Motion by Selectman Nichols, seconded by Selectman McGrath, to promote Kaela Craven from Substitute Counsel I to Substitute Counselor II at \$10.25 per hour effective May 22, 2015, carried 5-0.*
- 8) *Motion by Selectman Nichols, seconded by Selectman McGrath, to hire Stephanie Case, Molly Dee, and Amanda Wetmore as Counselors in Training at \$7.50 per hour effective June 1, 2015, carried 5-0.*
- 9) *Motion by Selectman Nichols, seconded by Selectman McGrath, to hire Joseph Wedge as a Substitute Counselor in Training at \$7.50 per hour effective June 1, 2015, carried 5-0.*
- 10) *Motion by Selectman Nichols, seconded by Selectman McGrath, to hire Halie Martineau as a Tennis Instructor at \$10.75 an hour effective June 1, 2015, carried 5-0.*
- 11) *Motion by Selectman Nichols, seconded by Selectman McGrath, to hire Chrissy Peterson as the Lacrosse Program Coordinator for the fee of \$600 effective April 15, 2015, carried 5-0.*
- 12) *Motion to adjourn at 10:49 p.m. by Selectman Nichols, seconded by Selectman McGrath, carried 5-0.*

B. Revamping Skate Park into a Recreational Area

Chairman Maddox recognized Recreation Director Dave Yates and he has some items for us.

Dave Yates noted I was here a couple of weeks ago and you had a couple of questions. The two questions that came up was the warranty and I've called the contractor. The warranty on the court would be three years with the exception of cracks. They'll repair the current cracks but if they spread, they can't control that. They would guarantee the work for the current

cracks. They'll be even with the pavement. Obviously they can't predict if the cracks are going to grow or not. The other question that the Board had was the life span of the court. He said obviously it depends on use but typically 7 to 10 years is what the courts last. I think that was the two questions and Selectman Coutu had asked to just see the equipment so I brought some in tonight for you to look at.

Selectman McGrath didn't have any questions but I wanted to make a comment because I think we were all on distribution for an e-mail from Selectman Luszey. He had received some concern from a resident that we were spending money I'll use the word "frivolously". It was in that context. He felt that it was coming out of the taxpayers' pocket. Just to clarify, it's coming from recreational fees that the Planning Board has collected from...Dave Yates indicated we had two options. I brought two options up. We had the recreation fees that the Planning Board has collected and we have a recreation donation account. I had recommended the recreation donation account which I think is up to almost \$30,000 or \$40,000. I forget the number. It was in your original package. This was only \$5,000 so this would not cost the taxpayers anything. Selectman McGrath wanted to clarify that. Mr. Yates said if the Board chooses, I'd recommend the donation account.

Chairman Maddox had just one point of order I guess. I've been getting messages that people are not being able to hear us. We've checked and it is not with internal it's with Comcast. We apologize and they will be working on it. Hopefully when they rebroadcast this, the sound will be there.

Chairman Maddox thought it was a useful function for that empty space.

The only question Selectman Coutu had was we had discussed when you look at the very last page the diagram of the pickleball court and the shuffle board court. I know this was the original diagram you gave us. I would opt out of the four squares and just go with the shuffle board. If people want to play shuffle board, they'll have to bring their own shuffle board equipment. I don't expect that we're going to spend money to provide that equipment because those sticks are expensive. Those discs are clay discs and they're also expensive. If they want to play, they can bring their own but the diagram will be there. Will this be outside or inside of the...Mr. Yates said it would be inside. The contractor said it would be farther enough away that it won't affect the pickleball court. The other option where the four square is is we could probably put that as a -when I talked to the contractor a rebound area so people waiting there could be a board there instead the four squares.

*Motion by Selectman Coutu, seconded by Selectman Nichols, to allow the transformation of the Skate Park into a recreational area/pickle ball court and shuffle board park in an amount not to exceed \$6,000 with a three (3) year warranty for work and materials with the exception of crack repairs relative to a Memo dated April 21, 2015 from the Recreation Director. Said funds will come from the Recreation Donation Accounts, carried 4-0.*

## 8. NEW BUSINESS

### A. Adoption of Hudson Senior Center Policies and Procedures

Chairman Maddox recognized Recreation Director Dave Yates and Senior Coordinator Lori Bowen.

Before you, Dave Yates indicated you have the Senior Center Policy and Procedures booklet. Lori and I visited many, many senior centers prior to opening ours. We got some ideas and Lori has created a policy booklet that we would like the Board's approval on. She's more the expert on it than I and if you have any questions, I asked her to be here with me tonight.

First of all, Selectman Coutu wanted to compliment Lori for doing and preparing quite an extensive document. It covers everything from A to Z relative to the needs of our seniors and for what the senior center can do. It states very clearly all of the rules. I would ask only one change. I would ask that the change be on page 9. Out of respect to St. Joseph's Community Center, that it is not called "St. Joe's". There is no St. Joe that I know of in the Catholic Church. St. Joseph's Community Center provides meals on wheels and I would like them to have the same respect. It appears three times. Once its St. Joseph's and the first two St. Joe's service meals and St. Joe's service of Hillsborough. I would ask that you respectfully that you change the name to its proper denotation which is St. Joseph. Other than that, this is an outstanding document. I'm very impressed. It's thorough and I appreciate the work that you put into it Lori. Thank you.

Selectman McGrath indicated I have some questions. I read through this a couple of times. On page 4 at the bottom of the page you refer a Vial of Life form. Can you explain what that is? I don't know what that is. Lori Bowen indicated a Vial of Life is actually offered through the Hudson Police Department and its call the Vial of Life because it used to be in an old pill bottom vial. You would put your Power of Attorney, you would put your medication list, and you would put any other documents such as a DNR - do not resuscitate document. Fire emergency and police personnel are trained to go to your refrigerator first when they come to site and look for that vial with any information in it. Now the Police Department has turned it into a plastic bag. I apologize. I will make sure that you all get one in your read file. It's a plastic bag and there's actually a sticker that goes on your refrigerator and a documentation that gets filed with the Police Department so they know that it's actually on site. When a call comes into 911, the dispatcher actually says to whoever is responding that there is a vial of life on site. It shows up as a flash on the computer in their dispatch center. It has your emergency contact, your next of kin, a DNR, any of the medications you're on, any allergies you may have, and any specific things like if you have oxygen or something specific at the site whether you can or cannot be without it. It's just a plastic bag that goes behind your ketchup bottle in your fridge now. Selectman McGrath asked it's not technical a vial anymore. It's just to refer to it as that.

Selectman McGrath turned to page 6 under the emergency protocol the very last sentence - "No staff members will transport." Should that be a little bit firmer that "staff members shall not transport". Then because that this is a document that they must sign, what if they refuse to sign that? What action would you take if they refused to sign the document? Lori Bowen said the document doesn't actually come from me. It's issued by the Police Department or ambulance attendants that come to the center. If they do not sign it, then the ambulance attendants write down on the documentation that they refused to sign it. Selectman McGrath noted a minor change on that page. On page 7 under lost and found, last paragraph, "All items left will be hung or placed in the closed" as opposed to the word "with". Does that make sense? Ms. Bowen said yes. On page 10 under "Parking at the North Barn" in the middle of that section, Selectman McGrath quoted "The lower lot is to be used by the senior center patrons on an absolutely necessary reason." That doesn't make sense to me. I think it needs to be reworded in some fashion.

Selectman Nichols asked if "on a necessary basis" sounded better.

Selectman McGrath didn't know. I think that needs to be reworked somehow. It's not clear. To me as someone that doesn't go there, I've only been there once. I wouldn't know what you meant by that. I would have no idea what..

Selectman Coutu asked is that to the HCTV lot? Chairman Maddox said yes.

Lori Bowen told the Board maybe we could change it to the HCTV Access Center media parking or we could just remove the sentence.

Again Chairman Maddox thought that we have to hopefully assume that they are also going to get busy during the day. I think between trying to get back up that hill, I think that lot should not be used for senior parking. Again maybe you want to bring that back to the Senior Affairs Committee. Again they own half the building. It would be nice to have parking for them.

Selectman Coutu would change that - "The HCTV lot is not to be used by senior center patrons."

Chairman Maddox thought you need to say the lower lot because it doesn't really say HCTV lot or parenthesis or something so that they know what we're talking about.

Selectman Coutu reiterated the HCTV lower lot..Lori Bowen indicated or immediate parking outside the HCTV studio. Selectman Coutu said the HCTV lower lot is not to be used by senior center patrons.

Chairman Maddox said to Selectman Nichols probably not a lot of people are using it anyway. Selectman Nichols didn't think so because it's a pain in the neck to go back up the hill. They're better off across the street.

Lori Bowen want to bring before the Board, we actually as the senior center offers classes and like our photography class which starts on May 5<sup>th</sup>, we are actually using the HCTV conference room. If I could add "unless there is a senior center function located in the lower level" to the end of that. Selectmen Coutu and Nichols were good with that. Selectman McGrath indicated it just needed to be clarified for me.

The next part of this document that Selectman McGrath had questions about was the General Release and Indemnification Agreement. Was that part of this document reviewed by Town Counsel? It's something that you prepared? Mr. Yates indicated Town Counsel did review this. Selectman Coutu said we've been doing this since day one. It was reviewed by Town Counsel. Selectman McGrath stated, again, I'm a newbie to this. As long as it was reviewed by Town Counsel because this is more of a legal document. Steve Malizia noted the rest of this document was also reviewed by Town Counsel. Selectman McGrath had a couple of questions on the Standards of Independence and Behavior. It's passive in its language. It's not direct like if you do this, this is going to happen. Like I highlighted the emergency contact, the last part of that is "It is expected that the participant will follow the recommendation of the senior staff to seek appropriate medical treatment." I don't know how strongly it should be worded. Maybe this is fine. I just question that. Under "Alcohol and Smoking Policy: Refrain from smoking, drinking alcohol, or using illegal substances on the premises." I would think that that would be - smoking I know that you have a designated area but drinking and illegal substances are a shall not not a may not. I think that this part of the document you need to look at again and look to see if you can strength it a little bit in its language as opposed to being so passive. There may be parts of this that that's completely appropriate but some of it really isn't. Those were the questions and concerns that I had. I think it's a great document. You did a great job just with a few tweaks here and there.

Chairman Maddox asked this is going to be handed to everybody that signs up. So we're going to print in on both sides when we hand it out? Any other questions from Selectmen? The only thing that I had was on page 3. It just says inclement weather and you have on the second line and it says "winter weather". I think that "winter" should come out. We could have any number of things that we would cancel for. Selectman McGrath commented hurricanes, tornadoes.

Chairman Maddox asked Board members what is your pleasure do we just want to adopt this or do you want it to come back. Selectman McGrath indicated I'd like to see it come back. I'd like to read it again once it's altered.

Selectman Coutu said the only question I would have is this time sensitive for you right now. Deferring this is not going to matter. In light of Selectman McGrath's observations on the Standards of Independence and Behavior and having them review that and perhaps change some of the language, I think deferral is in order.

Motion by Selectman McGrath, seconded by Selectman Coutu, to defer (after amendments made) the review of the Hudson Senior Center Policy and Procedures Book until the next regular meeting.

Chairman Maddox asked Selectman Nichols if the Senior Affairs Committee had seen this document. Selectman Nichols indicated I have never seen it before until now. That doesn't mean that they haven't done it before I got there. Lori Bowen said we actually went over this document quite extensively over 4 meetings when Mr. Coutu was our liaison before. Selectman Nichols indicated this is the first time I've seen it. Very good.

Chairman Maddox said just under the Personal Behavior Policy. It's kind of ambiguous at the bottom there - "Upon receiving this letter you may choose to appeal...". So you've already been banished I guess is the word I'm going to use. Is there a step between someone saying you shouldn't do that and banishment.

Selectman Nichols indicated it says here "Conduct commanding exclusions are as follows but not limited to..." So it kind of tells you the things that you have done or if you could have done so that you would get a letter stating that and you would have to come back and talk to Lori, Dave, or whatever. Am I thinking right on that idea? Chairman Maddox said that's not what it says then. "Upon receiving this letter the patron may choose to appeal the exclusion..." They've already been excluded. I'm just saying is there a step before the written letter? Steve Malizia said yes spoken to by a member of the staff. Chairman Maddox asked is that documented. Again as with our Personnel Policies again trying to see somewhat consistent.

Lori Bowen indicated without using too much flowery language Mr. Chairman, we probably do three strikes you're out type of policy. I like to think of our senior center of more of a community so I kind of know them. Chairman Maddox didn't see this being a problem but...Lori Bowen said I kind of know already who I would have to speak to and I would document myself. Chairman Maddox said then you'd have one written quick note and then the exclusion.

Selectman Coutu noted it clearly states that here above it. "Harmful, disruptive and unruly behavior will not be tolerated at the Senior Center and those patrons causing the disturbance will be spoken to by a member of the staff. If the behavior continues, there will be a formal warning letter written and mailed to the patron. If the behavior still continues, then revoking of registration will be administered and the patron may not reregister or partake in any activities that the Senior Center offers, including trips." So there's a verbal warning, a written warning, then the exclusion, and then they have the right to appeal. The only thing I don't like about the appeal is to say that they can go to the Selectman Liaison or the Chairman of the Senior Affairs, or the Recreation Department Director, or the Coordinator. It seems like they can go to any one of these people. I think it should be restricted to the Coordinator and the Recreation Director. They should make the decision on the basis of - I mean they're running the show. They're going to be fully aware what took place. I would think that they can listen to the appeal and what the person has to state and may bring in some possible documentation from their physician stating that I had changed their meds and didn't realize that the behavior was going to be like this. I know Lori and I know Dave and I'm sure they'd be more than willing if they had some documentation to justify their behavior. There may be a probationary period or return probationary period and say look we'll let you come back in for 60 days, or 30 days and if it persists, then we will exclude you. I'm sure that's how they would handle it but I don't think they should have to go to any one of four people.

Chairman Maddox asked why don't they set up a committee of 3 as opposed to a selection of one. Steve Malizia thought that's what the four people were four. It doesn't say or between them. It says all these people. I'm assuming that was one of these people.

Selectman Coutu noted Mr. Porter works full time days. It's going to be impossible to get these four people together. I would think that if they're going to do it and they want a third person, it would be somebody that would be available and I'd be amendable to having it be you. Steve Malizia said they might want to come to the meeting when all the people are here. At some point in time, there's a meeting. I'm assuming with all the four people.

Chairman Maddox asked Ms. Bowen to rework that and come back. You're going to know what you're going to do anyway. I just didn't want to put Ms. Bowen in the position of being the judge and executioner.

Selectman Coutu stated it would go in nonpublic and based on what I see in the meeting, she'll be here for two hours just discussing this thing with them. You're going to have 6 or 7 people talking and they could be two hours discussing this thing in nonpublic.

Selectman McGrath asked to make another point. Just based on what Selectmen Coutu was just talking about looking at this is it when they are expelled from the senior center for this type of behavior that's unacceptable is that a lifetime or is it something that in a year or within two years they can reapply and go through a process where you evaluate the behavior that they were expelled for and then maybe based on like Selectman Coutu was saying - new medication that you'd reconsider.

Selectman Coutu apologized to Selectman McGrath. The Fire Department was just in. I guess they're getting calls there. I've received several phone calls myself. I have it on vibrate - my wife, Selectman Nadeau. People are questioning why they can't hear anything.

Chairman Maddox just asked to put it on a scroll and see if she can put it along the bottom saying that it's Comcast and now us. They've already checked.

Selectman McGrath indicated that all of sudden raised a question for me about whether or not it's a lifetime banishment or if it could be temporary but you have to go through a process and really have a valid explanation or reasoning for a change behavior that would allow them to participate in the senior center.

Dave Yates commented it was definitely something we can look at. I compare it to kind of like a softball league. If somebody has been thrown out our of softball league, we let them appeal. We had an individual a year ago and we said after the year you can come back to the committee and speak to the committee to see if you can be reinstated. This is something we could do. In this instance where they would come back to the Senior Affairs Committee in a year and tell us why we should allow you back into the center.

Selectman McGrath suggested maybe you can work that into this document so that it's for a period of - choose a period whether it's one year or two years that they're expelled for and then they can come back and reapply but they have to go through a process in order to be accepted secondarily. Does that make sense to everybody? Selectman Coutu was fine with that and Selectman Nichols liked that.

Vote: Motion carried 4-0.

Before Mr. Yates leaves, Selectman Coutu indicated we have one item in Nonpublic that I think we can discuss in public. It's one hire. I don't see why we can't handle this in public. Steve Malizia indicated it was an omission by accident of all the list of people. This is for a Counselor in Training. Selectman Coutu indicated this does not add to the number of positions. It was a position that was missed. Mr. Yates said the next day when I got back I looked at my list and realized that I left off an individual.

Motion by Selectman Coutu, seconded by Selectman Nichols, to hire Sara Siteman as a Counselor in Training at \$7.50 per hour effective June 1, 2015.

Dave Yates said I have one more thing. While I was listening to Mr. Malizia read all the nonpublic from last meeting, Cindy Holton was not mentioned. I know she...Steve Malizia said she was already here so we kept it. Anybody who was hired before - we're only looking at the changes or the new people. So that's why.

Vote: Motion carried 4-0.

Before they go, Selectman McGrath said it was something that I was going to bring up under Other Business but if I can. In discussing the pickleball court and all of that and the concern by the resident that contacted Selectman Luszey, it triggered some thoughts or me about budget items and where the money was coming from. The Planning Board as you know collects contributions from developers for the Recreation Department. However I was thinking about it and I was thinking for 55 and older developments only we collect a \$400 contribution from the developer for those developments that goes to the Recreation Department. I was thinking it really should be going to the senior center and be designated as a senior center because those developments are geared for senior residents and they get certain consideration for those developments. They have higher density and so on. I talked to John Cashell today and I asked him to place that item on the next Planning Board agenda so that we can have a discussion at the Planning Board about whether or not we want to do that. I wanted while Lori and Dave were here to at least raise that issue because I was going to bring it up later in the evening. It would alleviate in some small manner the taxes paying for certain recreational things for the senior center that could come out of a separate line item for recreation for the senior center.

Selectman Coutu never thought of that. I said that she'd probably say things and raise questions. Some might be perplexing others might be great ideas. This is an awesome idea. We've never had a senior center. So therefore we had no avenue other than personally donating if we wanted to monies to the senior center at their collections. I participated and sold hot dogs so I know what it's like. This makes a lot of sense. I think it would somehow alleviate concerns raised by seniors who are populating our community in those 55 and over communities as you stated that might feel that it's unfair that they're contributing monies towards a recreation facility that yeah sure maybe their children, and nieces and nephews, or great nieces and nephews are participating but really doesn't have a significant impact for them or it doesn't affect them and they're paying for it. If we took that money from those communities 55 and over and dedicated it primarily to a fund for the senior center and it's broad in general so if there's ever a need to expand the senior center, an addition, or buy an expensive piece of equipment, it's another avenue for them for source. It gives us a revenue source that we don't presently have and we've established a - that's not called a "donation account".

Chairman Maddox said it's a donation account.



Selectman Coutu said it would be a donation account but it will be in through the Planning Board and it's a contribution fund. If anything were to be done, then we would have to go to the Planning Board and articulate the need. That's an excellent idea. If you're going to bring it up at the Planning Board...

Selectman McGrath indicated I asked John Cashell today to have it placed on the next Planning Board agenda which is next week I believe as a discussion item. I will bring it up.

Selectman Coutu thought it was such a great idea that I would like her to be able to go to the Planning Board with an endorsement of that concept from this Board and if she's willing to entertain a motion, I certainly would second that motion to endorse the concept and then they can discuss it at the Planning Board. I would expect that you might abstain. I don't know what you want to do but I know that you serve as our representative on the Board. We'd be sending them a message. I think that's a great idea. I would never have given that a thought.

Just to clarify so that everybody is clear, Selectman McGrath said as opposed to a contribution to the Recreation Department it would be a contribution to the senior center. It's for recreational purposes only. It wouldn't be used for any type of building or facility changes. I believe that the language in that contribution request...

Chairman Maddox said this is purely a contribution account. There's no six year limit on it and that type of thing. It's a contribution.

Selectman Coutu commented it can be used for anything. Chairman Maddox said no recreation.

Selectman McGrath noted recreation only that amount. Now that doesn't mean that we can't have at the Planning Board level have a discussion about - I guess John told me today that this has been in abeyance. So it's not currently being required of the developers for those types of developments for a school impact fee. Perhaps there could be a senior center impact fee that the Planning Board could look at and adopt. I don't know that. That was just a thought that popped into my head just now. That maybe something that we can take a look at and over time develop that into a requirement for those types of developments as opposed to school impact fees. Those develops typically don't generate a lot of school children so that's why we haven't been collecting them. That maybe something down the road. This item is just the contribution - \$400 contribution by development and it would go to the senior center for recreational purposes only.

*Motion by Selectman McGrath, seconded by Selectman Coutu, to consent that the Board of Selectmen support the concept to have Selectman Liaison McGrath speak with the Planning Board to ask for the establishment of a contribution fund to be used for the 55 and older developments.*

Chairman Maddox indicated I am going to vote in opposition for a number of reasons. First the reason why it's being collected is for recreation. Rather than giving 10 percent of the lots in the development for recreation purposes, they put it into this donation account. Much better for the developers - \$400 versus whatever a lot was going to cost. There's a purpose there. I think we're kind of dividing the purpose to begin with. Number two, we don't have enough recreation space as it is. I think that this is going to dilute that. We just gave \$6,000 from this account for the pickleball which is a senior driven. I think we need to do more research inasmuch as what can we do and what should we do before we change something that has worked very well. No one has argued giving that \$400 for recreation. Now we're going to split this up. The other thing is to do a study to justify because when we had this problem with the school aged kids, we said well ambulances. You have to like a \$30,000 study to justify requesting those monies. Again I think that at this point I've got to vote no inasmuch that I think that it is a nice idea. I think maybe it flushes out it works but I'm not ready to jump into the boat right now. Any further discussion?

Selectman Coutu said that's why I asked her. The motion should be worded in such a way that we support the concept. There's no formal language so I would expect that the Planning Board if they agree that this is a good idea and they'd like to come back to us with a formal proposal, or they adopt it themselves, or whatever - we're talking about concept here. With regard to your concern about diluting the recreation account because the \$400 won't be collected for that specific purpose, we're going to be discussing shortly or if not at this agenda certainly one in the near future relative to the monies that we're going to collect on the sale of property that we own. It's my contention that we - I read the documents that were provided up in the general read about what was said about how we're going to split the pie. I still feel very strongly that part of that money is going to go towards the fields account. I remember having that discussion. Whether we can find minutes relative to that it doesn't matter. I'm going to push for that. I think that that's going to be a significant amount of money. We're not selling these properties for \$2 or \$3. We've had a couple - or at least one that we have agreed to right for \$99,000. If we split it three ways, there's \$33,000. How long will it take to collect \$33,000 or if we put \$33,000 into that account. I remember the last time we almost drained it was for the playground and that was almost drained. Now you're only up to \$30,000 and we're three years into that. We're going to fill that void by having monies - hopefully this Board will agree that a portion of the monies that we collect from the sale of land will go into a capital reserve fund for fields. I think we'll have a lot more money that way than we will collecting \$400 from contractors. I'm endorsing the concept. I'll leave it up to the Planning Board to listen to Selectman McGrath. I'd like her to go there with at least a majority of the Board. If you're going to maintain your negativity about it, I'm endorsing the concept and let them come back and say it's a good idea. It's a bad idea. I don't think it's going to affect the funds because we have another mechanism now to get more funds a lot quicker for field space.

Chairman Maddox indicated, again, the thing that we're talking about is field space as opposed to a pickleball court, as opposed to a playground. That's buying land the fund that you're talking about I believe. Selectman Coutu noted he has two accounts. We have a donation account and we have the account with the Planning Board.

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

B. Proposed Warrant Article for a Contingency Fund

Chairman Maddox deferred this until the May 12, 2015 meeting as Selectman Luszey is not here this evening.

C. Zach's Field - permission to transport fill to site

Chairman Maddox recognized Len Lathrop. Good evening Sir.

Thank you Mr. Chairman. Len Lathrop said five years ago we collectively ventured into a project when Zach Tompkins died. Please don't get me wrong tonight; I'm here to ask for a little more help from the Town. This project has taken five years to mitigate the asbestos on the site. The Town has been wonderful. Many of the supporting people have been wonderful and I think we all ventured into something that we weren't 100 percent expertise on and we relied on the expertise of an engineering firm hired by the Regional Economic Development people. They led us a little bit astray. Was there liability and stuff? No but things were found that maybe we should have known about before we started. For Selectman McGrath and Selectman Nichols - when we started this project, we were told that we needed this monster hole to put all the bad asbestos in and we paid people to take dirt away. We gave dirt away. Dirt was moved to Benson's. Dirt was moved to Catalpa Drive and when all was said and done, we now need dirt. We can find dirt. Continental Paving has dirt. We have to get the dirt to the site from Continental Paving.

Mr. Lathrop noted our reason for being here tonight is to discuss the possibility of using some of the town equipment to bring dirt from Continental to this town property on Industrial Ave. to start replenishing the amount of dirt that we need to cover the second asbestos mitigation site to make it a flat plane suitable for a practice field. Once we can do that, then we can develop the lower field into the game day field. I'm trying to simplify it and not belabor the point. As you can see, I have a couple of pages of notes but basically that's the concept.

Selectman Coutu told the Chairman and my fellow members as alluded to by Mr. Lathrop, we are this far away. We've come 20 miles and we only got this much more to go to get this field that's surface laid so that we can get the grass growing and we get the kids playing there. We know we own the land and we've done a monumental job. I think that we took on an awful lot as a municipality. We own the property because we saw a lot of potential for that field not just for the football program but even there are going to be times that the municipality will be able to use it as practice fields. I can see in the early spring soccer teams and our lacrosse teams using it for practice and practice only. We can see how that goes if they're going to tear up the field then we'll discuss that later. There's tremendous potential for that field for other uses. It's not going to be exclusively football. They have agreed that when they leased the property that when their season starts to when their season ends, they would have exclusivity on the days that they need it for practice and on the days that would need it for their games which are usually on Sundays. It's going to be a gem for this town because we're going to be entertaining football teams from other municipalities in our immediate environs such as - well we have the Hudson/Litchfield football but they play against I believe Pelham, Londonderry, Windham, and Nashua. So we're going to be bringing a lot of people into our community to watch kids play. The location is perfect. It's not in the center of town. It's not going to be a traffic tie up. 111 is a main corridor and access way.

For us now, Selectman Coutu indicated the Charbonneau family has been so gracious as to be willing to donate the dirt - they have extra dirt on the property that we can use to fill. I think it's a few truck fulls. Chairman Maddox noted there's more than a few. Selectman Coutu said so what. It's quite a few truck fulls. I don't know what if any estimate was given about how much time and how many loads back and forth they would have to - if it's a two day project, three day, an all week project.

Chairman Maddox interjected. I did talk to Gary Webster who's been the communications between. This is going to be kind of fill in for the Highway Department. If they're having a rain day and not going to be able to work out on the streets as much, then this would be kind of a fill in thing. It won't impact any of the ongoing projects within the town. So they might only have two or three trucks doing this for a couple of days depending upon the weather. So it's really a fill in if you would until they get really busy into the summer paving season. That's why it was kind of critical that we get this in here tonight.

Selectman Coutu commented that's imperative for us to know that. That makes it even more palatable I would think that if it's going to be a fill in and they would otherwise could be idle..Chairman Maddox said Kevin will keep him busy. They'll be just doing this instead. Len Lathrop indicated they'll be more functionally busy. Selectman Coutu agreed. Not to interrupt, Mr. Lathrop said the Charbonneau's have agreed to load the trucks out there and then it will be simply dumping them on site. Selectman Coutu said we won't need a loader out there to do it. They will use the loader they have on site. Mr. Lathrop stated ultimately as we get enough material in there, the grading will have to be done. Until you have more material than we have - unfortunately over the past fall, someone stole some material from us out there. After the parking lot was paved, the entrance wasn't blocked immediately and somebody thought that the piles of dirt were free public domain and they disappeared. SO we have to bring back more dirt.

Selectman Coutu certainly supported it to get it done.

Selectman McGrath had some questions. I, again, haven't participated in this and oddly enough I don't have anything in my packet for this item. I did see it on the agenda and I went through the packet 2 or 3 times. In any event, I'm concerned about the mitigation of the asbestos, and who was overseeing that, and is it completed now or will it be complete with this donation of dirt?

Len Lathrop said it is complete. The State Department of Environmental Protection while the ABS form hasn't been signed because there are still the second coat on the parking lot that needs to be done, they have granted us permission to do all work out there and deem the site safe. Until your ABS plan which was developed by Weston & Sampson is complete, and i.e. that is mostly right now the second coat of pavement. They've required 4 inches of pavement on the parking lot and we just put down a binder. That has been scheduled by the Town Engineer to be done early spring. At that point, the ABS plan would be complete. The site has been safe since last September. Once they took down the fencing and the men in the white suits left at that point, the site was safe. We have cut trees out there. We're ready to build the retaining wall to hold some of this dirt. It was all supervised by the EPA on a federal level, the DES on the State level, and most of the funding that did the asbestos abatement came from federal money and passed through the State over many different grants.

Selectman McGrath stated recognizing that - I'm going to say soil instead of dirt is being donated by the Charbonneau's. What cost are we looking at as a town. We're having our town employees go and pick that up, transport it to the field, and do whatever they need to do to...Len Lathrop indicated I don't have that answer today. Selectman McGrath said I haven't been involved in this project at all but I think that that's important. That's something that we really need to know. We're getting to the beginning of May is what Saturday. I don't think we're supposed to have any more - and I've been listening to the weather every day because I'm so tired of what we have. We're not having any rain days I don't think this week and next week we're supposed to turn the corner and be up near 80. Realistically how many rain days are we going to be facing where we can pull Highway Department employees to go and pick up the soil and transport it back to the field. Those are things that I would like to know before I vote for this. I recognize that it's a heartwarming story. You certainly don't want to be opposed to it but I think that we have a duty to find out what additional funds it's going to cost the taxpayers.

Chairman Maddox didn't think it was going to cost the taxpayers any more. They're just going to redistribute the money from something else to this project so there's not additional taxpayer dollars being spent. I understand your concern.

Selectman Coutu wanted to reiterate what I said. This field is a multi use field. It's not exclusively for the bears except for the conditions that we have in our lease. It is our property. It's town property. We have a lease agreement for them to use the field for a certain period of time for practice and their games and all other times it will be used for municipal purposes. That was the agreement that we reached because we lacked field space and for us to spend a few more thousand dollars to complete this project in order to have additional field space for this town which they've been crying for years now, this would solve a real problem in that section of town for us and I think that considering there are time constraints on this project right now, we've expended 5 years for something I remember Len when we first sat down and talked about this. You, Rick and I and the committee we thought we'd be done and over with this thing in two years. Government is glacial. I feel that the expenditure of an additional few thousand dollars if that's necessary in order to see this project to its fruition and have a field for both municipal and private use is just a great thing for our town.

Len Lathrop wanted to reiterate. The game field is still scheduled to be an artificial surface which allows you even more use. The surface that we've been talking about can be stripped for multi sports. If you're familiar with PMA, they have a multi sport stripped field up there and it is used almost every day. The hope is that the game field which what we're working on is the practice field. When you have as many teams as the Tompkins have told me about the Bears football, you need a place for the teams to start and warm up. In the early summer, you need a place for them to practice. You can't do it all on the game field. Unfortunately this asbestos while we've been very fortunate to have the support of the environmental protection agency and the funding, the foundation has also in the interim funded about \$200,000 to this mitigation of things that couldn't get paid for - engineering things. It's been a tough haul. Weston & Sampson would need a plat for something and they'd call me. Maynard & Paquette who were our engineers and then all of a sudden the Foundation we get a bill that we didn't even know we authorized something else for. We've spent a lot of money getting this field. It will always be an asset to the Town. It will be safe game field. As the Chairman had said, it's in an ideal location. This would just help us out getting this project moving forward again.

*Motion by Selectman Coutu, seconded by Selectman Nichols, that the Board of Selectmen authorize the Highway Department to transport fill (from Continental Paving) to Zach's Field on 9 Industrial Drive.*

Selectman McGrath indicated I am not going to support the motion only for the reasons I've already indicated. I don't have enough information about the added cost. I think that in order to support this, I would need that information.

Chairman Maddox said you keep on saying "added costs". The Highway guys and trucks are there. It's not like we're asking for them to do it on a Saturday on overtime. This is fill in work. So "added costs" is not a statement that I don't think is appropriate. It is a cost I don't disagree but it's not an additional taxpayer cost. It's just redistributing manpower and equipment.

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

Selectman Coutu didn't want us to be accused of not having full disclosure and I'm certainly sympathetic to what Selectman McGrath is saying. Would you ask please whoever is in charge - I know that the Road Agent is out and recuperating that they keep track of the manpower and the vehicle used in gas, the mileage so we can ascertain gas costs and prepare a report of the cost of transportation of loom and make that report available to this Board so that we have full disclosure. We have not except for the private funds which that's a nonprofit and that's subject to review as well, we have not hidden anything from the public about what we're doing in this field. We've been very open and I don't want people to get the impression when they watch this that Selectman McGrath request has been railroaded. For the purpose of full disclosure, I'd like to have that document so that we can make it public and it would certainly make me as well as Selectman McGrath and all of us feel a little better that we fully disclose what this is costing us, okay?

Selectman McGrath thanked Selectman Coutu. I appreciate that.

Chairman Maddox believed that Selectman Nichols is the Highway Liaison. Selectman Nichols agreed. Selectman Coutu noted accurate records of the cost of transporting this loam from the Charbonneau property to our property on Route 111. Mr. Lathrop noted it's actually fill. Loom is a much more expensive product. Selectman Coutu said maybe the Charbonneau's will donate some of that too. We'll talk to them. They've been very generous up to this point as they had been with 9-11. Outstanding people.

#### D. Legal Services

Chairman Maddox recognized Town Administrator Steve Malizia.

Steve Malizia indicated the Town is currently under a contract with Hage Hodes to provide - I'll call it general legal service to the town. That contract was a two-year contract and will be expiring in June. I've received a proposal from Attorney Hodes who is the lead attorney that deals with the Town of Hudson for a successor contract again the length of two years to move forward for legal services with a - I'll call it a modest increase. We're coming off of four years. This is a two-year contract with another two-year contract at the same number. They have not increased their rates since I believe 2011. At this iteration they're proposing another two-year contract with I believe a modest increase in the retainer. We have 26 retainer hours. Basically that's for all kinds of general legal advice. We also have another fee that when we get into court cases that are obviously much more time, much more involved that kicks in. It's my recommendation based on their service to us that we renew for two additional years with Hage Hodes.

If the Board chooses not to do that, Mr. Malizia said we could go out to bid. There are other attorneys that will service municipalities. I wouldn't recommend maybe going out for a two-year bid because quite frankly we wouldn't know their quality and you'd want to get a look see at them for at least a year.

Selectman Coutu believed we need to make a change to the second page of the document. The Town of Hudson legal proposal under "Proposed Contract Rates" July 1 to June 30<sup>th</sup>, it says "\$4,290 for 26 hours per month. That equates to \$165 an hour and not \$160. Mr. Malizia said you are correct. I noticed it after I produced it.

Selectman Coutu said I will oppose extending the contract because I think we should go out to bid. I'm going to oppose it for two reasons. The first is I think that we should explore and see whether or not there are other legal entities out there who could provide us a better rate. Number two I was very dissatisfied with the service provided to us about something that I took very near and dear to my heart. Was it them that abandoned pursuing the case against the ACLU? Mr. Malizia said it was the insurance company's attorney. The insurance company was in the driver seat and was their attorney. Selectman Coutu commented our attorney said we can't win this case. Mr. Malizia said he was giving you the practical advice that an attorney would give you. Selectman Coutu stated I will not support it unless we go out to bid and they're the low bidder.

Selectman McGrath support that going out to bid but I also want to comment that we've had this firm for a while now and my dealings with them have been by getting legal advice from the attorney - actually there have been a couple - Dave Lefebvre was the first and then Steve Buckley was the other. He advised the Planning Board. Dave Lefebvre advised the Zoning Board. My dealings more I think were with Dave Lefevre. We had more cases that we needed advice for as opposed to the Planning Board. We were satisfied. I'll say I was satisfied. I won't speak for the Board but I was satisfied with the opinions that we got and I thought that they were aggressive in a way that I thought that they needed to be. Maybe I would have liked a little more aggression because that's my personality when it comes to things like that but I thought that they were good to talk to, get advice from, and to deal with. I'm not dissatisfied at all with this law firm but that's based on, again, my experience with them on the Planning Board and the Zoning Board. I think that it's always a good idea to get bids and see where we are in relationship to other firms. I would support that.

Selectman Coutu said both of the attorneys that she mentioned have both since left the firm. So neither of them are working there and I had a good working relationship. My experiences with Mr. Buckley and Mr. Lefebvre were as pleasant as yours. Neither of them work for the company and I don't like lawyers who like to quit on things that I thought something that was very

important. I thought they quit too soon. We may be able to get a better rate when we go out to bid and we might not. If we can't, then we'll stick with what we know I guess.

Selectman McGrath noted looking too at the list of law firms that would likely bid, there's a lot of very reputable and reliable law firms on that list that I would be happy with or at least I think I would be at this point in time. Again I support going out to bid.

Chairman Maddox asked for Mr. Malizia's input. Steve Malizia said I made my recommendation. I thought we should have stayed with this attorney. I think they've done a good service for us. I think they know our business. It was once said by one of the Selectmen - I think Selectman Massey - that unless you really have some dissatisfaction you really don't want to change your auditor or your attorneys because you've developed a relationship and they understand your business. I'm certainly willing to go out to bid of that's what the Board's wish is. We can certainly establish another relationship but it's not just numbers. I don't know the quality. I'm sure there's some great attorneys out there. No problem. I would recommend if we go out you're probably going to want to interview some people because quite honestly it's just a number on a piece of paper. You have no idea how they will treat your business. Again I'm not chillin for them. I think they've done us a good service but again if the Board chooses to go out, we'll go through the process but I would just caution that if we do, you may want to interview the top or the lowest bidders or whatever the case may be.

Selectman McGrath agreed with that. I think that we have to do that. I know some of the names. One of them is Attorney Drescher. He used to do legal work for the Town of Hudson. We were very satisfied with Mr. Drescher.

Steve Malizia said the town is a very complex or tends to be complex and you need probably a range of abilities. In other words, we're not just zoning or planning. We get into all kinds of other cases too. I would hazard to guess that for a single practitioner this may not be an easy business to deal with because of the range of activity. I would probably more likely think that a firm that has maybe a bull pen of attorneys that may specialize in different things might be better for us only because it might be difficult for a single practitioner. Remember the time we had a town attorney on staff many years ago. Not easy to put that all into one person. I throw that out there but more than likely you'd be looking at a firm that probably has some range of expertise.

*Motion by Selectman Coutu, seconded by Selectman McGrath, that the Board of Selectmen authorizes the Town Administrator to request proposals to provide legal services for the Town of Hudson for fiscal year 2016 (July 1, 2015 through June 30, 2016).*

Selectman Coutu didn't disagree in context with what the Town Administrator said. It's very difficult at times to make changes and sometimes the unknown is a little frightening. I understand that concept. Hage Hodes don't represent every town in this State and I'm sure that there are other law firms that are representing other municipalities as ably as we think that Hage Hodes has been representing us. I have no fear going out to bid to see if their rates - I don't know what the going rate is. Maybe most of them are in the \$200 range and we may be getting a tremendous bargain. I'd like to throw the line in the water and see who bites and how much they bite. At the same time if we find people that we feel are competent and are willing to do it, I agree. We would bring in, this Board will discuss those bids and we'll bring in at least at a minimum three law firms, and we will interview them, and we'll make our decision on the basis of their experience with other municipalities and we'll see where it goes.

Selectman McGrath said and recommendations from those municipalities. Selectman Coutu noted we will vet them very carefully.

Chairman Maddox thought I'm looking at a subcommittee to start forming questions. The last time we did this it was a challenge. Do you just look at price? Do you just look at what they have to offer? Again these single operator type deals are difficult. There's a case we've got going right now with Water Utility and the Litchfield issue that could eat up \$10,000 just reading all the documents to get up to speed. I just don't see in this particular case there's a need to change horses. I understand that you were dissatisfied with them not saying that the town should fight to the Supreme Court but I think that they have served us well in a range of issues. That is the challenge. I think with municipalities it's a breath of items that you ask them to cover - land use, personnel, all the things that we deal with on a regular basis, the taking of tax deed properties. I just think that we're just going to go off and, again, I think that there's a lot of questions that we didn't ask probably right the last time. Hopefully we can formulate a list before we go interviewing people. I am opposed to this at this point. I just don't see the value but we'll see where it takes us.

*Vote: Motion failed 2-2.*

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

Selectman McGrath - A couple of things. At the last meeting I mentioned that we had lost one of our former Zoning Board members but I neglected to mention that the Town has lost a Planning Board member. That was Mr. Rick Turcotte. He passed away this winter. I just wanted to recognize him.

Also at the Zoning Board meeting, Selectman McGrath indicated that Selectman Coutu and I had a discussion before this meeting but we had a discussion at the Zoning Board meeting relative to a member who has been absent. The Board made a

motion and approved it to request the Selectmen to vacant that seat. That was Mr. Pitre. I understand that he has since turned in a resignation which I had really wanted to see because I think it was kind of jumping the gun a little bit. Selectman Coutu asked if we had a copy of that. He sent it to me. Chairman Maddox was going to bring it up under my other business to accept the resignation. I think it will be covered.

Selectman McGrath said I had one other thing that I don't have on my list here. I did mention earlier that I had talked to John Cashell today and in that discussion he mentioned that he had a death in his family. His sister-in-law passed away. A very young woman. He said he would be in in the morning but that he would be out tomorrow afternoon and Thursday for the services.

Selectman Coutu - Two things. First I want to extend our sincere condolences to the Buxton family. They lost their patriarch. She was an outstanding woman. She carried herself with dignity. She raised her family well. The bi-product is evident. The Buxton family is an outstanding family and I want to publicly extend our sincerest condolences to the family. We were at the wake. We may have been more but we bumped into each other at the wake.

Selectman Coutu has another matter of concern I want to bring up with this Board. I noticed something on Hudson Cable Television the other day that absolutely shocked me. I need information I guess before we take any action. It was always my understanding Mr. Chairman that even any one of us who serves on this Board at no time could we use the town seal for any public use without permission from the Board. In other words for town meetings, for display, for something that was official town business yes but I as an individual, and I'll use an example - if I decide to run for re-election. If I decide I've already said I would and I decided to sit here and have a camera sit on me and I do an advertisement for Hudson Cable Television that used the use of the town seal would be prohibited in that fashion because it's not an official town business type of thing. Steve Malizia said on the surface that sounds fine. Selectman Coutu indicated there's a television show being aired by a person who had run for public office and was unsuccessful in what that person ran for. It was Peggy Huard. She ran for School Committee and was unsuccessful. Ten people wrote her in and she got appointed to the Budget Committee. She now is doing a talk show on television and it would appear to me that at the end of the show she shows the town seal and it would indicate that this may be an official program sanctioned by this government. I resent the use of the town seal for other than official town business. I would request that that seal be removed from any future broadcast and not be used on any broadcast unless it's official town business.

Selectman McGrath indicated or town sanctioned.

Selectman Coutu said it has always been my understanding. I have never once in all of the times that I have conducted business on television and some of it has been nonsense. I appeared in a cooking show in drag. Never would I ever think of using the town seal for other than municipal business because I felt it was restricted and I feel now that where we are writing off on all programming on Hudson Cable Television that the Board of Selectmen is not responsible for the content of any of these programs, that the use of the town seal might give the impression that we sanction that particular program. I'm not picking on Peggy Huard. I just don't want it used on her show or any other show. I wouldn't think of using it on a show. If I decided to do a talk show, I don't have the right to use the town seal for that purpose.

*Motion by Selectman Coutu, seconded by Selectman Nichols, that we request Hudson Cable Television to not allow the use of the town seal for any program that is not approved by or sanctioned by the Board of Selectmen and that the seal be removed immediately from any show that is airing presently that has the seal that is not sanction by this Board.*

Chairman Maddox indicated the only question the Chair would have is they would have to come to here and ask for permission. Is that the intent? Selectman Coutu didn't think it would be used period but if you want them to come and ask for permission I guess. Chairman Maddox was wondering how we're going to enforce...Selectman Coutu said we're not going to sanction talk shows to use our seal.

Selectman Nichols got the impression that it was only for if this group was going to be on television or you were interviewing people for the town you could use the seal but you couldn't use it any other time. Is that right? Selectman Coutu said as far as I'm concerned if you're not conducting town business, you shouldn't be using the town seal. In due respect to this municipality, that seal represents our government. The seal of the President of the United States represents the President of the United States. Talk shows are not government forums. They may talk about the government but it is not a public forum sanctioned by this govern and they shouldn't be using our seal.

Chairman Maddox was just concerned that you do say that the seal of the President. Well that's on Saturday Night Live almost every week. I don't think we have a copyright to it. I think we're going to get into some issues. Selectman Coutu said to take it up with the ACLU. I'm sure they'll sue us and then we'll lose the case. I feel very strongly about the use of the town seal. Chairman Maddox thought that's already in the HCTV policies and procedures now I believe - no use of government because that came up a number of years ago with I think one of the unions tried to put an advertisement out. I guess we can take a look at it and certainly, again, I'm not opposed to the theory. I just think it's going to be tough if somebody wanted to challenge.

*Vote: Motion carried 4-0.*

Selectman Nichols - I have a couple of things. I attended the Senior Affairs Committee, my first one on April 15<sup>th</sup>. I welcomed the new additions. They have new members. They had a discussion on the strategic planning process update. This involved a survey for seniors. The Chair wants to have this done off site by Survey Monkey. There's a cost for this and they only want to ask 10 questions. I believe they want everything to be on the computer. Well a lot of the seniors aren't computer savvy and I think that maybe - well that's just my thought. I'll bring it up the next time I go to the meeting but I just thought that they'd be better off to have Lori. She did a beautiful job with everything else to come up with that group or the Senior Affairs come up with survey questions. They can ask the seniors and come up with their own and it won't cost any money. It would be a heck of a lot cheaper and they could ask more than 10 questions. That's my thoughts anyhow.

Chairman Maddox asked what is the intent of your statement are you looking for the Board of Selectmen to take action or are you just telling us? Selectman Nichols indicated no I'm just telling you what has gone on and what my thoughts were right now. Chairman Maddox said you'll bring them to them and see what they want to do. Selectman Nichols indicated a slate of officers will be voted on at the next meeting because they only have a Chair. They don't have a Vice-Chair. They don't have a Clerk or a Secretary. Just to bring them in line with all the other committees in town. Everybody else has them. I just thought that would be kind of nice.

Selectman Nichols did touch base with Kevin Burns at the Highway Department. I called Lisa Nute and I talked to Patti Barry because they're in my group. I just kind of said hi. I haven't been able to sit and talk to anybody yet but I will. Then I went to the Benson Park Committee meeting. That was Harry's last meeting and he has now retired. I'm sad to see him go. They're going to have the election of the new Chair and Vice-Chair at the next meeting. They had a discussion on the Haselton Barn break in because there was a door and a window was broken into and was wide open. They've been since fixed because I can see that right from the road. I didn't have to go in and look at that. They had an Old Shoe break in and as far as I know, that's been repaired and surveillance has been issued for that. I don't know how they're going to watch the surveillance but they're going to do something. Clean up is scheduled for the second Saturday in May. It will be the 9<sup>th</sup>. Anyone wanting to volunteer, please meet at the office building with rakes and gloves at 9 a.m. Your help is needed. Water and lunch will be provided. Jeremy Griffus was the newest member. He was welcomed. He's offered to refurbish the Benson Park signs. They're getting kind of tacky now and he said he'd do them without any cost. He also mentioned signage that will be on the Mallory Gray amphitheater. There will be a very narrow sign but on top of the amphitheater and then there will be a disc in the middle with her book or whatever and with a dedication to her. He'll show us what this is. Nobody knows what it looks like yet. Also the Gray family once they do the outside and they get the grass planted and plants, the Gray family said that they will take care of that. They're going to adopt a spot and they will take care of that forever. I thought that was wonderful. That will be something we don't have to worry about. They'll take care of it.

Selectman Nichols noted the last thing is one of the members of the Committee has not been in attendance since August 2014. He has not sent a letter of resignation to the Committee and there is somebody waiting to become a member. I don't know what the recourse is to this. Chairman Maddox said that committee has to send a request to the Board of Selectmen to have that person removed so we can appoint a replacement. At your next meeting if you could have that brought up and if your committee...Selectman Coutu indicated provided they've not attended 3 meetings without good cause. Three consecutive meetings. Chairman Maddox said three consecutive or five over a one year period I believe is what it says. Selectman Nichols said this has been since August 2014. Chairman Maddox asked if you could just come back with a request, we'll certainly look at that.

In regards to the amphitheater, Chairman Maddox asked has the committee come up with a policy on that on how it's going to be allocated as far as time and whatever? Selectman Nichols thought they were still waiting for it to be finished and whatever. Selectman Coutu said we haven't accepted it as a Board yet as a donation. That's a considerable amount of money. Chairman Maddox said we're still going to turn around if somebody wants to use it every hour on the weekend, again, I'm just wondering if they're working towards a policy. Selectman Nichols said not until the town accepts it. They haven't discussed that but I'm sure that will be one of the things that will come up now because spring is here and summer's coming. Things will be starting to work out. That's about all that I have.

Selectman Maddox - I have a couple of things. I was wondering what the status of - and maybe Mr. Malizia you know the answer - the Pelham Dam Bridge and Fairpoint. Remember there was a concern about the utilities. Steve Malizia knows that obviously the bid got awarded. I know our Engineers are working with it and we expect to be out in the field at the beginning of the construction season. We have to wait until school gets out. My understanding is it's moving along. I have not had any indication otherwise. I'll have him give us some information but he hasn't said anything. Chairman Maddox was concerned that Fairpoint was going to be the issue because of the strike and I know there was some concern of the moving of the utilities. Mr. Malizia indicated he has not expressed that concern. Have him send us something.

Chairman Maddox asked to have him follow up on the Library Park lights. They're going on I think 8 years now. What is the status of that? Steve Malizia said as you are aware, the CMAC grants were all put on hold and now I believe the bids have gone out so I'm not aware that we've awarded a bid yet to anybody. The CMAC grants were stalled by the federal government or the DOT because the federal government said hold. As you are well aware, we just did the train depot for the same reason. Again Chairman Maddox said to try to get people because I don't know about the rest of you but people kick my chins about that. We've been talking about it forever and it still isn't done yet. I was just wondering if we could just get an update.

Also Chairman Maddox wondered did you get an answer back from Kinder Morgan with a date. I know you were talking to them. Mr. Malizia said I've given them three dates. They would be the three off Tuesdays. They have not confirmed any of them. We're asking for the first Tuesday that's available which is May 19<sup>th</sup>. We're still waiting for them to confirm. It will either be May 19<sup>th</sup> and I can't remember the two June dates because it's an off Tuesday because it's at the Community Center. Chairman Maddox was just trying to give everybody as much notice as possible. Mr. Malizia said when we get it, it's going to be scheduled, and we'll take care of it.

Chairman Maddox had a couple of other things. Number one we do have a resignation from a member of the ZBA Mr. Pitre due to ongoing issues. He has opted to resign. I would ask that a motion to accept his resignation with the Board's thanks and appreciation.

*Motion by Selectman Coutu, seconded by Selectman McGrath, to accept the resignation of Michael Pitre as an alternate to the Zoning Board of Adjustment with the Board's thanks and appreciation.*

Selectman Coutu said there was a connotation there - ongoing issues. He has three children that are in the high school and he wants to spend quality time with them. They're all going to be graduating almost successively. He wants to be able to spend more time with his family. As Selectman McGrath will attest, he's contributed several years of quality time serving on the ZBA and has done an outstanding job. He's a personal friend so I don't mind saying that. I'll disclose that for everyone to know. We had a conversation this weekend because I had watched the ZBA meeting. Selectman McGrath was so kind as to speak well of him and to request that an opportunity be given to him if he wanted to come back to the board. So I got a hold of Mike and said look you need to say something here. This has been going on for a while. We discussed the family and I understand that. We've had that discussion with him before about committing to running for Selectmen. Chairman Maddox indicated he ought to write another one for the NRPC. Selectman Coutu didn't know what he wants to do there but I'll talk to him about that as well. There's no serious issues. He wants to spend more time with his family and that's understandable. I understand that.

Selectman McGrath asked to make a comment. Mike has been a great member of the Zoning Board of Adjustment. He's given a lot of time but he's also given a lot of knowledge to certain projects that I don't know that most or all of the other board members don't have. So he was a valued member and I understood that there might have been some job time commitments that prevented him from coming to meetings. I believe that people ought to be given the opportunity to resign because it stays with them. If they don't and they're removed, it's just not a good thing. I just felt that he should be given that opportunity and Chairman Seabury was going to write him a letter. I think that you obviously got in touch with him and talked to him. I don't know if Brad ever got the opportunity to send the letter but he was going to do that. I'm glad to see that we - not glad to see Mike go but I'm glad that he took the opportunity to resign as opposed to his seat being vacated. He will be missed.

*Vote: Motion carried 4-0.*

To that end, Chairman Maddox believed there's now two openings on the ZBA. Selectman McGrath noted his would be a full member and I was just an alternate. Mr. Brackett filled my position on the Zoning Board as an alternate. I think it's only one full member that's vacant. Chairman Maddox asked to advertise that.

The other thing that Chairman Maddox wanted to just say that I know that at one of our former meetings we discussed the downshifting of costs from the State and Representative Lynne Ober contacted me. There was also an article in the paper saying that's not going to be the case. They are hopefully all is well. DOT is fully funded or whatever in the article so let's see where it takes us.

Selectman Coutu said as your State Liaison I had the opportunity to speak to the Speaker of the House Representative Jasper. He said that the cuts that have been previously mentioned in the press they were talking about massive layoffs at DOT, etc., etc., etc., etc. and a lot of the costs would come back to the local community. He felt very confident that the impact will not be as severe as previously stated but, again, they were awaiting the final budget from the Senate. Then it might obviously go to compromise. The two bodies would get together and hash out the differences and they'll come back with a full bill. He would expect in the end that there certainly is some sympathy in the Senate relative to how the local municipalities would be affected if the Bill in its original format had it passed. It would appear that the impact will not be as severe as what was originally stated.

Chairman Maddox indicated there is a meeting with the City of Nashua in regards to sewer. At this point, Mr. Malizia, the Town Engineer, and the liaison to sewer. Steve Malizia didn't believe the liaison to Sewer was on the list. I thought it was the three of us. That's the last list I saw. Chairman Maddox was going to say with your tie in with the Mayor maybe if you could make it. It's at 1:30 in the afternoon. Selectman Coutu said to make it a Monday and tell Donnalee I'll be there. Steve Malizia said you know her better than I do. I don't set her calendar. She's more friendly with you. Chairman Maddox said let's get you the date. It's in the middle of May. Let's see if we can find out. Again I would hopefully like to go over and again...Selectman Coutu thought I might be able to make the time to go spend some time with Donnalee. I just want to make sure our interests are protected. Steve Malizia thought that's why we're going. Chairman Maddox thought those are the things I think we really need to start looking at is our infrastructure. Again as we've talked about if something could be done over there, that would be absolutely great so let's see what we can do. Selectman Coutu wanted to qualify that. I know that you're going there to represent our interests. I'm just not bashful talking to Donnalee. I will certainly treat her with a lot more respect than a State Representative did.



Selectman Nichols forgot to tell the Board that The Telegraph got in touch with me regarding the train station. They read the article on the Town Facebook page. They spoke to Harry, and they spoke to Elvis, and they called me. They want to have a little article. They thought it would be interesting as to how old the train station was, what was going to happen, and where it was going to be moved to. I thought I'd let you know that that's going to be in within a couple of days in the Telegraph. Chairman Maddox said we're going to call that train station the "glacial stop". That thing has been going nowhere for so long.

Steve Malizia pointed out to Selectman Nichol's point that the Engineer answered very specific questions that were asked. He did respond. He also gave a copy of some of the pages of the original history of the train depot that was in the historic report. I don't know the questions they have but I can tell you that he's answered the factual questions that were presented to him.

10. NONPUBLIC SESSION

*Motion by Selectman Coutu, seconded by Selectman McGrath, to enter Nonpublic Session pursuant to: RSA 91-A:3 II (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 4-0 by roll call.*

Nonpublic Session is being entered at 9:05 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 Maddox opened the open session is being entered at 9:18 p.m.

11. ADJOURNMENT

*Motion to adjourn at 9:21 p.m. by Selectman Coutu, seconded by Selectman Nichols, carried 4-0.*

Recorded by HCTV and transcribed by Donna Graham, Recorder.

HUDSON BOARD OF SELECTMEN

\_\_\_\_\_  
Richard J. Maddox, Chairman

\_\_\_\_\_  
Roger E. Coutu, Selectman

\_\_\_\_\_  
Pat Nichols, Selectman

\_\_\_\_\_  
Marilyn McGrath, Selectman