

HUDSON, NH BOARD OF SELECTMEN  
Minutes of the March 24, 2015 Meeting

1. CALL TO ORDER - by Acting Chairman Maddox the meeting of March 24, 2015 at 7:00 p.m. in the Selectmen's Meeting Room at Town Hall.
2. PLEDGE OF ALLEGIANCE - led by Selectman Nichols.
3. ATTENDANCE

Acting Chairman Maddox noted I am sitting here this evening because unfortunately there was a family tragedy in Chairman Coutu's family. He will not be here this evening. His son-in-law tragically passed last night. I know that on behalf of myself, the Board, and the Town, we wish him and his family all the condolences and hope they can make it through this. To that end, we no longer have a Vice-Chairman as Selectman Nadeau decided not to run. That leaves me as the longest serving member so that is why I'm sitting here this evening.

Acting Chairman Maddox said we have two new Selectmen - Selectman McGrath and Luszey. I would like to know if you'd like to say any opening words? Selectman McGrath didn't think so. Not quite yet. Maybe at the closing I'll have some things to say. Selectman Luszey thanked all the voters that put their trust in me and I hope I serve them well.

Board of Selectmen: Rick Maddox, Pat Nichols, Marilyn McGrath, Ted Luszey

Absent: Roger Coutu

Staff/Others: Steve Malizia, Town Administrator; Donna Graham, Executive Assistant; Jim Michaud, Asst. Assessor; Elvis Dhima, Town Engineer; Kevin Burns, Road Agent; Lisa Nute, IT Director; Police Chief Jason Lavoie

4. PUBLIC INPUT - None

Acting 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. Seeing none.

5. NOMINATIONS AND APPOINTMENTS

- a) Resignation of Marilyn McGrath as a member of the Planning Board and as an alternate from the Zoning Board of Adjustment

*Motion by Selectman Luszey, seconded by Selectman Nichols, to accept Marilyn McGrath's resignation as a member from the Planning Board and as an alternate to the Zoning Board of Adjustment with the Board's thanks and appreciation, carried 3-0-1.*  
Selectman McGrath abstained.

6. CONSENT ITEMS

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

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

A. Assessing Items

- 1) Veteran Tax Credits - Map 199, Lot 036 - 55 Glen Drive; Map 107, Lot 008 - 47 Boyd Road, w/recommendation to approve
- 2) 2014 Tax Abatement - Map 184, Lot 32-1 - 1 Loren Court, w/recommendation to approve
- 3) Tax Deferral Application - Map 145, Lot 011, Sub 002 - 12 Sullivan Road, w/recommendation to approve
- 4) 2012, 2013, 2014 Tax Abatements and BTLA Docket #27082-12PT & #27451-13PT - Map 143, Lot 012 - 5 Tiger Rd.; Map 143, Lot 013 - 3 Tiger Rd.; Map 143, Lot 014 - 1 Tiger Rd.; Map 143, Lot 015 - 22 Dugout Rd.; Map 143, Lot 016 - 12 Dugout Rd.; Map 143, Lot 017 - 24 Dugout Rd.; Lot 143, Lot 018 - 26 Dugout Rd.; Map 143, Lot 019 - 28 Dugout Rd.; Map 152, Lot 014 - 88 Barretts Hill Rd.; Map 152, Lot - 016 - 8 Dugout Rd.; Map 152, Lot 017 - 10 Dugout Rd.; Map 152, Lot 018 - 2 Dugout Rd.; Map 152, Lot 019 - 4 Dugout Rd.; Map 152, Lot 020 - 6 Dugout Rd.; Map 152, Lot 021 - 14 Dugout Rd.; Map 152, Lot 022 - 16 Dugout Rd.; Map 152, Lot 023 - 18 Dugout Rd.; Map 152, Lot 024 - 20 Dugout Rd., w/recommendation to approve abatements and settlement

B. Water/Sewer Items - None

C. Licenses & Permits

- 1) Raffle Permit - The Friends of Benson Park
- 2) Raffle Permit - Bay State Industrial Welding & Fabrication, Inc.

D. Acceptance of Minutes

- 1) Minutes of the February 3, 2015 Meeting
- 2) Minutes of the February 10, 2015 Meeting

E. Calendar

- 3/25 7:00 Planning Brd - Buxton CD Meeting Room
- 3/25 7:30 Senior Affairs Cte - Buxton CD Meeting Room
- 3/26 7:30 Zoning Brd of Adjustment - CD Meeting Room
- 4/01 7:00 Planning Brd - Buxton CD Meeting Room
- 4/02 6:30 Recreation Cte - BOS Meeting Room
- 4/02 7:00 Benson Park Cte - Buxton CD Meeting Room
- 4/07 7:00 Board of Selectmen - BOS Meeting Room
- 4/08 7:00 Planning Brd - Buxton CD Meeting Room
- 4/09 7:30 Zoning Brd of Adjustment - Buxton CD Meeting Room
- 4/13 7:00 Conservation Cmsn - Buxton CD Meeting Room
- 4/14 7:00 Board of Selectmen - BOS Meeting Room
- 4/15 5:00 Municipal Utility Cte - BOS Meeting Room
- 4/15 7:30 Senior Affairs Cte - Buxton CD Meeting Room
- 4/16 7:00 Benson Park Cte - HCTV Meeting Room
- 4/16 7:00 Budget Cte - Buxton CD Meeting Room
- 4/21 7:00 Cable Utility Cte - HCTV Ctr.
- 4/22 7:00 Planning Brd - Buxton CD Meeting Room
- 4/23 7:30 Trustees of Trust Fund - Buxton CD Meeting Room - CANCELLED
- 4/23 7:30 Zoning Brd of Adjustment - Buxton CD Meeting Room
- 4/27 7:00 Sustainability Cte - BOS Meeting Room
- 4/28 7:00 Board of Selectmen - BOS Meeting Room

7. OLD BUSINESS

A. Votes taken after Nonpublic Session on March 9, 2015

- 1) *Motion by Selectman Maddox, seconded by Selectman Nichols, to extend the Probationary period of Firefighter Kim Sara Hiffler to May 19, 2015, carried 5-0.*
- 2) *Motion by Selectman Maddox, seconded by Selectman Nichols, to authorize the Fire Chief to hire Ian Canavan for the position of Firefighter AEMT in the Fire Department at a starting salary rate of \$17.08 per hour (step 1) effective Sunday, April 5, 2015. This assignment will be a non-exempt position in accordance with the International Association of Firefighters Local #3154 Contract, carried 5-0.*
- 3) *Motion by Selectman Nichols, seconded by Selectman Brucker, to authorize the Fire Chief to extend Zoning Administrator Kevin Desmond's probationary period until June 28, 2015, for a total of 9 months, carried 4-0-1. Selectman Nadeau abstained.*
- 4) *Motion by Selectman Brucker, seconded by Selectman Nichols, to authorize the Police Chief to terminate Rebecca Twardosky as a Telecommunication Technician (Dispatcher) at the Police Department effective March 10, 2015, carried 5-0.*
- 5) *Motion to adjourn at 8:52 p.m. by Selectman Nadeau, seconded by Selectman Brucker, carried 5-0.*

Point of order. Selectman McGrath indicated to Steve Malizia that you skipped over item #2. Steve Malizia said I did read it. Selectman McGrath said I missed it. Sorry.

B. Public Hearing - Petition for Highway Layout and Alteration of Existing Highway (Portion of Ridge Avenue)

Acting Chairman Maddox to recognize Town Administrator Steve Malizia.

Steve Malizia stated the Board of Selectmen received a Petition to do an alignment, a re-alignment of Ridge Avenue which is between the Dairy Queen and the property I believe south of that property. Basically it's moving for the right-of-way it's making an adjustment. You're required to have a public hearing based on that Petition. The public hearing has been noticed to the public with the appropriate time frame. So therefore you are here to take public input/public comment for that proposed alteration. I will also point out that Mr. Westgate is here representing I believe the clients - the Petitioners. He would also have answers to questions if people have them.

Acting Chairman Maddox opened the public hearing at 7:05 p.m. Anyone wishing to speak?

Thank you and good evening Mr. Chairman and members of the Board. My name is Brad Westgate. I'm a lawyer at Winer & Bennett in Nashua. I represent Lynn and Anne White. The White's own the Dairy Queen property and also own the property across Ridge Avenue which I believe is shown as Lot 142 on the Tax Maps. I put up Mr. Chairman a copy of the plan that we submitted with the Petition for Layout and Alteration of the right of way of a portion of Ridge Avenue. I have some additional large scale copies of that plan which I'm happy to hand out if that will be helpful. I know that we submitted small scale copies of the plan with the Petition which you may have already. There's two plans Mr. Chairman. I also brought the cover Master Plan sheet of the Dairy Queen site plan which was approved this past fall by the Planning Board.

Pointing to this plan, Attorney Westgate said that the petition is not a petition to physically alter the pavement of Ridge Avenue as you know it but it's to alter the right of way. That is the legal right of way that constitutes Ridge Avenue in the side of which the pavement is located. The purpose is the following: when the Dairy Queen site plan process started and a typical onsite surveying work that has to be done was undertaken by Keach-Nordstrom Associates who are the project survey engineers. They discovered that Ridge Avenue was really not centered in the right of way. That is the pavement wasn't really centered in the right of way like you would typically find in any modern laid out road. So it actually turned out that some of the stub ends if you will of the parking spaces on the easterly side of the Dairy Queen were physically inside of the Ridge Ave. right of way while on the other side, the White's property over here on the easterly side a little bit of the Ridge Ave. pavement and it actually encroached into their land. As part of the Planning Board process, we contemplated altering the location of the Ridge Ave. right of way so that the yellow on the Dairy Queen side that I highlighted would no longer be part of the Ridge Ave. right of way while the yellow on the white side would become part of the Ridge Avenue right of way in effect shifting to the east this portion of the Ridge Avenue right of way sort of near the northerly end of it. The result of it would be that the Ridge Avenue right of way would be located within what I've colored in as pink. So the pink now would be the legal scope of the Ridge Avenue right of way. Again, the pavement wouldn't change. The pavement is as you know it today.

Attorney Westgate noted as you also know a lot of the site work and construction on the Dairy Queen renovation has been done. It's getting closer to completion. Part of that site work involved removal of that railroad tie retaining wall that you probably are all familiar with. The new retaining wall is depicted on this plan. It's also depicted on the site plan that was approved by the Planning Board which is the other plan that I handed out. So the Ridge Ave. right of way line would now start just to the east of that retaining wall, therefore the retaining wall - being on the Dairy Queen land and that retaining wall actually happens to be a little further in than the railroad ties were. The railroad ties actually were a bit stuck out more into the Ridge Ave. pavement than the retaining wall. The retaining wall is a bit recessed into the Dairy Queen property.

Attorney Westgate said the land area that we're talking about in terms of the right of way shift is really relatively small land areas. I think the Dairy Queen component is around 723 square feet I believe and the portion that would go into the Ridge Ave. right of way to be added in is around 893 square feet. So they're really relatively small slivers. Again the point being to get the legal right of way to be consistent with the physical reality of what Ridge Ave. constitutes presently and not have to change any of the paved area of Ridge Ave. We prepared the documents to process this, pass them by Town Counsel. Town Counsel approved those documents as we contemplated in the Planning Board process through the format of our petition, approved the format of an easement that would be granted to the Town to in effect add this yellow component to the Ridge Ave. right of way land mass, and also prepared a return of highway layout and alteration which I sort of updated and sent to Mr. Malizia today. If the Board grants this Petition which we respectfully request, then that return would be signed and would be recorded with the Registry of Deeds and kept on file with the Town. Some of you may recall that we did somewhat of a similar process in 2010 on Bush Hill Road in the Jarry Subdivision that Sousa Realty is now developing. Obviously it was a much more dramatic situation there. Legally it was really the similar process. This pales in comparison to the physical undertaking of course because we're doing nothing but what lawyers love paper shuffling. I'm happy to answer any questions Mr. Chairman. The Whites are here with me - Ann and Lynn White are with me as well. We appreciate you taking the time to entertain this Petition and again respectfully request that it be approved and perhaps the return can be processed whatever the Board thinks and at the Board's pleasure.

Chairman Coutu asked anyone else wish to speak on this issue? Seeing none, I'm going to close the public hearing at 7:14 p.m.

Selectman Luszey asked on the non Dairy Queen side - it would be on the right hand side that 893. When I look at that, it looks like the road actually narrows today - the pavement. Is that a true statement? It looks like the road goes from this to a narrow around that bend. Attorney Westgate said I couldn't tell you. I defer to Mr. White if you prefer. He might have some insight on that. Maybe Mr. Burns does yes. Selectman Luszey questioned why if we grant the waiver why you wouldn't pave to make that road concentric all the way around? Attorney Westgate guessed that would be a matter to interact with Mr. Burns about certainly. It wasn't part of the Planning Board approval process and it would really be kind of a town determination certainly as opposed to a private property determination.

Chairman Maddox said this was primarily done because at the Planning Board level, we found out that the Town had their right of way into their parking lot. Just while the White's owned both sides of this, now is the time to do it as opposed to down stream and then having to deal with it. This is the cleanest way if you would to get us out of their parking lot if you would and still have enough if we had to do something with the roadway it could be still done. We own that stretch of road there.

Motion by Selectman Nichols, seconded by Selectman McGrath, to grant the Petition submitted by Lynn C. White and Ann M. White for Highway Layout and Alternation of Existing Highway for Ridge Avenue and to sign the Return of Highway Layout/Alteration for that portion of Ridge Avenue as shown on the Layout and Alteration Plan for the Lynn C. and Ann M. White, Lynn C. & Ann M. White Revocable Trust dated December 24, 2014, carried 4-0.

8. NEW BUSINESS

A. Request for a Retroactive Abatement - Map 254, Lot 4 - 135 Dracut Road

Acting Chairman Maddox recognized Assistant Assessor Jim Michaud.

Good evening Board members. I'm not sure if the applicant is here or not. Ms. Zduniak? I thought she might be here and I wanted to give her an opportunity to talk about her abatement application. It's not per say a retroactive abatement application. It is an abatement application and it is based on their deed change. The elderly owner had changed the deed back in November of 2013 and transferred the property to her daughter and her son. In the meantime, that meant that they were going to lose their elderly exemption and veteran's credit because there was no elderly person owning the property and there was not qualified veteran owning the property. When they became aware of it, they came into my office and said what can we do about this? I said well it is too late in January 2015 to retroactively grant an actual elderly exemption and an actual veteran's credit. They expressed to me that there was financial hardship and they wanted to see if the Board would grant a hardship abatement on the property. I've given lots of information in there. I wasn't sure which way it was going to go and if the property owner was going to be here, etc. I understand the property owner did contact a member of the Board which is the public's right. Here we are today.

Jim Michaud indicated I've talked to our attorney and said can we retroactively grant an exemption of credit. No. Could they do good cause? The Board could. Good cause is in RSA 76:16 and good cause has come to mean a lot of things. It can be for inability to pay. It can be for circumstances that simply law cannot be written for. There is case law that does point to good cause and inability to pay and poverty are all good reasons. It's in front of the Board. It is within your right to grant it. It's within your right to grant it partially, fully, deny. It is an appealable document if a person is not satisfied with any result. I did think that they were going to be here tonight but I think it was a little over a week ago that I did talk to them.

Acting Chairman Maddox noted it is not your position to represent them but you're here to explain the process. The question I have is does the Town have any culpability in what happened? Did we tell them to do this? Did they follow our suggestion? Jim Michaud said I know of none and I have not heard of any either. In other words, we weren't their attorney who would change the deed for them. When the deed changed and we got a copy of the deed as we do with all deeds, that's when we process it and oops it has an exemption and credit, it comes off. We did not offer them any advice. We were not asked. Many times they imagine attorneys may not think at the time oh are they going to lose their exemption of credit. That just may not have come up in the equation. It was a zero dollar transfer. It was from an elderly person to their daughter and daughter's husband. It just may not have dawned on them at the time. That's how it was explained to us. It just wasn't something that came up during that process.

Acting Chairman Maddox said when I read your voluminous notes here, I saw it as a civil matter rather than a municipal. Board members questions?

Selectman McGrath said I have a few. I read this packet twice. It's not the easiest thing to get through. Looking through it and reading through it, I understand that we can chose not to grant this for any cause. They made a mistake. It's their mistake and they don't meet the criteria today. I understand that portion of it. Looking at the deeds that went back and forth, I noticed and I circled it on the first one that it's a gift document. The law firms and they put on the bottom of the document where their files are located. It's indicated as a gift document. It's also a two-family home. The question that I had when reading this is is it being rented or is the original homeowner, the parent who I also noticed I was questioning why they were transferring it. Her husband passed away. Jim Michaud said that was a great question. Selectman McGrath noted she passed it onto her daughter. Are they renting the second part of that dwelling or is the mother living with the daughter and son-in-law in one of the units and then renting out the other portion of it?

Jim Michaud said that was a great question. I should have addressed that within my memo. The same people lived there today as lived there on November of 2013. So it is the mother living there along with the daughter and son-in-law in two separate units. It really looks like a single-family property. It isn't built like one of these side by side duplexes. It very much looks like a traditional single-family property. It's legal use as far as I know as a two-family property. They live there today. They lived there on November 2013. The residency has not changed.

Going forward, Selectman McGrath said they originally qualify for an elderly exemption and also a veteran exemption. I noticed in the - and maybe I missed it somewhere but they're eligible going forward for the veteran's deduction but not the elderly. Can you explain that?

Jim Michaud said sure. The residency requirement for a veteran's credit as opposed to an exemption - so it's a credit like it would work on your taxes - is one year residency. In this case, surviving spouse of a qualified veteran and veteran's credit. It's a fractional credit going forward and the prior board had already approved this because when they changed the ownership

back in a deed of January of this year, the mother received a 50 percent interest and so fractionalize and a 50 percent interest remains with the daughter and son-in-law. So the Statutes tell us that when there's a specified fractional interest, you fractionalize the credit and you fractionalize any potential exemptions. So a) that's why we have a fractional veteran's credit. There's a one-year residency requirement for veteran's credit. She satisfied it. For the elderly exemption, there's a provision in the law 72:40-a that says if transfer of property from a person under the age of 65, you have to wait 5 years if the person is related by blood or marriage. I believe I attached a copy of that Statute. Selectman McGrath remembered reading that in the packet.

Jim Michaud said imagine the legislature introduced that maybe to stop transfers for convenience only and still be able to retain the exemption.

Selectman McGrath asked about the elderly benefit that they're not going to be entitled to. I understand that the son and daughter certainly wouldn't - I would expect that they wouldn't be eligible for that but why not the 50 percent original owner? Mr. Michaud said because she was the recipient. The elderly owner was the recipient of the property from somebody under the age of 65 related to them by blood or marriage. That is the purpose of that Statute is to - in this case I'm not assigning any malice here. I'm just saying the purpose of the Statute my understanding when it was enacted was to prevent someone getting an exemption like I just sign it over to my mother and then boom, we get an exemption. It's the kind of season the ownership I supposed would be one way to look at it. I'm trying to read the intent of the legislature. This very rarely happens. In this case, you can see why the circumstances are what they are but the Statute is the way the Statute is.

Selectman McGrath had one final question. The original owner that conveyed the property to her son and daughter - Mrs. Byron. Have they sought any type of other eligibility requirements like poverty? The things that you mentioned in your original opening. Have they talked to you about that so that that may or may not apply? Jim Michaud said what they have stated is and I didn't go through a full show me all your income, show me all your assets, that they have said this is causing a hardship. Their mortgage payment has changed dramatically because it was a pretty healthy exemption. I think it was \$125,000 exemption from assessed value. It's in that \$2,000 to \$3,000 range exemption amount that's now been taken away and now it's increased their amount that they have to pay with the mortgage. That has created this hardship. We can go down the road of asking them to give us income and assets and we would really be qualifying the elderly owner. I want to caution that we're doing that for purposes of the good cause part and not necessarily exemption.

Selectman McGrath was trying to get - after reading this and like I said, I read it twice so that I could get a good handle on it. I just wanted to know exactly how far they've gone in the process and I understand your answers. Jim Michaud said the Board can request that information. The Board is going down the good cause route and inability to pay the fourth request then. I want to point out that the taxes were paid for 2014 because that's what escrow companies do. Then they of course change your mortgage payment. If the deed hadn't changed, they would still be receiving it. We wouldn't have measured their income and assets for last year. We do it once every 5 years we qualify folks from reval to reval.

Selectman McGrath had one more question. Do you know before they changed the deed over were they renting the second unit or was the daughter and son-in-law living in the home with them in one of the units and the original owners in the other unit? To Jim Michaud's knowledge, the daughter and son-in-law had been there for some time. This is not a new thing that they're there. I don't have a timeframe for it but it's my understanding that they've been there for a matter of time. I could ask that question but my understanding is they've been there for a long time. Selectman McGrath thanked Mr. Michaud. That's all I have for now.

Acting Chairman Maddox asked where would the Board like to take this. I mean I'm reading Mr. Michaud's Memo here and "not legally possible", "not qualified to receive", or a lot of things that are circled here. I understand that we may want to offer them something under another category but I am reticent to give an abatement based on the facts as presented here. Again we have 3 options at least on my script - the entire amount, a partial, or nothing. I'm wondering where the Board would like to go on this?

Selectman McGrath said I'm hesitant to grant any relief. However based on some of the answers that I received, I would like to look further and have the assessor determine how long the daughter and son-in-law lived in the home. If they lived there for a number of years, then that was being used essentially as a one family home even though it was a duplex and two units they weren't renting it out. You said that they weren't. They may have been getting rental income from the daughter and son-in-law. I'd like an answer to that question - how long they were utilizing that property in that manner before I vote on this. At the moment just given what we have now. I would not be inclined to grant a retroactive abatement.

Selectman Nichols thought I have to agree with Marilyn. I would like to see a little bit more information on the couple how long they've lived there before I could also be comfortable saying it's okay to give them the abatement. That makes me a little bit nervous. I'd like to know more on that.

Selectman Luszey thought in addition to that the income levels to see if there is justification in terms of a hardship on the revenue side of things. Selectman McGrath agreed with that.

Acting Chairman Maddox said I'm kind of torn here. I'm really kind of fractured by the fact that our staff is doing the representing of someone asking for an abatement. That's putting him in a difficult position of having to answer questions for

both sides. I think that we should have the Assistant Assessor write a letter to them and ask for those answers in writing. I think that we are, again, putting him in a difficult position of being both sides of this coin.

Selectman McGrath agreed with that. I think that he's done I think a phenomenal job putting this together. If you read through this packet, there's some inference there that one of the Selectmen has been contacted and may have given some advice. I'm not so certain. I think that that's an appropriate thing to have the Assessor reach out to them and have them convey that information in writing to us or come before the Board and plead their case.

Steve Malizia asked to make a quick point. If you're talking hardship, income, assets, you may very well be doing that in nonpublic to protect their privacy. If the viewing public is watching and doesn't see the show back up, that would be the reason because quite honestly they have rights to be protected. I just wanted to point that out.

Acting Chairman Maddox indicated that we were going to defer this until we hear back from them in writing or if they would like to come into nonpublic if it goes under the guidelines for nonpublic. I appreciate what Mr. Michaud has done for us and for them. Again as I see this, this is a civil matter. We didn't do anything wrong in this. We just simply are the people that they came to.

Jim Michaud reiterated I'm going to get residency and then income and assets and we can communicate back and forth and get that in writing preferably from them. Selectman McGrath said it sort of takes you out of the middle.

Acting Chairman Maddox said Jim Michaud is here to represent the Town. He shouldn't be representing the other side also. Again we're putting him in a difficult position. Without objection, we're going to defer this until we hear back from him.

B. Town Wide Paving Contract

Acting Chairman Maddox recognized Road Agent Kevin Burns. Good evening Sir.

Good evening. Kevin Burns said I'll be brief. If you need me to be long-winded afterwards I would. Basically Brox Industries has offered to extend their paving price again into the next fiscal year. NH Road Agents Association did a survey last year. It showed that Hudson pays between \$2 and \$11 a ton lower than any community in New Hampshire. I think this is a very good offer and we should accept it.

Motion by Selectman Nichols, seconded by Selectman McGrath, to authorize the Road Agent to extend our current paving prices for fiscal year 2015 with Brox Industries, Inc. The contract items extended are: reclaimed stabilized base - \$1.39/s.yd; hot bituminous pavement - \$67.48/ton; and cold planing - \$1.35/s.yd.

Again Acting Chairman Maddox said if you do look at the numbers and there was an attachment that you put on there that tested all of our eyesight showing the pricing of the petroleum bi-product which is the bituminous, it's fluctuated and obviously it's in our favor right now. I would take advantage.

Vote: Motion carried 4-0.

C. Water Access Fees for Sullivan Road and Rolling Woods Drive

Acting Chairman Maddox recognized Town Engineer Elvis Dhima and Anthony Basso with Keach and Nordtrom.

Elvis Dhima said recently the Planning Board approved a 17 lot subdivision along Bockes Road. The 17 lots will be served by individual septic systems and proposed town water. The applicant is proposing to extend just over a mile, an 8 inch main along Sullivan Road and a 6 inch main along Meadow Drive. The applicant's representative is here tonight to ask the town to waive all the access fees for the 17 lots they are proposing for a total amount of \$92,225. The access fees have been used to pretty much maintain the existing distribution system and the supply source that the town uses right now. With that said, this motion went in front of the Municipal Utility Committee and it was a long meeting. It was a long discussion. In the end, they recommended in favor of waiving these fees. On the other hand as the Town Engineer, I recommend that this Board does not waive these fees for the simple reason that we've used these fees to maintain what we have. That's been the case all along. The town paid a decent amount of money to hire Weston & Sampson to come up with a program how we're going to move forward once we purchase the water company and that's what we've been following. We've been following and going along the guidelines that they have recommended to us. In this case, it's a little bit different. I'll let Tony take over.

Tony Basso explained as Elvis said, we'll be extending just over a mile of water main from a meter pit that's actually located in Pelham but its Hudson water coming into Pelham and then it comes back out of Pelham on Sullivan Road. We extended all the way down Sullivan Road across 111 to Bockes, up Bockes and then ultimately into the subdivision we're doing. It's about a \$600,000 effort. The benefit to the town - the major benefit to the town is providing fire protection to a whole section of town that doesn't exist. That doesn't currently have it. We were asking for that to just offset a little of the cost. Obviously it's a huge expense and my client wanted to undertake it because the benefits for his development obviously but it also provides a significant benefit fire protection wise to the town. It also provides an opportunity to close a few dead ends ultimately in the future. There were a number of things discussed with this.

Before Elvis's time, Tony Basso said I met with Mr. Webster at the time who was the Town Engineer. We looked at a lot of routes - doing cross country and stuff like that to save money. We were asked to go this way on the road so that it would have the most benefit to the town ultimately. As opposed to cross country, that's part of the request here. We had kind of gone back and forth trying to work out a solution on this water main that would serve the town and serve the client. We had a cross country route through a cooperating party that would have shortened it by a couple of thousand feet. At \$100 a foot, the cross country and not the road stuff is a significant savings. We were asked to go the route of Sullivan. So there's a lot of pieces to this. It isn't so cut and dry. I know there have been water things done in the past. Most recently the one to Londonderry with Maccetti where I guess there's a \$15,000 fee that gets tagged onto whoever hooks on. The reason why we didn't propose anything like that was because I don't actually like that particular solution because I've had two clients now say forget it. I'm not hooking into water along that route because it's too expensive. So that \$15,000 kicked onto the water fee. Sure it doesn't hurt the town in any way because these people pay it.

Acting Chairman Maddox indicated that's only for commercial though. Elvis Dhima said residential is still in the \$5,000 range.

Tony Basso said it blows it right away because a well is \$5,000 or \$6,000. In both cases that I've done, they've opted not to hook into water. I didn't think that was a great option for this. I thought where we worked out this whole thing with Gary. We tried to do this - we looked at a lot of routes. There's a whole history. We wanted to come down 111 was the real way. We wanted to go right from wherever the water is now. It's by the Industrial Park where the signal is. We were going to go from there straight down 111. DOT said absolutely not - can't put a water main in our right of way. We looked at coming from the neighborhoods up in back of the industrial park and coming through, we worked out some cross country routes with a couple of people and even purchased an easement from somebody so we could bring it back. The town asked us to take this route instead, service more people, have a benefit. In exchange, we are asking for not a check or not any money but just not paying our hookup fees for the 17 lots. That's it. We're also not asking for any reimbursement which sometimes is given for the homes that hook up along the way for some time period. We're not looking for any of that. My client just wanted just to not pay those hookup fees for the 17. This process has been a long process trying to figure out the best way to do this. We cooperated and worked with the town to do that. I've worked with Weston & Sampson to complete the best solution for this. With that is why I think the Water Utility Committee recommended what they did. It didn't start out in favor. We had this discussion and you know when they heard about the whole process, unfortunately Mr. Webster wasn't there to be part of that at that meeting but he certainly was through the whole process. The benefit of the fire protection and having this along a road that you guys can then hook other things to in the future and go from, I think is a benefit.

Elvis Dhima asked to add a couple of things to it. The reason that the location of the main was changed was because Weston & Sampson are sub consultants. They ran the hydraulic model. They came to the conclusion that it wouldn't make any sense for the water main to go up and down through the cross country but it would be more feasible to go along Sullivan Road. That's why the layout was changed from cross country to that. Hydraulically wise when they ran the model, it didn't make any sense. Also to add to that a little bit that yes it's over a mile that they're going to install but the town will take ownership of this and we'll have to maintain. We also have to maintain all the fire hydrants that will be installed along side of this and we have to plow them too. So that's an addition cost to Kevin's budget on top of all the other hydrants. Yes ideally in a perfect world we would have fire protection everywhere but if you put in fire protection versus financial gains, we can't as a town I would not dare to come in front of this board and ask for \$500,000 or \$600,000 to provide water service for a 17 lot subdivision. I just wouldn't because you guys would kick me out of here and probably fire me. To come in and say it makes sense, I agree that it makes perfect sense for your client. We'll be taking ownership of this and we're going to have enough costs associated with this project maintaining it and taking care of everything. I think to go and announce that further the \$92,000 away, it just doesn't make any sense.

Acting Chairman Maddox wanted to ask a couple of questions. There's reference in the Municipal Utility Committee minutes about a 35 lot development that would be tying into this. Can you elaborate on that? Mr. Basso said I don't know. Acting Chairman Maddox said potentially 35 lots that would be required to pay a fee to connect and then...Mr. Basso said along the route there are about 35 properties along the route that could hook in in the future. Acting Chairman Maddox asked why wouldn't the developer take that as at least the process that we've used all along of collecting the fees for what you're hooking up and anybody that hooks onto your pipe would get those fees. That would give you 35 as opposed to 17. I'm just wondering why it was mentioned in the utility minutes but you didn't mention it tonight. Mr. Basso said I didn't actually mention that. I said we weren't - my client asked me to make a request so he didn't have to waive his hookup fees and he said he didn't care about if he could get his hookup fees, he didn't care about chasing the other 35 lots along the route. So he would leave that on the table. It's certainly a way to get some of it back but I think that stating that fire protection is not a benefit to the town you should have to maintain I think is not a - I think that fire protection for a mile and all of these residences and not just those residences on the mile. There's within 1,000 feet of any of those hydrants. There's a lot of homes that get benefit from this. Yes of course its town maintained and there's a water company place to do that. I'm not disputing any of that. There were a lot of route options looked at and we worked at this cooperatively with the town to try to come up with a solution that was best. I understood this fee to be a two part fee. One is for a future line extension and one is for source. It was my understanding of how it worked distribution and supply. I know my client would be happy to get the distribution sites since that's what we're doing if we could do that. We asked for the whole thing but obviously if we could work something out that is...

Elvis Dhima said but it's already worked out in the previous agreements. It's been the model here that we as a town feel that is it fair that the people that put the line get the distribution portion back when someone connects from a to b. A it's the existing

water main. B is the destination of where it's going to go to the development. Anyone connected between a to b is going to get a portion of that fee that we get back. That's the distribution fee. They are getting reimbursed a portion of this for the cost of putting a line in. At the end of the day, the decision is there to put this main in and therefore they should carry the cost for it. The town shouldn't be involved taking - we've already taken the maintenance part of it which is planning. We don't have to give more. I just don't see it. To me I think it's set up just right as it is right now that anyone connecting to it can get the distribution fee back for the period of 5 years or 7 years. We can definitely negotiate the time maybe and it could be something but, again, if this was the town, the town would not even make this kind of investment for a 17 lot subdivision. Maybe down the road if there's additional maybe but it wouldn't make any sense.

Selectman Luszey said I actually tend to agree with the Town Engineer at this time. One question is has this ever been done before? Have we ever waived connection fees? Mr. Dhima said no. Selectman Luszey said if we should do this, I think we'd be setting a precedent for all future developers to come in and say waive the fee. Mr. Dhima indicated even the previous one before. It won't stop them from coming in and asking for the same deal absolutely. To the deal that with the line going to Londonderry, again there seems to be some kind of misunderstanding about the Town of Hudson not being able to get any access fees for all these houses being connected in Londonderry. This is for mains outside of Hudson. We only apply this access fee for lines and services within that. This particular developer, and this was before my time, build a booster station at their expense, build a 12 inch main, it goes all the way out there, and for that cost - and I don't know I'm just throwing some numbers out a half a million to probably 750 - he will probably get \$15,000 if anyone connects to it. It doesn't always work that way. We can say that 34 people aren't going to get access along Sullivan Road but it's not a done deal. The potential is there but it might not happen. It's not the \$5,000 that's going to hold people back. It's all the money they have to put in to connect to the main which is digging into the road, getting a contractor to do the plumbing in the house again. That's where the real cost is. It's not the access fee.

Two things from Acting Chairman Maddox's perspective. This is how the former privately owned water company got into trouble - running lines out to wherever for a limited amount of housing. I think you figured it's going to be \$7,000 a year that would get revenue out of these 17 houses. So running that pipe out there is something that we would never do on our own. I don't want to change the formula because it works and it doesn't put our ratepayers in a position of having to gamble. The developer wishes to put in municipal water that is the price. I don't have a problem putting in the same agreement we've done with everybody else that if anybody connects of those 35 houses, they will get that portion that everybody else has gotten. I understand that this is a big expense and truly I don't see a reason to fix what's not broken. Anyone else?

Selectman McGrath asked about the distribution portion of the access fee just so I understand it, would that be anyone that tapped into that line that they're putting in for the length of it not just this development not just the 15 houses that are being proposed for this development. Elvis Dhima indicated it would be from where the main is right now to its final destination. There's 34 lots in between along this segment. Anyone connecting to this will have to pay an access fee to the town and the town based on the agreement they will have with that will have to keep a portion of this access which is a distribution fee. Every single person that connected to this main if it gets built will pay the town and then the town is going to turn around and give a portion of that to the developer.

Selectman McGrath asked do you know typically what that fee would be. Mr. Dhima said it varies every year. We have a chart. Steve Malizia stated if you look at the chart in this package...Mr. Basso said its \$3,156 this year. Mr. Malizia said we keep the supply fee. We would rebate the distribution fee. Mr. Dhima said it has a breakdown of what the supply versus a distribution and every year as it goes up until we pay for it which is scheduled for 2028. In essence, Mr. Malizia said folks are buying into the equity of the water utility system. We pay \$27.5 million for that utility. What this fee serves to do is help to compensate the original owners, i.e. the folks that were on water when we took it over. We're paying through their rates and enable us to not raise the rates for every time we add a customer. We started with 4,100 customers. We're up to 6,200 and the rates are the same that they were 17 years ago. There's a reason for that. Mr. Dhima indicated this money gets put on the side for future development like water extensions, repairs, finding new sources of water. Hudson doesn't have a lot of water. Right now we're getting it in Litchfield. That helps us with going out there, testing, doing investigation. This money gets used for that. That's what the access fee and money gets used for. It's not that we take it and spend it on other things. It's in for a purpose.

Selectman McGrath said there's a potential for 35 different lots or homes that can connect. So 35 times approximately 3,000. Mr. Dhima noted the town will get 5,000 you're right. So we'll get \$175,000. Out of that one, we'll be given just a little bit over half to the developer which will be approximately \$85,000. That isn't a perfect world. If everyone just comes in the next day and wants to connect to it, some people can wait 5 years and after that they don't have to - well they will still have to pay for the rates but the town doesn't have to give any back to that. As I said in a perfect world yes. Typically we don't see it because there's so much cost to it. The next thing they would do would be to drill another well for \$5,000 versus spending \$25,000 to connect to the town and have to pay the rates that they can't control versus 100 percent in a well. I don't have to pay anything once I'm connected. That's it. Yes there's a potential there for that much money to come in and then the developer will get a portion of that yes.

Acting Chairman Maddox said the only one I have left is Mr. Basso you made a comment that Mr. Webster kind of said this is the way you want it to go. Tony Basso said yes the route. Acting Chairman Maddox said as the Town Engineer is that conversation...Elvis Dhima said it was before. What I can say is Gary, or myself, or the Engineering Dept., or any department for that matter including fire or anything, we can make a suggestion. We can make a - how do I simplify this. What we want is



not always what we get or what we can have. In a perfect world yes. Again that's a recommendation. It's up to the applicant to make a final decision because it's their money that's going to be spent and not ours. I can ask for the world but I never get it. I ask for a lot of things and I don't get it. I mean you just say no - sorry Elvis thank you. To say that Gary asked them and they did it, I don't think it's that accurate. I can say that Gary probably suggested it or relied to but at the end of the day was the applicant.

Tony Basso interrupted and said I would prefer if we don't speculate about conversations we weren't part of okay. I was part of that and we had conversations about why. That's frustrating to me because Gary and I met and spoke about this. He's speculating on what Gary might have said.

Acting Chairman Maddox gaveled the gentlemen and told them one at a time.

Tony Basso said all as I'm asking is not to speculate on what Gary might have said. That's all. Gary and I met. We looked at a number of routes. We looked at cross country routes. We looked at a route over the old rail bed that goes in behind - that's owned by DOT. There's a whole process to go through apparently to put a water main in that that takes 3 years. We looked at a lot of alternatives. It was over a long process. That's why. I understand about the expense of all this stuff. Realistically I was hoping for the distribution side of my client's water because of the whole thing I discussed - the route, the choices, the fire protection for the whole chunk. I think that the distribution side is about distributing which is what we're doing. I don't really see an issue with that side of the...I completely understand the supply side. This had nothing to do with supply. Supply is about wells and Pennichuck and I get that. The distribution side is exactly what we're doing. I don't see why that can't be considered in this case. I understand you're trying to keep a pattern here. This is different than other ones in the past because it's going so far. Like the Vigeant one that was here was a short run to the Litchfield line. That is completely not the same animal. This one was the result of a lot of discussions and figuring out the best way to go.

At the end of the day, Elvis Dhima said you don't have to connect to the town water if it becomes a financial burden on you. You can always go with another option. Again my comments earlier were regarding a conversation I had with Gary about this. Obviously Tony wasn't there. Again this was before my time. I'm not sure about you and Gary and all that. I just don't think in general to hold someone responsible for a comment or a recommendation. That's what that was. I wasn't trying to speculate. I had a conversation with Gary about this and other projects and that's why I said that. I wasn't trying to speculate anything just for the record. I understand that there was a lot of obviously work done before my time there.

Acting Chairman Maddox said to Tony Basso I see on this map that the route you're taking. There seems to be a number of potential people that maybe your developer wants to tie in with. I mean I remember that there's a huge cistern under the commercial building that's supposed to go at the end of Bockes Road on 111. I would think that they would much rather put municipal water in than that huge cistern that was I think basically under the building. A number of locations there that maybe that is a better way to go than coming to the town and asking for us to front the money. I will ask the Board where they want to go. I have a motion here to waive. Is anyone willing to make that motion?

Motion by Selectman Luszey, seconded by Selectman Nichols, to waive the access fee for the proposed seventeen (17) lot subdivision in the amount of \$92,225.

Just to be real clear, Selectman Luszey said I will not support the motion because I believe we'll be setting ourselves up for some unattended consequences of future developers and even current developers as the Town Engineer suggested coming and asking us to waive the connection fees. The model that we have before us works and I don't see why we should deviate from it.

Selectman Nichols agreed with Selectman Luszey.

Acting Chairman Maddox said I understand why the Municipal Utility probably got where they were. Again we're the people that have to set the rates and to justify those. I think that's how the former water utility got themselves in trouble was extending lines out to where they were unfinancially sustainable. I am going to vote in opposition as well.

Selectman McGrath asked just to throw in my two cents in. I, too, will not support the motion for the reasons that have been discussed.

Vote: Motion failed 0-4.

- D. Request to Modify Hudson Personnel Policies, Section H "Use of Computers, E-mail, Network, Internet and other Communication Devices"

Acting Chairman Maddox recognized IT Director Lisa Nute.

Thank you Selectman Maddox. Lisa Nute noted I am here tonight to ask that you allow me to make the proposed changes to our Personnel Policy Section H, which is entitled "Use of computers, e-mail, network, internet, and other communications devices" as Selectman Maddox has said. On page 6, I tried to make it easy for you and put in red what has changed and in the column out to the side. The margin explained why the change. On page 6 this is just tightening up some verbiage on the

advice of our labor attorney to include documents that are done on behalf of the town on someone's personal equipment at home as being property of the Town of Hudson. Employees are well aware that anything they do on town equipment is considered town property but we needed to extend that to even their own personal laptops or devices that we've allowed them to us or even not allowed them to use within our network that they are doing on behalf of the town so that when those employees leave, etc., we get those documents back.

On page 10 is the next change. Ms. Nute indicated that is just another area reiterating that exact same point on the advice of Attorney Mark Broth. If there are no questions, I'll go onto the next page 11. This policy covers a little more than just things that are under my domain I guess you could say. It includes pagers and things like that or copying machines even. This particular Section A involved using giving out cell numbers, etc., telephone numbers over the air of the radio. This policy has come before this Board - not every member here obviously but at least 4 times now. I do try to keep this up to date as technology changes and this particular section is now covered under police and fire policies that they maintain themselves. Rather than be redundant and have to worry about conflicting verbiage, we're just eliminating Section A altogether out of cellular and smart phone use over the radio.

Acting Chairman Maddox asked doesn't Highway have access to all of the radio frequencies. Lisa Nute said they do. Acting Chairman Maddox asked if that was in their policy as well. Ms. Nute indicated I did cover this in the department head meeting and it was fine with all department heads that we just take this directly out. I'm excluding Highway here in my verbiage but yes.

Selectman Luszey said under paragraph F it talks about the mobile laptops being closed during operations. Should that paragraph be updated because I believe in the ambulance they use laptops and tablets in the back while they're in transport so there should be some delineation because you said all laptops have to be closed while the vehicle is in motion. An ambulance I think now they're...Ms. Nute stated this was done - certainly they're not supposed to be operating using the laptop while they're mobile. You bring up a good point. The reason this went in in the first place was simply because laptops in the open position in the cruisers were a hazard because of the airbag. So you're right. I didn't think about this section since ambulances now also have them in there. I will check on this section.

Steve Malizia asked it might be helpful if I could where it says in the second sentence "should not be operated" put "by the driver" because he's the one who shouldn't be operating it. If anybody else is, it's probably not an impediment. Selectman Luszey noted that's what I'm saying. That paragraph needs to be...Mr. Malizia said if you actually put in the word "by the driver" that might take care of your response.

Lisa Nute thought that Selectman Luszey's comment was on the next section "due to safety concerns regarding airbags" that it shouldn't be left open. The cover shouldn't be left open. That is possibly a problem. Selectman Luszey indicated there's two things. Mr. Malizia indicated the guy in the back of the ambulance could use it with this policy if you put "by the driver". That's all I'm trying to get at.

Selectman McGrath asked those paragraphs will be relabeled where you're deleting A. Ms. Nute said yes.

Lisa Nute said the final change that I'm proposing is directly under Section F. It's G. We have allowed employees to use their own personal cell phones, laptops, etc. and connect it to our network for more than a decade with the permission of me and they need to follow certain policies and procedures which is in a general order. I thought it was appropriate to at least put the starting point here because when we do get new employees in if they do want to use their cell phone, we will attach it to our e-mail network. This kind of gives all employees just the starting point on how to begin that process if they do want to use that. I will follow up from there.

Ms. Nute indicated the very last page just shows the update of today's date if the Board so moves.

Acting Chairman Maddox wanted to go back to page 11 that A the cellular telephone numbers will not be broadcast over the radio...I think that should stay even though that the departments have put it in their budget. Again we have Highway. You have Community Development that may have radios. I think that where we've gotten in the problem in the past is it wasn't conveyed across all. I would much rather have it twice than not enough. Just leave that paragraph so that any employee no matter what radio they may have. I understand it's covered by police and fire but, again, there are other groups that have radios. Lisa Nute said this paragraph if I may Selectman Maddox says that they will not broadcast town mobile cell phone numbers. Sometimes it's okay to give out a cell number and sometimes it's not. It's kind of like at the discretion of the dispatcher based on what...I will leave that in there I'm just not sure that we need to say it will not be broadcast. It may or may not. Acting Chairman Maddox said I'm going to air on the side of caution. Again we have other people that have radios. Ms. Nute indicated I can leave that in if that's what you want to do.

Just for clarification if Selectman Luszey may. The way I read this is that this is the personal like my personal cell phone because you took out a and then b says that I should be carrying a phone that is owned by the town - cell phone for purposes of communication. What you're implying here is no personally owned cell number. Is that correct? Ms. Nute noted it doesn't really say. That's how the intent was initially I believe yes.

Acting Chairman Maddox said I guess we can get into the weeds. Again I'm just concerned that somebody needs to get a hold of the Police Chief and they broadcast his cell phone number over the radio, you're just setting him up to get lots of calls. Ms. Nute was fine with that.

Being a newbie, Selectman McGrath was not all that familiar with who has what in town, who has a cell phone, who had town phones. I tend to agree with Mr. Maddox that paragraph A should stay in if I could go back. When you talked about the documents that maybe created on personal computers, laptops, or devices, let's say devices because there's so many of them now. How would we know, how would you or the town know that they've created some document or something that would really be town owned property and something that should be protected? Lisa Nute said if a device gets attached to the network I'm going to know because we have software that's going out and always looking. We're notified of things that aren't labeled the way we normally would label that and things like that. You're right there could be people doing documents, e-mailing it at home, and then creating more from it or continuing that. I don't really know. This covers us. We actually had a specific incident which brought this up where they were using a device for several things. A lot of work at home. The department was a little concerned about not getting those documents when this person retired. It was an actual incident that made us just make it a little stronger for verbiage but you're right. There could be things that I'm certainly not going to know about if somebody is doing work offsite and not sharing that with the department.

Selectman McGrath asked is there or should there be something in our policy whether it's Personnel Policies or some other policy where if that happens where an employee creates documents on their personal devices and doesn't convey those to the town, that we're not legally liable for anything that they may convey or share with people that aren't normally privy to that information. Lisa Nute indicated there are definitely paragraphs in here if I may Mr. Chairman. There are definitely paragraphs in here that speak more to what you're talking about. They are obligated to protect our information. They're obligated on behalf of the town if they're acting on behalf of the town to act certain ways, etc. I should take the time right now to find it but I know I just saw it a minute ago here. There are at least one if not a couple different areas where we have that spelled out.

Selectman McGrath said it goes hand in hand with the questions about this document that you presented is what's happening in Washington with our former Secretary of State. We have no idea what document she has, or doesn't have, what's she's deleted, or hasn't. So that just kind of raises - we're certainly not on that level town business but we certainly should be protecting and making sure that we protect especially sensitive information. Sensitive for the residents and the town as a whole. I'm okay with the changes that have been proposed other than leaving paragraph A and the changes to the laptop.

Acting Chairman Maddox had a question in regards to and it's not really what you did but I'm just reading the thing. On the first page you have a list of non-conforming auditing and notification. It's quite extensive. Can you tell me how that interfaces with the second page the B the progressive disciplinary process are they intertwined? For those people at home that are just mystified by what I just said, there's a number of steps that if a member of a board or commission that's using a town website network was to do something wrong. There's a chain of how this goes. Are those all on page one verbal warnings? Are they written reprimands? Where does that tie in? Ms. Nute said the first section explains how it gets to the proper person. How it's notified. Upon knowledge of infractions you'll do this and for employees and intern members, the first infraction by volunteers, employees it goes to this department head, etc., the liaison, whatever. That's the step of who's notified of the infraction. Section B is the progressive disciplinary process so that if this Board does decide to dismiss somebody, we have followed this progressive disciplinary step before we come to you for dismissal. Acting Chairman Maddox said we would not see that if none of those goes to the Board of Selectmen. I'm more wondering if you were to write up somebody for going on line to non town necessary websites they would get to their department head on the first notification.

Steve Malizia informed Acting Chairman Maddox she would notify the department head. It would be the department head's responsibility to write up the employee and not her. She's only the conduit for the information to say hey Joe do you know what Fred was doing over there? The department head has to make that discipline and that normally follows this sequence which is articulated in every union contract and in the Personnel Policies. She doesn't discipline anybody who doesn't work for her. She only notifies I would assume the appropriate parties and then they - that supervisor would issue the discipline. Once you get above a verbal, it's written. Written usually gets copied to the Board. When it starts to get to suspension, that definitely goes to the Board. Dismissal is totally the Board.

Acting Chairman Maddox indicated there are three levels on the first page. Just wondering how they tied in but I guess depending on what it was and what the department head felt.

Selectman McGrath asked is the department head responsible for notifying this Board when there's been any sort of breach no matter what it is as they progress through the levels so that at least this Board is aware that there's a problem. Mr. Malizia said typically the verbal level is between the employee and the supervisor. Once it gets in writing, the Board will get a notice of that. If there is a contemplated suspension depending on the infraction - and I'm not talking just computers now, I'm talking any kind of infraction - the department head would act in the best interests of the town if somebody was doing something harmful and then would come to the point and say I've suspended so and so. The Board could uphold that suspension. They could impose greater discipline if they thought it was appropriate. So it sort of depends on what the infractions are what the problem is. Again from a verbal perspective, I told you to stop doing that. I don't need to come to the Board and say hey I told Joe to stop doing that. It depends on the infraction. Generally a verbal thing is minor in nature so I don't want you to think you know I hit a guy with a shovel. That's just a verbal warning. That's not what that was intended to be. When you start getting

into the written level, that's the thing you'd see a copy. The goal is to correct the behavior not to get them to continue to rise up the scales to stop the behavior and correct your behavior.

Selectman McGrath said there's certain things that can happen whether it's sharing information that the other person - if they're sharing it with people that either aren't employed by the town, don't have a right to know that type of thing, that can be detrimental to employees, or departments, or what the town is contemplating. Steve Malizia said you'd have to evaluate that based on the severity of it. Somebody may say something inadvertently. I'm just saying. It could be totally they didn't realize or they didn't know something. That may not be as serious as somebody willfully or somebody saying I know better but I still do it. That would possibly be treated with a greater level of discipline from the gate. It depends on the infraction. I'm just trying to impress in this policy she doesn't really have the authority to do the discipline. She would be part of the process to the supervisor. That would be the expectation. Ms. Nute said that is how it works.

Motion by Selectman Nichols, seconded by Selectman McGrath, to accept the changes to Personnel Policy Section H, "Use of Computers, E-mail, Network, Internet and other Communication Devices" as amended as recommended by the IT Director.

Selectman Luszey asked if there was going to be additional amendments to this. So do we with corrections? Acting Chairman Maddox thought that's what I just said I thought. Selectman Luszey would take "as amended" as the red and then there's amendments that we talked about that aren't even in it yet. Like the paragraph G or F on page 11.

Selectman McGrath said I understood the motion.

Acting Chairman Maddox asked that the motion be read again.

Selectman Luszey said if I may, that's my point. It's the changes in red not the changes we've talked about the laptops. Ms. Nute stated maybe "as amended by the Board of Selectmen at this evening's meeting".

Motion by Selectman Nichols, seconded by Selectman McGrath, to accept the changes to Personnel Policy Section H, "Use of Computers, E-mail, Network, Internet and other Communication Devices" as amended by the Board of Selectmen at this evening's meeting as recommended by the IT Director, carried 4-0.

E. Bid Recommendation - Police Package Vehicles

Acting Chairman Maddox recognized Police Chief Jason Lavoie.

Chief Lavoie said it was that time of year again when we are preparing to trade out some vehicles and take some new vehicles in. A little while back we had put together a bid spec sheet for new Fords or new SUV type vehicles. As a result of that, we had roughly 4 inquiries, 4 packages of information and went over the spec sheets. Two came back and when those were opened up, I'm recommending that the Board of Selectmen award the bid to Colonial Ford, Inc. of Plymouth, MA. Their final cost including the trade ins was \$87,232 for four vehicles.

Acting Chairman Maddox asked the Chief how have these worked out Chief. I know last year when you came in you only bought 3 and you wanted to see how they were working, what the gas mileage was going to be. Could you give us an update on that Sir.

Chief Lavoie said the vehicles nothing but rave reviews from the officers. It pretty summed up a lot of what some of the other police departments had explained to us what they were experiencing with the Fords. They found that during these snow storms there wasn't a place that they couldn't go. They went right through the snow with ease. We had some difficulties in the past with the Impalas along Wason Road, Mountainview, Pasture Drive, and some of the areas similar to that in nature where there's some hills and what not where the Impalas just could not get up. These SUVs are all wheel drive. They went through them fine as well as they're sitting much more in an ergonomic position. So the comfort level this is their moving office and they spend a lot of time sitting inside these vehicles. Ergonomically they've experienced an improvement as well as the ability for these vehicles to carry a lot more equipment that we have to carry. As far as mileage goes, we did not see really a change. It's hard to really identify miles per gallon because you have a lot of idle time where the cars are running and the officers are doing work related stuff, etc. From what the few vehicles that we've paired with one another, there's no change.

Acting Chairman Maddox said the next question I have Chief was trade ins. Had you gone to the departments and see if they needed anything before we traded in these vehicles at the end of their life cycle? Chief Lavoie said we always do and I believe there's one department that was asking for one if I recall correctly. Steve Malizia believed it was Assessing at some point in time but I'm not sure what the disposition. I'm not sure if it was you or if it was...Jim Michaud said I did inquire but a) the money wasn't there, b) the process was too mature.

Selectman Luszey said if the process was too mature so does that mean that we're going to trade in a vehicle that's better than what you've got and pay Paul later on because we robbed from Peter.

Jim Michaud said I don't believe so. I believe the mileage is quite similar. You were around 80,000 miles on the ones you're trading in and we're around 80,000 miles on the one that we have. The difference was in years. Ours are 2002 - two of them

in the department and I think these are 2012. So I was almost a Johnny come lately on well wait a minute. Both my vehicles are running now. You're going to go through another process next year I'd imagine. So I did communicate with my liaison Selectman Coutu and a recommendation was - I'm kind of late in the process plus I didn't have the money. Those two things kind of drove that. At this point next year...

Selectman Luszey asked a question of when you say you didn't have the money, what money didn't you have? Jim Michaud indicated this was not a budgeted item for me to pay for the difference between the value of my vehicle as a trade in and the value of his vehicle as a trade in. I said I didn't have the money because I had zero dollars. It was not funded in my budget to do that. It's not funded in next year's budget to do that.

Selectman Luszey said the cost and maintenance over the years - I mean you're talking a 10 year old difference an '02 versus a '12. You're saying there's no savings in repair cost and maintenance cost to offset that? Mr. Michaud stated I did not go to that level. As I said, I jumped on the bandwagon a little late and we did not enter into that kind of analysis.

Acting Chairman Maddox thought, again, it's probably too late but I would ask that our Executive Assistant to put on her calendar to bring up when do you start the process Chief? Chief Lavoie said around January. Acting Chairman Maddox said to put into the January timeframe to solicit all of the departments that if they need vehicles...Steve Malizia said to do it in advance. Do it in December. Acting Chairman Maddox was just saying I don't disagree. Even if it's a \$2,500 difference because they're only giving us \$5,500 for the cars. A \$2,000 delta to get a 10 year newer vehicle doesn't make a lot of sense but we're already on the bus so we might as well put it on our calendar. These are one of the things I think we need to do a better job of keeping track of future dates. So be it.

Selectman McGrath asked just so I understand. Are you trying to or is the goal to change all of the vehicles - the police department vehicles to four wheel drive. Chief Lavoie said all wheel drive yes. We're just taking little bites of the apple. We can't afford to buy all of them. Selectman McGrath understood that. How many more vehicles will you be looking for? Chief Lavoie indicated each year we usually change out about 4. For that fleet, in patrol we have a total of 14 vehicles one of which is a larger SUV. Of that, we only have 3 right now that are all wheel drive. We probably have another 11 or so that we need to change out. Selectman McGrath said so then we'll do 4 this year and then another 4 next year. Are you looking at it in that manner? To be perfectly clear, Chief Lavoie stated we may end up by trading out a couple of the detective vehicles. It all depends on where we're at with mileage, how the vehicle is dealing with maintenance issues. If it's dealing with maintenance issues, we had one that we traded out early because we were having a lot of maintenance problems with it. It made financial sense for us to remove the vehicle from the fleet premature than what we would normally like to. We have another vehicle that's doing the same thing to us.

Selectman McGrath said you mentioned the detectives. Are they driving just regular vehicles now and you're looking to at some point put them in SUVs as well? Chief Lavoie said there's a good chance that we may do that. We'll see. They're not a first responder like the patrols. We may have to take a look at the finances of how we're doing. We haven't increased this budget in motor vehicles for probably 15 or 20 years. Depending upon what we were able to do with the budget and what we can't do with the budget, I'll make those determinations then.

Just to add onto that Selectman Luszey indicated when we first started the rotation program, we were doing 6 a year. To keep it flat, we went down to 4. Selectman McGrath was just trying to get an understanding of obviously I'm new to this part of town business. I'm just trying to get a handle on it. Chief Lavoie said you're all welcome to come on in, give me a phone call, whatever and we'll get together.

Motion by Selectman Nichols, seconded by Selectman Luszey, to award the bid for four (4) police utility vehicles at the net bid price of \$87,232 to the lowest bidder, Colonial Ford, Inc., of Plymouth, MA, as recommended by the Police Chief and the Finance Director, carried 4-0.

F. Request to Withdraw \$5,565.50 from the Duty Weapons Capital Reserve Fund

Acting Chairman Maddox recognized Police Chief Jason Lavoie.

Chief Lavoie said thank you. A number of years back - probably 2006 or so, I think we created a capital reserve fund. Obviously it replaced weapons. It was going to cost about \$60,000 a year. We said that's too much of an impact for the taxpayer so we started the capital reserve funds. We found this to be very beneficial where we're just putting away little bits of money every year on a consistent basis so we don't have the spikes. Our current weapons are about 8 to 9 years old right now. That's about the time that we typically change them over. We are in a situation where you have issues with the 357 ammunition. A very high cost for that ammunition. They're moving away from 357. The expectation is that 357 ammunition will be obsolete in X amount of years. Could that would be 2, 3, 4, 5? I don't know. I don't make them but that's what we're being told by the industry.

Chief Lavoie stated we currently have the opportunity because our weapons are in fairly decent shape where we can trade in our weapons and purchase new SIGs where it won't cost the town anything for the actual pistol - the SIG P320. The only difference in cost is they're actually giving us about \$2,200 or so in addition. So we're taking that money and using it to make a few extra purchases because of the new style of weapon system that this is to make parts interchangeable. Therefore the new

weapon is slightly longer than our current system and obviously they're thinner in some ways because this would be a 9 mm plus P round instead of the 357 which is a larger round, bulkier. So we will need new holsters and that's really what the money in this situation would be being used for would be for that weapon system so we can carry it. Our light set that are on the pistols will fit. They fit the slide that's on there. It will be a nice, smooth transition.

Acting Chairman Maddox said it was a great deal. You should have lead with that Chief. Somehow you managed to get every sworn officer a new weapon at zero cost to the taxpayers. Chief Lavoie indicated including having extra kits available so that if a weapon system was to go down, we have spares on hand with no extra cost.

Selectman McGrath noted this is the one thing that I know the very least about in relation to town government and probably life in general. I don't know anything about guns. Other than for this purpose, I really don't care to know much about them. What is the purpose of changing them? Is it every year that you change the weapons? Chief Lavoie stated this will be probably a solid 9 years going into this change out. It will be 9 years since we've changed over our weapon system. Selectman McGrath asked what's the purpose of that. Is it because they no longer work? Chief Lavoie said everything is working mechanisms. It's parts that are moving but they're very tiny, delicate springs that can break. So you start having repairs to them. In this case in addition to having the parts that may start to fail, we've seen some that we've had to do some repairs with. The bigger concern is the cost per round. We'll probably save about \$100 a case moving from the 357 round over to 9 mm plus P rounds. We probably go - I don't have my budget in front of me but I want to say my ammo count is about \$20,000. So it will be a considerable savings with this newer round.

Again because Selectman McGrath said I really don't have any knowledge about this, I know that you have to - I'm probably going to use the wrong terminology so forgive me. Any gun people forgive me up ahead. The ammunition that you're using you're practicing with that, correct? How often do the officers in this town typically have to discharge their weapons in a situation that they're in whether they're arresting someone or whatever they're doing? Do they typically have to discharge their weapons? Chief Lavoie said there's really not many police departments that typically discharge their weapon but the time that you need it to work, you need it to work. Selectman McGrath didn't disagree with that. I fully support the police department and want a strong police department. It's just that I'm ignorant of weapon usage, and how often it's used, and whether or not there are situations when you really do have to use it. I'm an avid reader. I read all of the local papers. I watch news that primarily what I'm interested in. I'm interested in knowing whether our police department typically has to - are we engaging in that type of activity? Do we have that type of criminal problem where our offices are endangered and having to discharge the weapons? Chief Lavoie said we have not had an officer involved shooting in several years now probably around 2005/2006 maybe. The weapons are used to sometimes put down wildlife. That is probably every month. We're doing that a couple few times unfortunately. For the welfare of the animal, it's used appropriately. There are times when we're doing building searches, sometimes motor vehicle stops where the weapons are drawn in their holster. The officers all shoot at a minimum 3 times a year with the pistols up at the range where they undergo training. Officers are allowed to take up to one box of ammunition which contains 50 rounds. We provide that to the officers so that on a monthly basis they can go up and shoot. The weapons are also used during training, building search training, whether we're doing - we have a simulator. You've been up there to play with that and go through some stuff. The weapons they use for that, they fit in with that system. Our Special Operations Unit is a regional team which they have trainings a couple times a month as well as anywhere from 7 to 12 call outs a year on average. They go with them and every day the weapons are used by the officers on the street as far as being part of their equipment. Selectman McGrath thanked Chief Lavoie. That gives me some understanding.

Acting Chairman Maddox told Selectman McGrath if they're going to have a citizens police academy this year, I strongly recommend you take it. It is incredibly informative. Chief Lavoie said we do. It's slated for around April - it's coming in a couple of weeks but if you are interested in taking it, I have some connections over there. I can probably get you in it.

Motion by Selectman Nichols, seconded by Selectman Luszey, to accept the Police Department's recommendation for permission to purchase holsters for the new pistols in the total amount of \$5,565.50 from Account 5586-450 "Police Duty Weapons Replacement CRF".

Selectman Luszey asked if we had to accept a donation from SIG because if I'm not mistaken these are over \$1,000 a piece these guns, correct? Chief Lavoie said no. Steve Malizia said you're basically trading in your weapons. Chief Lavoie believed it was about \$24,000 total. Steve Malizia said they're not donating anything to us. Just the value of our goods are greater than the value of the goods we're getting back. Selectman Luszey asked if it was a swap. Mr. Malizia said yes a weapon swap.

Acting Chairman Maddox noted next to the last page, it says "subtotal \$23,685. Total trade in value \$23,685". Selectman Luszey said you consider that just as a trade/swap. Mr. Malizia said yes.

Vote: Motion carried 5-0.

Selectman McGrath asked to make one comment before the Chief leaves. I wanted to congratulate you and your department on the CALEA accreditation. Chief Lavoie said thank you. They did an outstanding job the department as a whole. It's definitely a big team achievement but our team really extended broader than that. We've had Selectmen call us and say hey this happened. Does this fit into CALEA's standard? We've had department heads; the Town Administrator has called and said I observed this, saw this. Given where we came from in the '80s and '70s to where we are now, we have a lot of community support that helps us, keeps us focused, and helps us achieve that goal.

For people that don't remember that time or weren't here at that time, Selectman McGrath indicated that was a very scary time for the residents of Hudson and very tragic in some regards. I very much appreciate the Police Department from where they came and to where they are now. It's quite an accomplishment.

Acting Chairman Maddox was sure that when the Chairman comes back he will have the plaque and a formal...Chief Lavoie said we have to order the stuff.

G. VFW Post 5791 Loyalty Day Award

Acting Chairman Maddox recognized Town Administrator Steve Malizia.

Steve Malizia said the local VFW in Hudson every year asks for a nomination for its Loyalty Day Award. They ask for a police employee, a fire employee, and a town employee. Every year we provide them with an employee that's some of the criteria and the loyalty criteria. I've included a list so you can get an idea. The attach page shows you some of the past recipients. This year when we have a nomination for our Town Accountant Lisa Labrie who's been with us for 11 ½ years. She basically coordinates and works through our annual audit. She's been responsible for training quite a few people that have come through the accounts payable function and she volunteers in the Greater Nashua community, particularly at animal shelters that host for cats. We are submitting the name of Lisa Labrie for this year's town Loyalty Day Award.

Motion by Selectman McGrath, seconded by Selectman Nichols, to nominate Lisa Labrie, Town Accountant, for the 2015 Hudson VFW Post 5791 Loyalty Day Award, carried 5-0.

H. Sale of Town Owned Properties

Acting Chairman Maddox recognized Town Administrator Steve Malizia.

Steve Malizia stated as the Board is aware and hopefully the new members have heard, we are in the process of putting 9 properties that were approved for sale out to sale. As part of the task, the Assistant Assessor, the realtor that the Board selected, and myself met to review the properties to determine a recommended list price as well as provide the Board with a listing contract for each of the properties. The listing contract has been vetted by our Town Attorney. They find it to be appropriate both in content and form. Basically what we're looking for tonight is approval to begin marketing these properties with DiBernardo Real Estate, the realtor that the Board picked to represent them in the sale of these 9 tax deeded properties. Again, these were acquired by tax deed. They are all more than 3 years old. In other words, the town has owned them for greater than 3 years. Any proceeds derived from the sale of these properties will come to the town less a commission to DiBernardo realty which I believe is 4 ½ percent. It would be an unplanned amount of money coming to the town's coffers that could be used for many purposes through the budget process. We could pay for an improvement to a facility. We could reduce the tax rate. We could keep it in our surplus. The goal is to get these properties back on the tax rolls. It appears that the majority of them have the ability to be built on. Most like single-family type homes but you can see there's a chart here that shows you the zone it's in, the acreage, the assessed value, and the recommended listing price. Again the listing price was a work product of the Assistant Assessor and the realtor that the Board selected for this process.

Selectman Nichols said I looked through this very carefully and I think your little committee did a very good job considering what you had to work with. You proved to me that nothing was - you didn't leave anything out. You really, really, really tried to make the best of what you had. I would recommend but that's up to others. Right now I would recommend that.

Acting Chairman Maddox stated I'm asking Lisa because you're a brand new Selectman just so that again you at least put a face to the name on the paperwork. If you watched our agonizing adventure, it was quite the struggle. I think this is something that towns mostly don't do. Once they get land, it just kind of sits there. I think all of us recognize that there is properties that the town has no use for. They were taken whether by tax deed. I know a lot of these will be coming up that I affectionately call "Lenny lots" that we took at the Planning Board level for recreation. You're not going to put a playground in every 12 lot subdivision. To put these back on the tax rolls to get them out from underneath the Town's responsible for them and to get some money I think is the way that we should go. Hopefully this will be a model to how we go from here.

Acting Chairman Maddox's question would be how does this kind of balance out with what you originally proposed as far as the pricing you supplied when you came in at the beginning. Lisa DiBernardo said we actually did change several of them - maybe like a handful after we discovered a few things like easements that we weren't aware of in the beginning. There were a few that had some wetland sections maybe like tucked in the back. We made some adjustments based on what we found and then put that list...

Steve Malizia said we also looked at other properties that probably are similar in nature and to get an idea of their value and what they might command or what have commanded on a market. So you have a bunch of different factors you're looking at. Does it have access to water and sewer which might make it more of a value to somebody building a single-family home? We as a committee tried to look at these factors. Mr. Michaud is obviously out in the field quite a lot. He knows the lay of the land and as far as town goes and he was very invaluable with a lot of the background data. Ms. DiBernardo who went to every

property and has looked at every property and again this was the product that we came forward with the recommended listing price. Again, someone could offer you more. Someone could offer you less. You've got to market it at some number.

Selectman McGrath thought this is an excellent idea selling off properties that we have in town that we're not going to use and it's to the benefit of the taxpayers for whatever purpose we use it for whether it's to reduce taxes or purchase something that we really need. I have some questions about these lots. I've looked over the list a couple of times and I just want to make sure because the lots whether they have an easement on it or they drop off to the Merrimack River in a flood plain, when these properties are marketed are we going to ensure that if there is an offer on the property that the potential buyer is made aware of these limitations so that they don't end up buying it thinking that they can just build willy nilly on it and then all of a sudden they're coming back to the town whether it's the Zoning Board typically for relief? I want to make sure...Steve Malizia said we're not making any representations and we're not going to state that these are buildable. That's up to someone to do and anything that we have for information, we would disclose through a property disclosure form again knowing the information we have. Perhaps if somebody goes out and looks and says its right near the river, they probably would make some assumptions on their own I would assume. Selectman McGrath said we would hope but that as we know isn't always the case. Mr. Malizia said we're not going to make promise that we can't keep. We can only say we have these properties for sale. Here's what we know about it. We acquired it mid way. We know it has this easement. We know it's this size. We know that it might carry a variance. We might know that it doesn't carry a variance.

Jim Michaud stated that frequently folks - maybe not necessarily residential lots but with larger lots, they will say I will buy it subject to. So we may get some subject to offers and that's going to be up to the Board to decide. If someone says the first one - 14 Adam Drive for \$99,000 subject to my ability to get a building permit. Well as she's coming into the Board or transmitting out to the Board, somebody else could say well I'll offer you \$90,000 with no conditions. I understand what you're saying. Someone might want to use this for something that requires a special exception. Once the offer has been made and it's been accepted, you're right. Lots of things can happen.

Selectman McGrath said it's up to the - one of the things that jumped out at me on Hopkins Drive the second one on the list. It indicates that there's an old variance. Well that concerns me because variances typically carry with the property. They don't generally disappear after a year or two. They stay with the property. When I saw that, I want to know what the variance is and what is it for. If we need to worry about selling this property and then like I said having them come back to the town and saying listen I bought this and you said it had a variance on it and I want to utilize that variance. It may not be appropriate or something we'd want to do.

Jim Michaud didn't believe I have a copy of that variance within this packet but my recollection is the variance was for area. It was an area variance because it didn't conform to the zone density population. I agree with you - variances run with the property almost exclusively as opposed to a special exception which runs with ownership typically.

Selectman McGrath said I just want to make sure that I have no problem with selling these properties at all. I just want to make sure that when the information is conveyed to the buyer that they know all that we know. Mr. Malizia said it's our job to disclose what we know to the best of our ability. I will just make a point because these are all tax deeded, they're probably not always the most desirable lots in any particular area because quite honestly somebody didn't pay the taxes and we took it. I can't speculate as to their motivations but I can only presume that somebody didn't think it was valued enough for them to pay the taxes. These are all tax deeded.

Selectman McGrath asked to convey the reason for my concern is that sitting on the Planning Board for a number of years, sitting on the Zoning Board for a number of years. We've had occasion - I don't know how many times - but we've had occasions where people have come in and said listen the real estate agent that we bought this property from told us that we were able to utilize this whether it was an in-law unit or an apartment that was never approved. These people have n clue. I just want to make sure that if we're selling it, we just make sure that we're conveying the information that we have and nothing more.

Lisa DiBernardo said everything that we have will go in the marketing package. I believe as well there's a disclosure page that they've been working with their attorney. It's going to be listed "as is". It's up to them to do their due diligence during the buying period and check it out.

Steve Malizia indicated any reasonable offer - if somebody offers us \$1,000, I'm probably not going to waste your time but if somebody makes a reasonable offer to the town through the realtor, it will come to this board for what do you what to do? Do you want to accept that offer? Do you want to counter offer? Do you want to put on a condition? DO you want to remove a condition? Ultimately these are up to the Board in the end. It's her job to market and attract a buyer. It's our job to decide is that offer in the best interests of the town.

Lisa DiBernardo stated once we receive any offers on any of the lots, I'll turn them in and they'll get in on the next agenda. If anything else comes in until the meeting, then anything else will get turned over whether you may have one to look at or you may end up with 3 to look at.

Steve Malizia explained that we're not warranty deeding these. It's a Quit Claim Deed.



Motion by Selectman McGrath, seconded by Selectman Nichols, to approve the recommended listing prices for the sale of tax deeded property as recommended by Town Administrator, Assistant Assessor and Lisa DiBernardo of DiBernardo Real Estate and to authorize the Chairman to sign the Marketing Agreement for each of the nine (9) properties.

Acting Chairman Maddox asked that any communications be in writing. I think we heard earlier tonight that somebody in town told somebody something. I think that if you're going to be our marketing person, it's going to go through you to the Town Administrator. If he has questions, he will then convey those questions to whoever. I think we need a paper trail that is fair and consistent. I don't want somebody asking somebody in the hallway can I do this on this property. That's how we're going to get ourselves in trouble. I would hope that that would be the procedure that gets used. The Board I hope would agree with that and we'll hopefully sell all 9 of them in no time at all.

Selectman McGrath fully agreed with that.

Vote: Motion carried 5-0.

I. New Hampshire House Bill 547

Acting Chairman Maddox recognized Town Administrator Steve Malizia.

Steve Malizia indicated that Chairman Coutu asked that this item be placed on the agenda. He had received correspondence or some conversation with the Town of Pelham select board. They are taking a position of opposition I believe or they are posing this bill and they asked for our support being this Board in opposing this bill as we share house representation with the Town of Pelham. They've asked us to do the same. As I understand this Bill, it's basically the telephone pole exemption. I'm certainly not an expert on it. The man who knows far more about it is right there if you have any questions. In essence what the Town of Pelham asked through the Chair was to be supportive of to oppose this. As I understand it if this Bill were to pass, it would have an impact on the value of telephone pole property in our right of way which would then presumably shift the burden from the telecommunications company to you, and you, and you, and everybody else who owns property. That's where we're at. As I understand it, this Bill has crossed over if I'm not mistaken into the Senate. I'm sure our voices would still be heard to some degree if that's what the Board chooses to do.

Acting Chairman Maddox said I did notice that the Senator that is on the sponsor list is the Senator for our council. Mr. Malizia said at least one of our Reps. is too. Acting Chairman Maddox asked again do you feel that...Mr. Malizia said if I could also help a little bit more illuminating. If you recall for the members that were here back in September, we had the NH Municipal Association they presented us with a list of proposals or for legislation that was out there. They asked us to either yeah or nay. This I believe or some version of this was on the list. This Board voted to support NHMA and opposing this legislation if I'm recalling correctly.

Selectman Luszey said I would actually urge the Board to accept the motion to reject or oppose this Bill because it will have other impacts. PSNH's poles they come in and ask for this exemption. Furthermore with the talk of the pipeline coming through NH, this is exactly the same type of exemption they would be looking for to pay zero tax for the pipeline through a town or State easement. I would agree that we would make our voices loud and clear that we oppose this Bill.

Motion by Selectman Luszey, seconded by Selectman Nichols, to request that the Town of Hudson's representatives in the NH Legislature to oppose House Bill 547, an act relative to the valuation of poles and conduits owned by telephone companies.

Acting Chairman Maddox thought this was part of the whole thing of unfortunately the local taxpayers are going to pay more as the State downshifts some of those costs. There is a case of I don't know how much...Mr. Michaud do you have any idea what this will have as an impact on the town? Mr. Malizia said about \$2.5 million approximately. Acting Chairman Maddox said that's our value, right? Mr. Michaud said correct. So in taxes generally speaking it's about \$20,000 per million. We're talking \$50,000 or so. That is based upon the iteration of the Bill before a second amendment. Mitigated that second amendment is not receiving a public hearing. The first opportunity for that public hearing would be in the Senate. The basic premise is the legislature can decide an assessed property from where they sit in Concord but there's an RSA 72:12 that says they've assigned that duty to the towns and cities all real estate of railroads and other public utility corporations which are not taxed separately shall be appraised and taxed by the authorities of the town in which it is situated. This was obviously the telecommunication industries sponsored bill. It took Reps. to bring it in. This will degrade your tax base by some amount. So in the first iteration, I had that amount. I haven't calculated it since the second iteration but we're talking about using SEC style depreciation and not market based depreciation. That's one of the items that's in that Bill.

Vote: Motion carried 5-0.

J. Primex Contribution Assurance Program (CAP) for the FY 2017 Workers' Compensation Program

Acting Chairman Maddox recognized Town Administrator Steve Malizia.

Steve Malizia stated the Town gets its workers' comp. insurance from an organization called "Primex" which is basically a public organization set up to provide that type of insurance to communities, towns, cities in New Hampshire. We also entered

into an agreement with these folks for our property liability insurance. So both of our key insurances are property liability and our workers' comp are written with Primex. When we entered into the agreement with Primex I think 2 years, we signed for a program that reduced our rates. We qualified under something they call P3 which means we follow certain practices, seat belt practices, other safety practices. We have an active Safety Committee, etc., etc. with the goal of minimizing our workers' comp claims. Primex has offered us an additional year if we'd like to sign up for it of workers' comp insurance that will not go up greater than 10 percent. In other words, they're offering us some rate protection. Rates can change wildly depending on your experience so what this proposal is saying is if you sign up for fiscal year 2017, which is July 2016 through June 2017, we - Primex - guarantee your rate will not exceed or will not go up more than 10 percent. If it goes up 2 percent, that's great. It's not going to be an automatic 10 percent. It just won't go greater than 10.

In Mr. Malizia's opinion considering they're the only game in town, unless we want to go private - in other words there isn't another publicly competitive workers' comp underwriter. The NH Municipal Local Government Center will not write these policies. So in my opinion it's in our best interests to at least sign up for this to protect us in case rates spike. If they don't we're still where we are anyways. That's why this is in front of you. It requires a vote of the governing body to enter into that extra year. The Finance Director and I have reviewed this. We've both come to the conclusion that we thought it would be in our best interest to recommend it to the Board to protect us two years out from any kind of rate spike on workers' comp.

Motion by Selectman McGrath, seconded by Selectman Nichols, to accept the Primex offer to enter into its Workers' Compensation Contribution Assurance Program (CAP) for the period commencing on July 1, 2016 and ending on June 30, 2017, and to be contractually bound to all of the terms and conditions of Primex risk pool membership during the term of the Workers' Compensation CAP. The coverage provided by Primex in each year of membership shall be as then set forth in the Coverage Documents of Primex, carried 4-0.

K. Election of Board of Selectman Chairman and Vice-Chairman

Acting Chairman Maddox indicated that the Chairman requested that this be deferred until the April 7<sup>th</sup> Workshop.

9. OTHER BUSINESS/REMARKS BY THE SELECTMEN

Selectman Nichols - I don't really have a whole lot to say other than I want to congratulate our town's finest. Well we have two finest - fire and police. Mr. Malizia said we have Highway. Selectman Luszey noted all of them. Selectman Nichols indicated they're wonderful. They really are. I'm so proud of them for getting their accreditation. It really makes you feel safe. They've been so good to us. Really good. I think I went to the Budget Committee and not really a whole lot happened there. That was kind of - they assigned the Chairman and Vice-Chair, Secretary and things like that. It was not a big meeting or anything heavy. I got out of that one all right.

Acting Chairman Maddox asked if they had a full membership that everybody got written in. Steve Malizia believed the two people that got written in have accepted the post and I believe they've been sworn in. I think they attended the meeting. Selectman Nichols said they got sworn in. That's all I have to say right now.

Selectman Luszey - Other than these are nice comfy chairs, it's good to be back.

Selectman McGrath - I don't have too much to add. The only thing that I did want to comment on that I don't know if all of you are aware or not, Pam up in the Community Development Department is retiring on Friday after 20 something years of service to the Town. I've known her since she's started here. As I said earlier and as you all know ad nauseam that I've been around for a long time. I've work with her and she's been a wonderful asset to this town. I think that she's been unappreciated in some respects. I just want to make sure that everyone knows that we're losing someone that is of great value to this town. I wish her all good things in her retirement years. Selectman Nichols thanked Marilyn. That was nice.

Selectman Maddox - A couple of things. The NRPC had their quarterly meeting last week which I attended. A couple of things. They have a group that is I want to say a clearing house if you would for a number of energy projects that are going on in the State. The gas line of course is the one that everybody is kind of worked up about but there's also high tension wires that are coming through. I believe that we have conveyed to the staff over there that they should be just that a clearing house so that we don't have to all 15 towns go racing out and trying to assemble. They will be a centralized collection point if you would of all of the information that is gathered so that we have a non-bias source of being able to get data. Hopefully we will be able to link it to our website so if people have concerns or questions, at least they will have one place to go to rather than - I know some towns have started a war chest and wanted them to come in and all of these things, I think this is one where the regional aspect of NRPC will be our benefit. They won't be telling Mason one thing and Pelham something else. We will have them as documents rather than just oh that's what I think they said. Again I'm hoping that they will put that together shortly and we can click onto their website and link to them and be able to get that information.

To that end, Selectman Maddox said they have a number of committees - TTAC is the one that comes to mind which is exciting in and of itself. It's a technical committee that reviews roadway improvements. It's really the technical side of the 10 year plan input to the commissioners. We send somebody from staff to these meetings. I think that this Board needs to convey to any employee that represents the town at various committees, boards, hearings to give us some sort of written report of what's going on at those meetings. I don't know how Hudson voted on the rail that was on the TTAC's agenda. Again, I believe Mr.

Cashell is the one that goes for that particular entity. Any of these things that town staff is going to, I think again so that we're not blindsided by oh town voted for that. We did? I think it would be in our advantage just a one page - something that details what the various items were and if there were votes, what they voted or should they come back to this board? The rail thing for example. That's going to have huge impacts one way or the other. Again good people doing what they believe to be right but that might not be what this Board is wanting them to go in the direction that we want them to go. If you could come up with some sort of procedure, policy so that anybody that's representing the town at hearings in Concord what is that message that they're sending on our behalf.

Selectman Luszey had a comment on that. I don't disagree with that but I think in order for them, they should be prepared from us on how we want them to show up. Unless we give them that input, I'm not sure how they would know. Acting Chairman Maddox said well that's why I'm hoping. If they're sending us message that say next meeting we will be voting on X if we have a concern, we will try to give them that guidance. Selectman Luszey said I heard a report after the fact I'm saying they should be here before the fact so that they can vote...Acting Chairman Maddox said it would be a two- part type of thing.

For example Steve Malizia stated when I went to the NHMA conference I took this Board's direction to cast votes on legislative policy. That's what you mean. I understand.

Selectman McGrath agreed that we should get some report back. I don't think that it needs to be any voluminous document that explains everything from the beginning of time to the end of time. I would say that I happened to speak to Mr. Cashell last week. I came into Town Hall to get sworn in and I talked to him. He mentioned the rail system. He didn't talk about going to any meeting but he mentioned it to me. The one thing that I will say, I just spoke about Pam, I'll speak about Mr. Cashell. I have no doubt over the years that I've known him now, I've been supremely impressed by his dedication to this town. He doesn't live anywhere near us and that's from the very beginning. The comments that he made to me last week about the rail system were in that context where he was really concerned about the impact that that railway system will have to this town and our residents. Yes I want to hear back from him. I want to make sure that he's not expressing an opinion that doesn't correlate with how everybody how feels. I have no doubt in my mind that he would not do anything that would be detrimental to this town. I wanted that to be really clear.

Acting Chairman Maddox said no dispersion on anyone. I just think that I was surprised to realize that people are putting Hudson's checkmark on yeah or nay on any number of things that we're not really cognizant of. Selectman McGrath stated I agree totally with you that we should get feedback and we should be giving feedback. For that particular individual just because I had that conversation with him last week, I can express that. For those of you that do know me, you know that I don't say anything that I don't believe and that I don't mean.

Acting Chairman Maddox indicated I just got word from the Police Chief that the blood drive the goal was 250 pints. They collected 294 pints. It says here that that will help up to 600 people. Great job. That is just an amazing - I'm just amazed that it happens every six months and it just flies by. Steve Malizia said the food is good too. Selectman McGrath said more kudos to the Police Department.

While we're on police departments, Acting Chairman Maddox thought that it's something that maybe we put on a workshop or something. I don't know about the 3 of you but in the last week I have seen at least a half a dozen people running through red lights. I mean to the point where I am the third car back, the light is green, and people are starting to enter going through the red light. Someone is going to get seriously hurt. I know it's an impossible task but I think we need to do something and let's see what the police department can come up with. I said at the end of Exit 2, it's really now you have to wait several seconds before you even think about going on your green because somebody is going to drive through, especially leaving the large retail establishment that's there going back to the Commonwealth. Somebody is going to get t-boned. Again, I don't know how much we can do but I think it's something that we need to take a look at because it is going to get very bad. Selectman McGrath though we also need to be looking at Exit 2 and the speed that's on that. I don't travel it all that often as I used to. I used to travel it daily - 2 or 3 times a day. As evidenced by that accident over the weekend where the kid almost ended up in the Merrimack River, that made national news. That wasn't just a local thing, it was so mind boggling how his life was saved. He had a guardian angel that plucked him from that river. I agree with you. I think we need to have the police take a better look at vehicular traffic.

Acting Chairman Maddox noted the squad truck is due to be returned early next week. It had an accident. Things happen and again it looks like it's going to be repaired for the estimate that they had an all that. I guess all part of the learning process.

#### 10. NONPUBLIC SESSION

Motion by Selectman Luszey, seconded by Selectman McGrath, to enter Nonpublic Session pursuant to RSA 91-A:3 II (a) The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, unless the employee affected (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted; and (b) The hiring of any person as a public employee, carried 4-0 y roll call.

Acting Chairman Maddox stated Nonpublic Session is being entered at 9:30 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.

Acting Chairman Maddox entered open session at 10:31 p.m.

Motion by Selectman Nichols, seconded by Selectman Luszey, to accept Chief Lavoie's recommendation to hire Deanna Rochette and Sabrina Madi as part-time Telecommunications Technicians at a starting salary rate of \$18.20 per hour (Step 1) effective July 5, 2015, carried 4-0.

Motion by Selectman Nichols, seconded by Selectman McGrath, to accept the Police Chief's recommendation to hire Katherine Mascaro as a full-time Telecommunications Technician in the Police Department at a starting salary rate of \$17.24 per hour (Step 1) effective Sunday, April 19, 2015. This assignment will be a non-exempt position in accordance with the Hudson Police Employees Association Contract, carried 4-0.

Motion by Selectman Luszey, seconded by Selectman McGrath, to accept Police Officer Melissa Calfisch's letter of resignation effective immediately, carried 4-0.

11. ADJOURNMENT

Motion to adjourn at 10:33 p.m. by Selectman Nichols, seconded by Selectman Luszey, carried 4-0.

Recorded by HCTV and transcribed by Donna Graham, Recorder.

HUDSON BOARD OF SELECTMEN

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Richard J. Maddox, Acting Chairman

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Pat Nichols, Selectman

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Marilyn McGrath, Selectman

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Ted Luszey, Selectman