

HUDSON, NH BOARD OF SELECTMEN  
Minutes of the March 25, 2014 Meeting

1. CALL TO ORDER - by Chairman Maddox the meeting of March 25, 2014 at 7:00 p.m. in the Selectmen's Meeting Room at Town Hall.
2. PLEDGE OF ALLEGIANCE - led by Selectman Nichols.
3. ATTENDANCE

Board of Selectmen: Rick Maddox, Roger Coutu, Ben Nadeau, Pat Nichols

Absent: Nancy Brucker

Staff/Others: Steve Malizia, Town Administrator; Donna Graham, Executive Assistant; Kathy Carpentier, Finance Director; Kevin Burns, Road Agent; Fire Chief Rob Buxton; Police Chief Jason Lavoie; Leo Bernard

Chairman Maddox recognized our newest Selectman, Selectman Nichols. Welcome and hope you have an interesting, enjoyable first meeting. Selectman Nichols thanked the Chairman and is looking for to it.

Chairman Maddox thanked Selectman Luszey. Ted I guess made us a better board by bringing ideas to us that maybe we just didn't think about. I wanted to thank him for his service and I wish him the best.

4. PUBLIC INPUT

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

- Shawn Jasper - Chairman, Budget Committee

Thank you Mr. Chairman and members of the Board. I am Shawn Jasper at 83 Old Derry Road in Hudson. I'm here before you tonight as Chairman of the municipal Budget Committee on behalf of the Budget Committee. At our meeting last week, we discussed the issue of the three town budgets which failed. All nine elected members of the Budget Committee were present at that meeting and by unanimous vote, the Committee did recommend to the Board that you revise the budget and go for a revote. I wanted to talk about that a little bit.

We felt that all three budgets should be revisited, however, understanding it's not perhaps necessary for the water and sewer funds given the relatively small amount of differential there. I do feel much more strongly about the town budget. The Budget Committee recommended to the town a budget and the committee stands by that recommendation. Of course the Board of Selectmen also made a recommendation to the Budget Committee. We would hope that you would stand by that recognizing of course that no means no and you can't go back for the same amount of money. However, there are some real concerns about what will happen going forward. First of all, of course we're already in a default position in the current year budget. Second, all of the contracts were approved which is going to have an impact next year. So that's going to have an automatic increase. It's going to be very difficult to then try to recoup even the \$500,000 if you don't go back with a modified budget. We may find ourselves in a very difficult position and in a very deep hole that we will not be able to climb out of.

I (Shawn Jasper) think the Board needs to stand by your recommendation so the degree that you can, again, we're saying you can't go back and ask for the same amount of money. To let the default budget go into place again really says that the Board was to some degree just kidding. Last year's budget wasn't nearly as deep a hole. This one is much more substantial. I think we begin to cut into the meat of services. There are ideas, of course, that have been bandied around and things that people are talking about. We know our streets are in bad shape and if you've driven around town this winter, they're in worse shape than they were in the fall. To cut money out of there when we're already some \$200,000 behind what the Road Agent has recommended for a 20 year repaving cycle is not a good place to be. If you look at a road like Old Derry Road which was repaved approximately 12 or 13 years ago, that is already beginning to develop some very significant potholes in the first layer of pavement. We know already that 20 years on some of the main arterial roads is not a realistic repavement schedule. If we let the roads deteriorate further, we're going to see at this point it's probably very easy to go and just grind the top layer or part of the top layer of that road because you've still got a good base. It hasn't gone through. If we wait on roads like that and we wait until we start to have the first layer of pavement pop up and turn into pot holes, we're in a much more serious position. Of course the Town very strongly supported that.

Mr. Jasper heard things about well we plow the parking lots for the schools and I want to give you a little bit of history on that relationship. When I first came back onto the Board back in the mid 90s somewhere in there, we were playing this game of going back and forth with the School Board. We billed them for plowing the parking lots and they billed us every time we used through the Rec. Department the gymnasium and for the janitorial service. So we were going back and forth and staffs on both sides were spending a lot of time billing each other. It's coming out of the same pocket the taxpayer. So I suggested quite a few years ago that look this is silly. Why don't we just you let us use the gyms when we need to. We'll take care of the parking lots and that's worked fine. What I'm afraid of if there is the idea that well we won't pay for the parking lots, we'll bill them again. Well we're going to get billed for the facilities again. So we're back to the same old thing and it probably saves us nothing and in the long run just cost the taxpayers more.

There are a lot of things that Mr. Jasper could go over that I think are probably not the best of ideas. I hope in particular where you don't have a full Board and there is no rush because a new vote would not have to take place until the end of June that you think about this very carefully. That you examine your options and perhaps make a couple hundred thousand dollars in cuts and go forward with a new vote. I've also heard well it's going to be \$5,000 to program the machines. I will say this with all due respect. Anybody who would suggest that you should use the automatic voting machines, the electronic machines for a 1, 2 or 3 ballot question should have their head examined. You would simply use a paper ballot. In this case, I think in all likely you'd be looking at one question with a yes or a no and no write ins. So the cost of an election would be very, very minimal. If you had the same amount of people show up, which would be very unlikely to vote, it would still probably only take an hour or so to count the yes or no on paper ballot. The excuse that it's an expensive process certainly we don't need as many people checking in or out because I think you could anticipate that it would be a lower count. That's not disrespectful to the voters who showed up in March to have another election. They still have the same opportunity that they had in March and they'll have to spend a lot less time than they did in March with one question on the ballot.

Shawn Jasper said I hope you give it serious consideration. The budget didn't go down in flames and I wouldn't be sitting here if it went down by 500 votes but it went down by well under 100 votes. I don't think that we should put our town services and the progress that this Board has made in moving forward on services to people. I don't think we should put that at risk simply because 60, 70 people were in the majority. I think you owe it to the voters to revise that budget and go forward. Again, I thank you for the time. I'll be glad to answer any questions but I do hope you do give it due consideration. I'd like to stay around. I'm supposed to be someplace else at this time so when I'm finished, I will be leaving but not because I wouldn't like to be here.

Chairman Maddox asked if there were any questions from Board members. I think it's a question we're going to have to mull over. I thank you for your input Sir. Shawn Jasper thanked the Board. I appreciate your time.

Leo Bernard - Good evening. Leo Bernard, 3 Bungalow Ave. I'm here on behalf of the Recycling Committee and the Energy Committee. Next month is earth month and we're going to be doing a roadside cleanup. We have picked two streets and we just wanted to make sure it meets your approval. The two streets that we picked were Greeley Street and Old Derry Road. We're going to be doing this on April 19<sup>th</sup> from 12 p.m. to 2 p.m. We have a few sign ups already that have been e-mailing us and saying they're going to come help out. So we do have a list of people coming.

Selectman Coutu asked why wasn't this on the agenda Mr. Chairman. If we have every committee chairman walking in here under public input - was anybody advised? Do you advise the Board? Mr. Bernard said no. We just voted on this yesterday at our meeting and I could have put it on your next agenda meeting but I figures I'd come in during public input. If you want to wait and...Selectman Coutu asked again what were the two streets. Mr. Bernard indicated Greeley Street and Old Derry Road.

Motion by Selectman Coutu, seconded by Selectman Nichols, that we approve the cleanup of Greeley Street and Old Derry Road which will be undertaken by the Recycling/Energy Committee on April 19<sup>th</sup> from 12 p.m. to 2 p.m.

Selectman Coutu asked Leo - I had sent you a memo relative to applying for a grant specifically for this kind of purpose. Did you look at that? Mr. Bernard said no. I must have missed that. I'm sorry. My computer is down. My computer guy is looking at it. Selectman Coutu indicated I sent to you about a month ago and it provides all the bags that you would need for cleanup as well as other things. Mr. Bernard stated we already have that. It's coming from NRPC and we were told just to go pick it up. Selectman Coutu said to subtract that from the \$19,000. What did they give you \$55 worth of bags? Mr. Bernard said that's just the blue bags. We just have to purchase the...Selectman Coutu said for the taxpayers I'm going to try to get that \$19,000 out of there. Mr. Bernard stated trash bags is the only thing we have to get. They're going to give us blue bags for recycling. Selectman Coutu indicated I'm going to be sending you another e-mail Leo that provides an organization that I'm a member of that provides an awful lot of money for recycling for various communities. Some communities have received \$20,000, \$30,000, \$40,000 grants from this organization. I'll be sending that to you too so you can share with your committee. Thank you Mr. Chairman.

Vote: Motion carried 4-0.

5. NOMINATIONS AND APPOINTMENTS - NONE

6. CONSENT ITEMS

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

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

A. Assessing Items

- 1) 2013 Tax Abatement - Map 199, Lot 4, w/recommendation to approve
- 2) Veteran Tax Credits - Map 205, Lot 078; Map 149, Lot 071; Map 184, Lot 032, Sub 002; Map 117, Lot 006, Sub 001; Map 205, Lot 027; Map 149, Lot 059, w/recommendation to approve

- 3) Surviving Spouse/Veteran Tax Credit - Map 117, Lot 006, Sub 001, w/recommendation to approve
- 4) Elderly Exemption - Map 157, Lot 066, Sub 013; Map 204, Lot 006, Sub 925, w/recommendation to approve
- 5) Excavation Tax Warrant - Map 140, Lot 001; Map 123, Lot 001; Map 115, Lot 005, w/recommendation to approve
- 6) Tax Deferral Application - Map 173, Lot 025, Sub 054, w/recommendation to approve

B. Water/Sewer Items

- 1) Water Abatement - W-UTL-14-03, w/recommendation to approve

C. Licenses & Permits

- 1) Request to Solicit Funds - Redemption Christian Academy
- 2) Raffle Permit - Bay State Industrial Welding & Fabrication, Inc.
- 3) Raffle Permit - Hudson Fish and Game

D. Acceptance of Minutes

- 1) Minutes of the March 4, 2014 meeting
- 2) Minutes of the March 10, 2014 meeting

E. Calendar

- 3/26 7:00 Planning Brd - Buxton CD Meeting Room
- 3/27 2:30 Trustees of Trust Fund - Buxton CD Meeting Room
- 3/27 7:30 Zoning Brd of Adjustment - Buxton CD Meeting Room
- 4/01 7:00 Board of Selectmen Workshop - BOS Meeting Room
- 4/03 6:30 Recreation Cte - BOS Meeting Room
- 4/03 7:00 Benson Park Cte - Buxton CD Meeting Room
- 4/08 7:00 Board of Selectmen - BOS Meeting Room
- 4/09 7:00 Benson Park - Landscape Subcte - BOS Meeting Room
- 4/09 7:00 Planning Board - Buxton CD Meeting Room
- 4/10 7:30 Zoning Brd of Adjustment - Buxton CD Meeting Room
- 4/14 7:00 Conservation Cmsn - Buxton CD Meeting Room
- 4/15 7:00 Cable Utility Cte - BOS Meeting Room
- 4/16 5:00 Municipal Utility Cte - BOS Meeting Room
- 4/16 7:00 Senior Affairs Cte - Buxton CD Meeting Room
- 4/17 7:00 Benson Park Cte - BOS Meeting Room
- 4/17 7:30 Budget Cte - Buxton CD Meeting Room
- 4/22 7:00 Board of Selectmen - BOS Meeting Room
- 4/23 7:00 Planning Brd - Buxton CD Meeting Room
- 4/24 3:00 Trustees of Trust Fund - Buxton CD Meeting Room
- 4/24 7:30 Zoning Brd of Adjustment - Buxton CD Meeting Room
- 4/28 7:00 Recycling/Energy Cte - BOS Meeting Room

7. OLD BUSINESS

A. Votes taken after Nonpublic Session on March 10, 2014

- 1) Motion by Selectman Coutu, seconded by Selectman Luszey, to hire Kyle Moran as an Intern with the IT Department at the rate of \$10 per hour not to exceed 20 hours per week during school breaks, or 12 hours per school week, with a start date of April 6, 2014, contingent upon receiving a NH Youth Employment Certificate from Pinkerton Academy, carried 4-0.
- 2) Motion by Selectman Coutu, seconded by Selectman Luszey, to hire Ryan Murphy as an Intern with the IT Department at the rate of \$13 per hour not to exceed 250 hours with a start date of March 11, 2014, carried 4-0.
- 3) Motion by Selectman Coutu, seconded by Selectman Nadeau, to accept Chief Lavoie's recommendation to hire Donna Rosso to fill the vacant full-time Telecommunications Technician position, carried 4-0.
- 4) Motion by Selectman Coutu, seconded by Selectman Nadeau, to hire Laurie A. Stevens to the position of Town Engineer beginning on March 30, 2014. This assignment will be an exempt position and in accordance with the Hudson Police, Fire and Town Supervisors Association Contract with a starting salary of \$80,501 and then to Step 4 \$83,583 at the completion of probation, carried 3-1. Selectman Maddox in opposition.
- 5) Motion to adjourn at 7:55 p.m. by Selectman Luszey, seconded by Selectman Nadeau, carried 4-0.

B. Second Public Hearing - Modification to Chapter 264 "Race Track, Motor Vehicles"

Chairman Maddox recognized Town Administrator Steve Malizia.

Steve Malizia noted this is the second public hearing to require a public hearing in order to change the times, the ending times for the Hudson Speedway summer schedule. As you recall, they're changing the schedule from a conclusion of 10:45 to 10:00 Sunday evening races. It's better for the residents. It does require a second public hearing. So we have a public hearing and after the public hearing at your next meeting, you will be able to adopt this into Town Code.

Chairman Maddox opened the public hearing at 7:15 p.m. Does anyone in the audience wish to speak on this item? Seeing no one, the public hearing closed at 7:16 p.m.

C. Public Hearing - Unmerge and restore to separate lot status property located 17-19 Grand Avenue

Chairman Maddox recognized Town Administrator Steve Malizia.

Steve Malizia indicated at your last meeting you had this item under consideration. You entertained the folks that are making this request. You deferred it for further action until this meeting. They are back obviously to provide input, answer questions. We will have a public hearing. We've re-notified all the abutters and reposted the public hearing. I don't know if anybody has shown up from the public but it certainly was re-advertised and abutters re-notified. This basically is to unmerge two lots - 17 and 19 Grand Ave. that were merged in 1992-1993 - somewhere in that ballpark. That's what the applicants are here requesting that the Board unmerge the lots.

Chairman Maddox stated we had some questions as to what the lots look like. From the original plan, Steve Malizia said from the original plan they were originally drawn as camp lots - 25 x 100 called "Paradise by the River". That's what they called it back in 1919. At some point in time, the lots became 100 x 100 or 10,000 square foot lots. Both 19 and 17 at some point were 10,000 foot square lots which qualifies as a town residential lot - water and sewer. Back in 1993, they were merged. It appears that Zoning Administrator at the time, Sue Snide, sent the previous owner some sort of document that said you must consolidate these lots. It did also provide an alternative. It appears that there's a structure, a house on one of the lots that appears to be 4 feet from the property line. Perhaps that's what triggered that letter from her. The lots themselves if they were unmerged would both be buildable lots - 10,000 square foot in a TR zone. Back at the time, this appeared to be zoned a business zone. Just looking at the maps, that's what it was. I don't know why but I think there was some businesses in the area. That's what I know about it. So the information you have, I don't think there's anything really different. You'd have to look at the evidence in front of you and determine were the lots involuntarily merged or are they voluntarily merged. If it's involuntary, the applicant's have the right to come in and request the unmerger of the lots. If you believe it's voluntary, then you would deny. That's basically your choice. The applicants are here I believe if there's any more questions.

Thank you Mr. Chairman. Nicholas Frasca on behalf of Granite State Properties. Also in attendance is Ray Tetu of Granite State Properties of New England. I would direct your attention to the letter from Zoning Administrator Snide. I think that's relevant to make a determination as to whether or not the merger was voluntary or involuntary. Selectman Coutu noted the letter would be on page 14. Chairman Maddox said that is the January 4, 1992 letter that we all pretty much agree that it was 1993. Attorney Frasca said correct. I would direct your attention to paragraph #2 which states, "Your two lots at the current address is of 17 and 19 Grand Avenue must be combined to form one lot. The alternative to this is to seek and secure and area variance for lot size of both lots." I wouldn't say that that's much of an alternative. Essentially the Zoning Administrator was saying "you must merge those lots" or you can fight it by petitioning the Zoning Board. I don't think that those are two equal things. Essentially what this letter states is accept the merger or fight it. That's not voluntary.

Selectman Coutu had a comment. I started reading the letter at the last meeting and noted the second paragraph of the letter. I'm going to say it one more time for the record. "Thus your two lots at the current address of 17 and 19 Grand Avenue must be combined to form one lot. The alternative to this is to seek and secure an area variance for lot size for both lots." To say that that second sentence, "the alternative to this is to seek and secure" equates to the words "fight it" is a real stretch. This was a voluntary action by the owner of the property to merge the two lots. Apparently there was no attempt to seek and secure an area variance. That's not our fault. It's their problem. Thank you Mr. Chairman.

Chairman Maddox opened the public hearing at 7:22 p.m. Does anyone in the audience wish to speak on this item? At 7:22 p.m. the public hearing was closed. People were notified. Board members I don't disagree with Selectman Coutu. It does say you have an alternative and it doesn't say how difficult it's going to be. You're going to have to fight with us. It says you have to file for this variance. I guess it would be no different than you get a speeding ticket in the mail and it says you can go to court. That's the decision you make. Again, many years later we're asked to define what was done. From what everything that I've read in here, I believe it was a voluntary merger. I don't know where the Board wants to go. If you have any other input that relates to this but I think you're hanging your hat on the fact that it says you must.

*Motion by Selectman Coutu, seconded by Selectman Nadeau, to deny the restoration of the merged lots 17-19 Grand Avenue in that the Board finds that the zoning amendment in effect at the time did not require non-conforming lots to be merged so there was no involuntary merger as required by NH RSA 674:39-aa and further there was evidence that the property owner*

voluntarily signed a caveat recorded at the Registry of Deeds merging the two lots thus the current property owner does not qualify to be entitled to have the lots unmerged.

Selectman Nadeau was trying to figure out, and I think I just found it, that she went and did it. I just wanted to make sure that the tax stamp and everything else - yeah, I'm all set with that.

To quote from that document that Selectman Nadeau is referencing and I can understand his hesitation now that he was reading this document, Selectman Coutu said it says here that this person which would have been Margaret Hubert who was the property owner of record at the time "Personally appeared before me the 25<sup>th</sup> of January, 1993, the above Margaret E. Hubert acknowledged the foregoing instrument was her free act and deed." Selectman Nadeau noted that what I was looking at.

Attorney Frasca stated that the merger document was sent to Ms. Hubert in Florida. She was not the one that initiated the merger process. This was something that was initiated by the Town of Hudson, sent to Ms. Hubert at her Florida residence, and signed by her. Granted it was signed as her free act and deed. I will certainly acknowledge that. This was not a merger that was initiated by the property owner at the time. It was initiated by the Town of Hudson and if I were an ordinary person reading that letter, I would think that this was a requirement of the Town and that my only alternative would be to go and appeal the merger. I would also just add that the Town has the burden of proof of demonstrating that this was a voluntary merger. I think at the very least the second paragraph calls into question whether or not it was voluntary. It could be construed as voluntary. I will certainly acknowledge that but I don't necessarily think that the Town can meet its burden of proof when the first sentence of that paragraph says, "Your two lots must be combined to form one lot." I think at the very least it's inconclusive and therefore the Town can't meet its burden demonstrating that it's voluntary.

Selectman Coutu noted a person can come into my store and say I would like to have four quarters for this dollar. I say well good because you must have the four quarters. However, I will give you the option of getting three quarters, and two dimes, and a nickel. Because I said four in the first sentence means that you don't have the option in the second. Come on. This is a stretch.

Chairman Maddox wasn't disagreeing with your thought process but, again, I guess I would ask you if you were the town attorney what word would you use other than "must"? That was what the ordinance required after the zoning vote by the citizens of Hudson. Kind of would you do it if you please? What would you put in there? It's a must. You're supposed to do it. Again, I'm trying to figure out you're hanging your hat on the word "must". What would you say we would have used? Attorney Frasca thought that's what this new Statute is designed to do. The new Statute says if the merger was involuntary, the landowner has the right to petition to have those lots unmerged. Chairman Maddox thought people smarter than us, a Judge will get to decide this obviously. I am fully in agreement that if we had left off that last sentence, if we said you must do this and she signed it, so be it. It was clearly a sentence that said you have an alternative. Whether she exercised it, I guess she did not but that sentence is there. At this point, any further discussion?

Vote: Motion carried 4-0.

D. Lowell Road Traffic Signal - Market Basket/Fairview Nursing Home/Haffner's Service Station

Chairman Maddox recognized Tony Basso, Keach-Nordstrom Associates, Inc.

Good evening. For the record, Tony Basso with Keach-Nordstrom and this is Tim Beaulieu one of the owners of Fairview Nursing Home. I know that some of you might be somewhat familiar with this. Mr. Beaulieu got together with abutting landowners, Haffner's Service station, as well as Market Basket across the street with the idea of creating a signalized intersection on Lowell Road that would essentially close the current Market Basket driveway, move it further north to the other side of where their existing parking lot ends now. We would also close the northern entrance Haffner's and reopen a new driveway that splits the lot line with Fairview Nursing Home's extra property. We would create a four-way signalized intersection with left turn pockets on Lowell Road for the turns into the site and clean up a messy not controlled very well intersection. These guys did this, got together on their own to kind of pursue this. Obviously it benefits them as well as the town and they want to go forward with constructing it.

Mr. Basso indicated I'm here for two reasons. Number one to ask for permission from the Board of Selectmen to be able to do this work within town right of way. You guys control the right of ways for the roads in town. You're ultimately where the permission comes. We've been to the Hudson Planning Board and they recommended to you guys to allow this. The second piece, there were some funds that were collected as part of the Stop-N-Shop project. I'm not sure of the exact amount. I know it's in the \$30,000 something range. We are asking permission to get those funds as part of the project here. The project is at this point this portion of the project is ready to go out to bid for contractors. We still have some planning work to do to finish the alignment of the driveway from Market Basket and Haffner's. We got a couple of site plan amendments to do but we want to keep this moving on a parallel course at the same time as we do those other permitting steps. Basically I'm here to answer any questions on this you guys might have and seek those two pieces.

Selectman Coutu thanked Mr. Basso for allowing us to defer this item from the last meeting. Tim welcome. We've crossed paths a couple of times. We'll probably cross them again in the future. Hopefully sooner rather than later. Construction is

coming along well. I look at this and I know you presented it before the Planning Board and made note that this would be coming before us. I think it's interesting the concept of moving the lighting section and the four-way intersection at that end of the Demolish property is very interesting in that I think it's going to alleviate a lot of congestion of traffic going onto the Sagamore Bridge. The first question that's most obvious that should be asked is that there are several parties that are involved here. I know Tim's property is under construction now for expansion. You've mentioned Haffner's. The unmentioned party is Demoulas Market because they're going to be severely affected based on this plan (inaudible) Tony please correct me. The main entrance into Demoulas Market will be closed allowing them to add more parking I guess in that area. The entrance is going to be moved down to the furthest end of their property. I would assume before when I look at physically, it would be just before where all of that fill is or grassy knoll area that they have there. You said that you've spoke with Haffner's or you've had conversations with Haffner's. Why isn't he here, unless you have some sort of a consent from him, and does Demoulas have they been included in the conversations or do they agree with it?

Tony Basso did say actually they're all involved and they're actually all partners in this deal. They have a partnership agreement to go forward with this deal and Tim is the spokesman for that partnership. Haffner's is absolutely involved and so is Market Basket. We are working on both of those site plans. Market Basket revision to the site plan to -you're absolutely right. This driveway is right now this line right here you see is the end of the existing parking at Market Basket. We're going to be actually just beyond that. We are relocating the entrance to beyond that existing parking that's going to circulate up through. We are currently preparing a site plan for that. I'm working with Jim Lamp at R&D Properties to do that. I'm also working with Haffner's for theirs. Theirs is a very minor site plan amendment but working with both of them. Tim is the spokesman for the whole group. He is the guy that put it together.

Tim Beaulieu said we're looking at this in kind of two phases. The first phase is just the project concept and the project approval. We have signed a letter of agreement between all three parties that outlines how this would work and also we are sharing equally in the cost to get from concept to approval. We'll sign a separate agreement after that that also we will all share equally one third in the cost of actually constructing the intersection. Any improvements required to each persons or each company's property will be their own. As far as the cost of the intersection, we're all sharing in that.

Selectman Coutu stated it appears to me Mr. Chairman, you're on the Planning Board so you've been through this, I think that here's a situation where three business people got together. There would be three right - you, Haffner's and Market Basket got together and conceptualized or certainly had a vision of what would benefit all of them. In the long run what I see as a tremendous benefit to us is alleviating a traffic mess pulling in and out of Market Basket and people trying to wait to turn left into Haffner's and you would have had that same situation on your property. Opening up a corridor which is much longer for people to be able to access the highway and I think that's a tremendous benefit to our town. I applaud them for reaching an agreement to do this cooperatively. We'll look at the second phase of this which is the release for the money. That's also under consideration next. I've looked at this. I went down there and physically parked my car at Haffner's and I parked at Demoulas to try to a visual of how this would impact traffic flow. When I look southerly from this point, I see and watch how traffic was flowing, how this is going to be a tremendous benefit not only to them but especially to our residents and the traveling public that's going through that area. I support the plan and I thank you Mr. Chairman.

Selectman Nadeau definitely wholeheartedly support this because I've been to many, many, many accidents in front of Haffner's, Market Basket, and your facility also. They've been major accidents with some severe injuries. It's usually from someone trying to take a left turn, cutting in front of somebody else because they're trying to miss the next light and get out. For many years we've kicked around doing different things putting a media up the middle of the road. I think this is a great way to solve the problem. Someone else is going to say that there's another light on Lowell Road but I think it's going to solve a lot of our accidents in that area. It's numerous amounts that we go down there every week for at least 3 or 4 a week. I think this is a very good proposal and it's good for the Town 1) for the safety aspect of the people turning. I really applaud you guys for doing this.

Chairman Maddox said as the Chair as the representative to the Planning Board we've seen this. I think the only comment I had at the last meeting is I think there should be curbing from the existing island in front of Dunkin Donuts to that intersection. Even today I saw somebody trying to get from Haffner's trying to go over into Market Basket and it was like they start, they stop, they start and then they gun it.

Tony Basso showed on the map where Haffner's southern driveway was. Are you talking a piece of curbing right through here? Chairman Maddox asked where Dunkin Donuts was. Mr. Basso showed behind us here. This is Burger King and then Dunkins here. That's kind of outside of where we're even working. At the very least, Chairman Maddox said something that would block off people trying to pull across all of that traffic. So something to kick around. You're still coming to the Planning Board. Mr. Beaulieu said the problematic thing is Burger King's entrance because Burger King's only access is right there. Mr. Basso stated we can't block that. It's their only...Chairman Maddox noted that they have a second exit. Mr. Basso thought it was a one way behind...I'm sure that their lease agreements would not allow the loss of access there. Chairman Maddox said people trying to cut across all that traffic trying to get out is an interesting sight as you probably saw sitting there.

Motion by Selectman Nichols, seconded by Selectman Coutu, that the Board of Selectmen authorize Keach-Nordstrom Associates, Inc., 10 Commerce Park North, Suite 3B, Bedford, NH 03110 to advance plans and construct the signalized intersection on Lowell Rd. (Rte. 3A), as depicted in a conceptual manner, via the attached plans entitled: Conceptual Improvement Plan, Lowell Road (Rte. 3A), Hudson, NH, carried 4-0.

E. Impact Fee Account #2050-186

Chairman Maddox recognized Town Administrator Steve Malizia.

Steve Malizia indicated that you had collected money in 2004 specifically for corridor improvements for future roadway improvements along Lowell Road from Wason Road to Hardy Lane including but not limited to study design, construction, a new stop light, pavement, widening, installation of median divide as deemed necessary by the Town in its sole discretion to be returned if not used within 10 years. Ten years expires in September. If you're going to commit this money, this would seem to be an appropriate time to do so. You have the Planning Board's recommendation I believe as part of their motion. The money was specifically collected for improvements to that specific area. The Board had discussed this about a year or so ago and there was no plans. There was a concern that there was going to be a roundabout. That appears to have disappeared. It would seem to me that if you want to commit the funds, you would do so now so therefore you don't lose the funds in September when they expire and would have to be returned.

For clarity, Tony Basso stated the roundabout never existed. It was never even pondered.

*Motion by Selectman Coutu, seconded by Selectman Nadeau, to approve the expenditure of \$34,689.45 plus interest from Account #2050-186, Impact Fees - Stop & Shop Future Road Improvements for the construction costs associated with the Lowell Road Traffic Signal project as recommended by the Hudson Planning Board, carried 4-0.*

Selectman Coutu asked if they had a plan. Tim Beaulieu was hoping to get our CO on May 15<sup>th</sup> and open June 1<sup>st</sup>. Selectman Coutu said awesome. I can't wait to go in. I was going to stop in by there were too many cars in the lot and too much construction going on.

F. Bid Recommendation - Police Package Vehicles

Chairman Maddox recognized Captain Bob Tousignant and Lt. Bianchi.

Good evening. Lieutenant Bianchi stated we're requesting replacement of three of our fleet vehicles that have the highest number of miles on them. In order to get the best trade value, we've got to keep those under a certain amount of miles. We have one 2010 and two 2011 Chevy Impalas that are reaching that between age and mileage they need replacing. Up until now, we've had the Impalas due to the front wheel drive system and changeable weather up here. As we all know especially with this winter, it's been bad. Chevy is no longer producing the Impala police package or a comparable front wheel drive vehicle. They've replaced that with a rear wheel drive Caprice. Per the town policy for the purchase of cruisers, we put it out to bid. It was advertised in several local papers and there were six responses received by dealerships around New England. Only four of those that inquired placed bids. When those bids were reviewed, they found that Colonial Ford won the bid for what they call a police interceptor model that Ford produces. No bids were received from Chevy or Dodge as they do not produce a comparable vehicle to meet the specs that we put out in the bid. When Colonial Ford won the bid, we started looking into that and what we're requesting is authorization to trade in the three vehicles and to purchase three Ford Interceptors to replace the Impala which is no longer produced.

Point of clarification. Chairman Maddox said you keep saying Interceptors. Lt. Bianchi stated it's the model that they produce exclusively for police departments. Chairman Maddox stated that you're saying that the Colonial Ford was the police utility vehicle. It's the same vehicle? Lt. Bianchi said yes. Chairman Maddox thought the Interceptor is that Crown Victoria. Lt. Bianchi noted it used to be and in 2011 they stopped making those and they came out with this Interceptor which was specifically marketed to law enforcement agencies. It's a utility vehicle that's made for the law enforcement function. Chairman Maddox said because here there's two dealerships that said "utility vehicles" and then you have two that say "Interceptors". Lt. Bianchi said they're pretty much the same thing. It's the same vehicle. It's based on the Ford Explorer platform but it's unique because they call it an Interceptor. It's unique to law enforcement. They got brakes, heavier duty suspension.

Selectman Coutu asked we have three vehicles that we're trading in. Could you give me the year and mileage of all three vehicles please. Lt. Bianchi said one of them is a 2010 and I believe it has 73,000 miles on it. We have two 2011. One of them has a little over 71,000 miles. The other one I checked it before we came up here. It only has 57,000 miles on it but its three years old. We're reaching the end of warranties and service ability on that car. Selectman Coutu asked let's see if I have this correct - approximately 57,000, 71,000 give or take, and 73,000. So we have one vehicle I would assume it's the one with 73,000 miles on it that we're going to get \$4,800 for and we're going to get \$5,500 each for the other two despite the difference in mileage - 14,000 miles difference. Lt. Bianchi said correct.

The other question Selectman Coutu had is when you talk about specifications and the reason why I'm bringing this up and I have not discussed this with the Police Chief or members of the department, I'd like to make my decisions based on information that I gather on my own without having to go through the Police Department. Seeing you're here, I'll ask. You said something about you had six inquiries am I correct about the bids? Lt. Bianchi said correct. Of those Selectman Coutu said only four met the specifications. Lt. Bianchi noted only four put bids in with us. There were six inquiries about the bid. Only four of those dealerships actually send a bid. Selectman Coutu said the question most often asked of elected officials when situations such as this arise that specifications are written and that we have to make a decision on the basis of what was

submitted based on the specifications. Were the specifications written as such that only Ford could qualify to make those bids? Lt. Bianchi didn't believe that was the case. What we had speced was a four-wheel drive police utility vehicle. Dodge produces one. Chevy produces one. It's a police package vehicle with certain specifications - a backup camera, outside rear view heated mirrors, full size spare tire, driver's side spot light only, heavy duty vinyl rubber flooring - no carpeting, inoperative inside door handles, locks, and window switches for the rear, common fleet key to like - so one key will fit all of the vehicles, air conditioning, and automatic transmission and a front license plate bracket. On the specs Selectman Coutu asked was there a contact person that anybody who was wishing to bid could contact at the Police Department. Captain Tousignant indicated himself. Selectman Coutu asked would any other dealer call and say I'd like to bid on them but the specifications were written so I couldn't. Captain Tousignant said no. We had one inquiry from a Dodge dealership and they said this would have to be pursuit rated. I told them it would be for a front line cruiser. Yes we didn't put that he asked and we said yes. He said that the Dodge Durango is not pursuit rated so it's not fit to be a front line cruiser so he didn't submit a bid.

Selectman Coutu asked were we suggesting in our bids or did we say in our bids we were looking for front line cruisers or is that just an omission. Captain Tousignant said no. I have a copy of the add right here that we put in the paper. Selectman Coutu stated the reason why I'm doing this Captain and Lieutenant is because we want the citizens to know that the process was open and fair. Captain Tousignant stated we followed the policy that's been followed by the town for years. I have a copy of the add that was put in the paper if you'd like to see it. Lt. Bianchi read, "The Hudson, NH, Police Department is accepting bids for the purchase of three (3) four-wheel drive police utility vehicles. Vehicle specifications are available by contacting Captain Robert Tousignant at his number. Sealed bids must be submitted to the Hudson Town Clerk's Office at 12 School Street by March 4<sup>th</sup> at 10 a.m." Selectman Coutu noted we had only 6 inquiries, 4 submitted bids. What surprised me is that we've done a lot of business with MacMulkin and they didn't submit a bid. I neither favor them or don't favor them. I don't care who we buy them from as long as we get the best deal, the best bang for the buck but at the same time we have vehicles that our police officers are safe in. If we get involved in a pursuit, I want to make sure that the quality of the vehicle is such that we can handle that kind of torture on a vehicle. Lt. Bianchi said the vehicles that were speced out and they're actually the ones that sent bids in, that Ford Interceptor package is highly rated for both pursuit worthiness as well as safety for the occupants of a vehicle.

Selectman Coutu's toughest question and it will probably be my last question unless you throw me a monkey wrench. Why would we be trading in at this time a vehicle that has 57,000 and not get it up to 70 before we trade it in and save on the purchase of at least one vehicle? Lt. Bianchi stated as many miles as we put on them in a year, that's one of our front line units that we use every day. By next year at this time, it will be over the mileage that will end up making it worth trading in and getting the highest dollar amount. Right now it's got 57,000. By next year if we were to continue using that, it would probably have over 80,000 miles which would significantly drop the trade in value. Selectman Coutu asked why couldn't we move it down the rank from front line to one that's lesser used that used as a fill in so that we could...Captain Tousignant said we are doing that with the cars that are coming off line. We are doing that. Lt. Bianchi indicated the 2010 that's listed that we're trading we did that with that one to try to keep the miles down. That was a front line and we striped it. Captain Tousignant noted the cars that are coming off line whatever vehicles that we end up getting, they go into the front line. The cars that they are replacing go to the Legal Bureau. The others are traded in. Car 2 that is going to now become the Legal Bureau car. The others are being traded in. That's what we do. We take one of the cars out of the front line fleet and if Detectives need a car that year, we do that. We replace Detectives cars. They're in good shape so we don't have to touch Detectives this year or Administration, or any other division. We haven't had any notification that we also if any other town department needs a vehicle such as Engineering, we gave Engineering the Trail Blazer that we had recently. So we're actually down a vehicle because we gave Engineering the Trail Blazer. If other town departments need a vehicle, they usually come from our inventory. We give them to other town departments. I didn't get any requests other than the Town Engineer needing something and we gave him a four-wheel drive Trail Blazer to use. I guess the terrain it travels and inspects properties.

For the record, Selectman Coutu asked what's the fit up cost on all these vehicles do you know? Lt. Bianchi said for outfitting cost we have a couple of bids. One of them was \$5,377.80 for each vehicle. The other one was \$5,132.44 I believe. That was two different venues - Adamsons and MHQ down in Marlboro, Massachusetts. Chairman Maddox asked is that turnkey? That's not the radios and...Lt. Bianchi indicated that was everything. Captain Tousignant said that's to strip one car and put it into one of the new vehicles. Selectman Coutu noted I'm satisfied right now.

Chairman Maddox had a couple of questions. Gas mileage. Lt. Bianchi indicated that's where these are a benefit. I did some research on these vehicles because it's technically an SUV and when people hear SUV they think it's a gas guzzler. Captain Tousignant had compiled some statistics on the current cars we use and I think you'd be shocked at what we're getting for miles per gallon out of a V6. These are rated for high teens to low 20s for gas mileage because of the transmission system that they have in them as well as the motor that's in them is a V6. They've done studies with these idling because as we know cruisers idle a lot. They're 35 percent more efficient than the V8 Crown Victoria at idle. So we're looking at a savings for gas mileage with these vehicles as well. Captain Tousignant said the Impalas that we have now aren't very good on gas. We probably get about mid teens and some below. The Interceptor the Ford - other departments have this car and I've checked with them. Londonderry is one of them and they get mid to high teens for gas mileage. These vehicles right now that Londonderry has they're up 30,000 to mid 40s. That's how much miles they have put on these vehicles already and that's what they said. They're getting middle to high teens on miles per gallon on these vehicles. They're getting either the same or a little better in some cases than the gas mileage on the town cars that we have.



Chairman Maddox's next question I had was we're only buying three. Historically we've bought five. Lt. Bianchi said these are the three that we need to replace. Chairman Maddox said next year we're not going to see eight. That's the only thing I'm concerned about is you have this...Captain Tousignant said we have to find another vehicle that's suitable for the Town of Hudson because they don't make the Impala any more. Because it seems like a national trend, other departments around the country are going to this Ford SUV. When I talked to the Chief, we said let's try three of them because we have to outfit them. Let's try them and see if they're good for us. There's more room in them - more room for prisoners, more room for the officers, more room for equipment. We're getting three because it's an experiment basically to see if they're good for us instead of getting five and they're not good for us.

Selectman Nadeau said I was supposed to get Captain Tousignant some numbers. Unfortunately I've been out with a couple of things. The only thing is tonight we're giving you the bid recommendation to get the vehicles correct and then the up fit. Captain Tousignant said the up fit is completely different. It comes out of the same budget but we've gotten quotes from the two largest companies in the area - MHQ and Adamsons. They're fairly compatible as far as numbers go. MHQ is a little cheaper than Adamsons. Selectman Nadeau stated I'll get the numbers off to you tomorrow when I go out tomorrow. MHQ is one of the ones that I found that had the better pricing. Lt. Bianchi said that was the lower one that we got. Selectman Nadeau looked at Londonderry's car and I looked at Nashua's. There's definitely a lot more room. I was concerned about the gas mileage and they both said the same thing to me that the gas mileage seems to be a little better than what they're having. When we turn these cars in, we strip them down right - we take out the cages, we take out the seat and put in the old backseat that goes in it? Lt. Bianchi said correct. They go back as a usable vehicle. What usually happens with them in my experience is they end up as taxi cabs somewhere because it's a fleet vehicle and taxi companies love those. Selectman Nadeau asked we're going to keep the old cages; we're going to keep the old plastic seat and all that stuff. Captain Tousignant said we're going to keep them. Whatever the Chief decides to do with them if they're no good to us. They won't fit inside the new vehicles. When we went to the Impalas we used to have Crown Vics. The Chief at the time told me to put a memo out to other agencies if anybody needed them because they were so old. We ended up giving them to another police agency in the State. I don't know what we're going to do with these. Selectman Coutu indicated we could put them in the auction house. Lt. Bianchi said that's a very good possibility that we could do that. Selectman Nadeau didn't want us to hold on to this stuff if we know they're not going to make any more of these. Lt. Bianchi said selling them would be a very viable options to get some money back in.

Motion by Selectman Coutu, seconded by Selectman Nadeau, to award the bid for three (3) Ford Police Utility vehicles at the net bid price of \$64,684 to the lowest bidder, Colonial Ford, Inc. of Plymouth, MA, as recommended by the Police Chief and the Finance Director, carried 4-0.

8. NEW BUSINESS

A. Town Wide Paving Contract

Chairman Maddox recognized Road Agent Kevin Burns.

Good evening. Kevin Burns indicated I will be brief. Brox Industries has offered to extend our paving prices again for another fiscal year. I think it's a very good deal. We have the lowest prices around. I know the budget is a little bit under discussion. All of this is committing us to a unit price not a set dollar amount.

Motion by Selectman Nadeau, seconded by Selectman Nichols, to authorize the Road Agent to extend our current paving prices for the next fiscal year. The contract items extended are: reclaimed stabilized base - \$1.36/s.yd; HBP by machine - \$67.48/ton; and cold planing - \$1.35/s.yd, carried 4-0.

B. Fiscal Year 2015 Default Budget

Chairman Maddox recognized Town Administrator Steve Malizia.

Steve Malizia indicated the department and I met last week to discuss options that we could present to the Board regarding the recently passed default budget. As you recall for the general fund or the main budget, there's a \$500,000 difference between what we asked for and what we actually were granted by the voters. In order to make some recommendations or look at how we might be able to accomplish the work we need to accomplish, the department heads met as I said last week after reviewing their budgets to see what we could come up with for recommendations to the Board. Again this is trying to get the conversation going so that we can if we choose work within the constraints of the default budget next year. As you are well aware, we're on a default budget this year. At the beginning of this year before this year started, we did the same exercise. We the department heads came to the Board and tried to give you options and basically spell out what we thought might be some opportunities to do some of the things that you wanted to do and frankly some of the things you can't do or we recommend you may be put off doing. We realize that the budget was worked on by this Board, the Budget Committee, department heads. We're all trying to work together to accomplish things. The voters didn't give us everything we needed but we recognize that there may be some priorities that are important to the Board. For example, you're just completing a senior center. Approximately \$120,000 was in the budget to actually run, operate, outfit that senior center. With the default budget, that money theoretically went away. We realize that may be a goal for the Board so we tried to look at how we could find savings somewhere else in the budget to hopefully be able to operate that. We also recognized there was some other

priorities. When we looked at the budget as department heads and then as a group, we again tried to come up with some recommendations of directions that the Board could go. This isn't an absolute. This is a starting point. It's up to the Board to direct us differently if they'd like to. Again, we thought as department heads this was ideas or places we could look.

Selectman Coutu said obviously we're going to hear from the Finance Director and I hope get the input that came back. I think this is a very important discussion that we should have. The only question I have at this time and I've poured over numbers that you and KC have provided me. I have some recommendations of my own but I'd like to hear some of the input that was brought in from the other board. To clarify one thing because this is going to be asked time and time again and perhaps there's been rumblings about coming after us in some fashion. Whatever that might be. They're not going to come here physically I'm sure because Ben is my bodyguard and he's going to hurt people. I'm sure that there may be a threat to sue us, or take this to court, or what not. You and I have had this conversation so I'm going to ask you because I want the public to know. In this budget the accounts 5135, 5835, and 5877 the senior activities. What was budgeted or what we had requested the voters to approve in the budget was an additional - one of the items that brought it up to half a million in excess of the default budget was this is one of the items represented approximately 21 percent of the increase - \$124,870. No means no. This is what I'm hearing. I asked you for that explanation so obviously satisfied and I'm sure you've been here long enough and we have attorneys, you would have consulted had there been a problem. Would you explain why without us having to go to a special election why if we could find savings and accumulate monies to run the senior center just that one line item. I know there's going to be others that we have to talk about but I want deal with that one specifically because there's some other comments that I may make now or I may make later relative to what happened at the polls or what people are saying happened at the polls. Why would it be okay for us if we found \$124,870 we could fund the operation of the senior activities without having to go back to a new vote?

Steve Malizia indicated quite frankly you have a purpose in your budget. You've articulate a purpose and it's always been the purview and the right of this Board to transfer money between purposes. So provided you have a purpose which is stated and in this case as you recall the Recreation Department is the umbrella of which senior activities tier up under. You have a purpose. You could spend \$1 on that purpose. You could spend \$500,000 on that purpose. You can transfer money between that purpose. You didn't invent a new purpose or you didn't fund a purpose that was not previously funded. For example if you wanted to start an electric utility in town, that has a line in the State forms for a purpose. You have no money. That you would have a problem with because you didn't allocate any money there. Between your purposes, it's within your purview to move money from fire to police, from Rec. to Admin., from Finance to IT. You have those purposes. You have a sum of money there. As long as you do not exceed the bottom line, you can move money between those purposes.

Selectman Coutu wanted people to hear that explanation. It's not like we're creating a new department. Everything comes under the umbrella of it's not a new purpose. The purpose or department are almost synonymous with one another. The senior activities comes under the purpose of the Recreation Department. This is no different - and I want people to understand this because I think we may head in that direction. We may go to a special ballot who knows. We'll listen to those arguments and make a decision later. In terms of funding the senior activities, the purpose of senior activities under the Recreation Department is no different than if the heating system in this building went and it wasn't in the budget but we have to find the money to fix the heating system. We would find it because we need to have heat in the building. We're not going to have our pipes freeze. So I want people to understand what having a purpose means and that if we decide to go the route of having cut other where to fund this and other things that we think are priorities, we are not violating the no means no statute because this is something that was already in the budget. A declared purpose was there and was intended for it. Thank you Mr. Chairman.

Chairman Maddox asked what is the Board's pleasure do you want to you to what the...Selectman Coutu would like to hear what - and they went through the trouble of meeting with the department heads. I understand from a couple of department heads that they made recommendations on their own. I certainly would like to hear what they are.

Steve Malizia stated if you walk through the document that you have in front of you, on the second page which is basically the beginning of the story and the Finance Director will jump in any time she finds it appropriate, we realize that there were some priorities. If you look at the very top part of this document if you look at the description - senior center facility, Trustees of the Trust Fund, value defense, there were things that the Board took a pro action on during the budget deliberation sessions that the Budget Committee also approved. We recognize that these weren't in this year's budget but we realized that they were also a priority or at least that's what we thought the priorities were based on information that we had available to us in the minutes, notes. The Board made a pro action. So the items at the top of this - and I don't know the total, KC might have the quick math - but you see a list of items. They're all positive numbers. Those are items we're recommending money be transferred into or funds be provided for in this default budget.

The second section, you'll see negative signs. Mr. Malizia commented that's where we're recommending we get the money to do those functions. The default budget restored money for the Assistant Town Administrator position. Unless you want to spend \$83,000 on that position, we recommend you don't and you put it to one of these other priorities. Again, we simply looked at - and some of the stuff is what the Board did. Because you've been in default for two years, it keeps going back to that budget. For example Town Poor, we have more money allocated for Town Poor than we've been spending. The Board tried to reduce that number in the proposed budget but the default budget gave it back to you. So we're saying well if you didn't ask for it in the first place, why are you going to keep it there. What we tried to do as a group was look at where those opportunities were to fund the top activities which were priorities or at least identified as priorities. I have \$11,000 in collective bargaining. At best, we're going to negotiate one contract. I don't need \$11,000. When we were doing 5 a year, we certainly

needed the money. As you can see, some of these activities - we closed the skate park. I don't need any money for that. Robinson Pond - quite simply put, we're not going to have a guy there on Saturday checking your ID. There are other things that are more pressing.

To that argument, Selectman Coutu said one of the things that's not in here that I thought was in here was the elimination of the crossing guards in the police budget. If you delved down further, Steve Malizia indicated the Chief has in his own budget has a \$110,000 deficit between his operating budget that the Board approved and the default budget. One of the Chief's plans - Chief Lavoie is in the back and he can certainly speak to it better than I can - to cover his own deficit, he would probably go without a dispatcher and he put the crossing guards in play. These activities here weren't necessarily specific to any of our departments. In our own departments, we're going to probably have to do things or not do things. For example, things get realigned because you go back to a default budget. I'm not going to do certain things but I'm going to have to cover the other things that may have increased. The same with the Fire Department, same with the Road Agent, same with the Police Chief. They have pretty big budgets. As you recall, you won't see HVAC on here either. Remember there was going to be an HVAC discussion. We had a conversation can we collectively find money in this year's budget to pull that activity into this year to try to accomplish it with money before this year runs out. The Chief has a memo that's secondary to this of where he would identify. We've taken some of the engineer salary money and tried to put it to that purpose. Each of us on our own may have items that we have to make up in our own budgets. As you go through this document, again, this is why it's discussion, you may see a lot of the departments have given you what a budget impact may be to their department. IT has one. I know Mr. Burns has one. Chief Lavoie has one. Chief Buxton has one. There are certain things that in the constraints of their own budget, they're going to have to reduce. These activities more or less fall out of their budget. Right now I don't have the senior center. It's in the Rec. budget. He doesn't have enough money to make that up. So we had to collectively come up with money from all of our budget.

Looking at some of the recommendations, Selectman Coutu was going to make and then I'm looking up here I think just for clarification on the items that we look at on page two but we think are the priorities, the one item - the value defense - could you tell me why we would want to put \$25,000 - is it that we asked for \$25,000 more than what he had? In our legal budget, Steve Malizia indicated we don't have sufficient funds to pay for all of these cases that commercial entities bring against the town. As you recall, we get into all kinds of cases where there are tax reps. representing companies that come forth and say we think our value is \$1 million. You have it at 2. We have to either defend that value, justify that value, go to court over that value, or settle that value. In the current year, I believe we've had \$35,000 to do that. We're not going to do evaluation update because that's gone by the wayside. The default budget is not going to allow that. One could presume that in the commercial industrial world it's more fluid and they're more inclined to come after us.

Selectman Coutu asked Steve to keep that thought. I don't mean to interrupt you but you said something very important. I want the voters to know this because I was confronted at a party the other night that I attended - I was confronted about a lot of things but this was an issue that came up is about when are you going to re-evaluate our property? The voters voted down our budget. We don't have the money to do it. Well what do you mean? I said the voters voted down our budget. There's no money to do a re-evaluation next year. So there are unintended consequences when people go and vote. That's going to be one of them. The crossing guards could conceivably be another. People have to understand that there are consequences to the actions that they take.

Steve Malizia noted that we are required by the Constitution of New Hampshire to assess, or re-assess, or re-evaluate property every five years. That's a requirement. When values get askew, and it can happen when you have really depressed markets or really high growth markets, the fairness, the balance may go out of that market which would necessitate perhaps you doing a valuation update. What does that mean? You'd use statistical data. You would hire data collectors whatever to update the value so that proportionally everybody is paying a fair share which is close to market. I will say right now we're about 98.6 percent of the market value for the average single family home. So what does that mean? Unless your ratio dips below 90 or above 110, you're fairly assessing property. We had put something in to do a statistical update. We were going to pay for that with capital reserve funds but the budget got voted down. I don't have the money to do that. The Board can direct us and say we think that's more of a priority than doing senior activities but I don't think that's the priority. Again, we're not under the gun from the five year limit. I think we're year 3. As values as you say, people chit chat. They talk to you oh when are you going to do this? When are you going to do that? When you give me the money. I don't have the money to do it. I have to make some priorities and again, this was our attempt to do that. I'm not saying this is absolute. You certainly can debate this. You can have different conversations but we're trying to at least cover the things that we thought were important to the Board and the Budget Committee when they looked at the budget.

Getting back to the line item 4153 the value defense the \$25,000, Selectman Coutu stated it seemed to me that last year we had a significant number of cases mostly in the industrial area and a couple of other commercial - they were all pretty much commercial...Steve Malizia thought our 5 or 6 biggest taxpayers which tend to be the utility companies have all filed some sort of tax suit against us. Not only have they filed it, we have to defend it. We have to do something unless you want to just give it away which is always an option. Selectman Coutu thought most of those were settled. Mr. Malizia stated not they are not. They are in the discovery phase. If you look later on in your packet, you will see that we are still in discovery with a lot of the utilities. I have a legal update that shows you the cases. We've been sued basically in court for our valuations. Those don't happen that quickly. There's quite a bit of money at stake. They're not as simple as my building. We're talking all the gas lines in town. We're talking all the electrical, all the phone, all of that and it's not just in Hudson that they do this. The phone company is suing 100 communities because they don't think their poles should be taxed in the right of way. We can roll over if

you'd like and we don't have to tax them. Everybody else's taxes will go up because somebody's got to pay for it. There's a certain expense in town to run our schools, our police, our fire, our highway. There's a certain base value that we calculate that on. That's how you get your tax rate. If that base rate value suffers because you've given away a value without defending it, then something is going to change. You have to cut your spending or you raise your rate to cover the spending that you've approved. I know I'm getting wordy but.

Selectman Coutu commented we obviously have money in the budget for value defense for next year or don't we? Mr. Malizia said no. Selectman Coutu stated we have zero. Steve Malizia indicated because it was a default last year too. Last year was the first year we put it in. It defaulted out when we moved money in. The default went back to zero again this year. Selectman Coutu stated we have no money to defend, again, another unintended consequence. People don't understand. If we didn't defend these cases, the property owner has a \$3 million tax bill, and we can't defend it, and the court finds that because we didn't present a defense they're going to cut the bill down to \$2 million, we have to make up that million dollars somewhere else so everybody else's taxes get raised proportionately to raise that million, etc., etc., etc. So there's another unintended consequence. That was the only one that stuck out. I guess that would be a priority.

Again, Steve Malizia said I'm trying not to beat these to death but these are certainly things that have an importance and have implications maybe beyond a simple line. You are trying to keep the equity or the balance between your commercial industrial and your residential. I think the ratio, and don't quote me, is somewhere around 65/35. Sixty-five percent of the burden is on the residents; thirty-five percent is on the commercial industrial base. Whether that's right or wrong, that's just what the markets indicate. The more that tips if let's say for example these folks successfully get their values lowered, well now this number goes up. So 70 percent of the value is now going to be borne by the residential users. Fairly or unfairly, it's going to come from somewhere. We're not trying to unfairly burden them. We're trying to fairly assess their property relative to all assessments. So it's not like we're singling them out or picking on them but they have the deepest pockets and Joe Homeowner when he sues you for a \$200 abatement, no offense, not a real big deal. Some guy sues you for \$50,000, \$60,000, \$70,000, much bigger deal.

Mr. Malizia in the documents that you prepared for me, Selectman Coutu stated when we were looking at the increases from the default budget, the senior activities was \$124,800 and when I look at your priority list in 4194 the senior center facility and 4550 the senior center operating expense, you're allowing for \$61,326. How were you able to cut \$63,500 out of the original request? Steve Malizia stated the Recreation Director and the Senior Services Coordinator worked with the senior organization that's been donating equipment/goods, they are willing to make donations of a lot more of the equipment be it computer equipment and/or furnishings - furniture, tables, chairs, that we had budgeted. Because they'll be able to donate it, we don't have to buy it. So we're able to just basically operate the center. There's going to be those things donated to us is my understanding from conversations that the Recreation Director, the Senior Services Coordinator, and I believe the Hudson Council on Aging. Whoever has the deep pockets that's been doing a lot of the donations. That's why it was reduced. We assumed that we'd be outfitting, buying, and doing the compute stuff. They're willing to take that burden on which would reduce the burden to the taxpayer.

Selectman Coutu was sorry for taking up so much time but this is an important matter and I want to make sure we do it right. For the people who have been moaning and groaning and there's another word I'd throw in there but if we're on public television, for those who have been moaning and groaning about the operation of the senior center, here we go again where we have an organization which is a nonprofit organization which has donated a considerable amount of money towards the construction of the building. I know that Selectman Nichols is pleased to hear this kind of conversation but these people not only put in a lot of money for this construction, here we are in a situation where because the voters said no - didn't say no because they voters made us go back to the default budget, the \$124,800 that we had we can now reduce to \$61,300 because of the generosity of the nonprofit. Obviously they're going to come up with approximately \$63,000 for furnishings and other things that we budgeted. That's commendable and that should be recognized. When people are saying that the seniors went out and voted against our budget, the purpose would have been to defeat opening the senior center. I doubt it. Hearing that these are the statements I wanted to make earlier, hearing that the school people deliberately went out and voted against our budget so the impact to their budget wouldn't be felt, that's not true. You don't know how people vote and you can't guess on why people vote. A lot of people vote no every year for everything regardless. They would do it here. They would do it in Lowell, Massachusetts, or Londonderry, or wherever. There's that core group of people who never want to see taxes go up. We care less if we hired another police officer or firefighter. We have to live with that. This was the decision of the voters. I appreciate the fact that you and the Finance Director and the department heads got together and went over the numbers and were able to come up with at least a plan for us to work from whether we make this decision this evening. I think it's imperative Mr. Chairman that before we even make these kinds of decisions it's great to talk about them. I think we need to have a mindset about where this Board wants to go relative to presenting this new number in a voting package or working separately and as they did and find the money within the budget and proceed from there. Thank you Mr. Chairman. I appreciate your patience with me.

Chairman Maddox recessed at 8:27 p.m. The Board resumed at 8:35 p.m.

Chairman Maddox asked where does the Board want to go with this particular piece of the budget. I think we all have it. Do we want to wait until Selectmen Brucker is back so there is a five person board? We all have some questions I think we still need to pull together.

Steve Malizia asked to take a moment and just kind of go through the rest of the document so that the Finance Director is here so that the selectman. As we've talked about, we've focused on page number 2, which was basically what we talked about the priorities. As you go further through the document just some background for everybody, page 3 was the actual default budget for just the operating budget for the general fund. So you can see the calculation. This is just background material. Page 4 showed us the general more sewer and water. As you recall, neither the sewer nor the water passed muster with the voters. Because of the nature of those utilities and because for example in the sewer I think it was \$16,000, there's really not a lot you're going to do with that out of a \$1.6 million budget. Quite frankly, the water utility with a \$71,000 delta we won't change out some meters. We'll have to defer a few of those sort of activities to be able to provide the service. My recommendation I wouldn't go to war and put these back on another ballot. I just frankly don't think they're worth the time and effort but that's my opinion. You can certainly do your own. Just so you see that their budget didn't pass. That's the delta just for those water and sewer funds.

As we go through starting on page 5 and the Finance Director may be better suited to speak to this, Steve Malizia stated that what this represents basically is what the 14 budget was which was, again, a default budget. The 15 submitted budget was what you all and the Budget Committee all agreed on and Deliberative Session. As you recall, we amended it to add the \$15,000 for the Trustees funds. Heading into the vote, the submitted budget was what we were working with. Now if you look a the column that says FY2015 Default Budget, the Finance Director has gone through and reset everything to where it would be under a default budget. So you can then clearly see the increases or decreases. Decreases are negative, that's bad. Increases are positives, that's I guess good. So you can see where money shifted. For example the very first one - Trustees of Trust Funds, the \$15,000 was take back out. If you recall on page two, we tried to do something to put that in. It takes money to make money, well that's what we're trying to do.

Selectman Coutu noted Mr. Lathrop who's the Chairman of the Trustees of the Trust Funds said that if we were to pay this fee, there's a good possibility we could double our interest from 3 percent to 6 percent. That's significant. Mr. Malizia indicated for trust fund investments. They have a different criteria, a different standard they can invest by. Selectman Coutu said that's a significant increase.

Steve Malizia stated, again, what we're just trying to represent here is basically our department's cost centers or whatever you want to call them on that somewhat of a summary basis of where hits were or where gains were. Quite simply put if you recall, I spoke a little bit earlier about the Police Department. If you on page 6, the Police Department you'll see there's \$110,000 negative. The sum total of all of his hits our of his \$7 million budget, he's got about \$110,000 worth of decrease. The Chief is aware of that and there's a memo in here later on that says how he would make that up. Again, one of it would be not hiring a dispatcher and the other possibility is looking at his crossing guards. This was an activity that the Finance Director put this summary together so you could see it so you had an idea of where all your departments are at.

Selectman Coutu stated we discussed on page 2 the priorities. As you understood that we defined them during the budget process. Mr. Malizia noted as we best understood them. Selectman Coutu didn't disagree with those. Continuing through these various department budgets and the adjustments they would have to make and whatever, does all of that impact all of this on page 2? Steve Malizia said the budgets that you see here are before any transfers that you might contemplate on page 2. This is what got voted and this is the difference between what you asked for and what we ended up getting under a default budget. Selectman Coutu understood that. In order to meet these priorities which would be an increase of \$207,000. With these adjustments that you're showing on these pages makes up the \$222,070. Kathy Carpentier directed the Board to go to page 9 but these are after the transfers. So Steve was just going to that report next. If we were to give back the \$15,000 to the Trustees, that is in the fourth column over, so what we've done is lay it in all the things we believe should be transferred in and the funding sources negating to a zero.

Steve Malizia said the first document that started on page 5 shows you before we do anything where we're at. The document that starts on page 9 shows you what would happen if you did the priority transfers.

Selectman Coutu asked to stick with what KC just said. The Trustees of the Trust Funds for example of \$15,000 - there's a proposed transfer of \$15,000 to make that happen. Then you said there's areas that show where we're going to get the \$15,000 from where is that? Kathy Carpentier said it nets out but if you look down under the Board of Selectmen/Administrative budget, you see a decrease of \$83,618. There's a big chunk of it. Selectman Coutu thought it was all in this first block. Now I understand going through the document it shows what the needs would be and where we could pull our money from. Again because you may not do anything with this tonight when you walk away, Mr. Malizia just wanted to make sure you have some understanding of what the document represents. If you're trying to look at it, what's this piece of paper? What's that piece of paper?

Selectman Coutu asked if I were to make a motion right now and we were successful, I don't intend to do that because that wouldn't be fair to Mrs. Brucker for example who's not here, I like the idea of having the 5 members here to decide this. It's an important document. It's our budget. Whatever we do we're going to have to live with it. If I were to make a motion right now and it was seconded and it passed, 3 to 1 or unanimously, to make page 2 happen the top lines - that means everything else down here just doesn't get done I guess.

Steve Malizia asked to go back to page 2 real quick. The top part, the top section which are positive numbers would be things that would happen. The middle sections, the negative numbers, are where it would come from. The very bottom section they

didn't speak about it but if you recall, the Board changed out the inspections services and moved money from this group and that group. Well now that it's in default, it goes back to what it was. We're just moving it back to what you did. That's net zero. That just washes. If you're looking at those 4 numbers at the bottom like what the hell is that, that's all that is. Just disregard that.

Getting back to Selectman Coutu said I made the motion and the motion passed unanimously, that would be the end of the discussion and everything that's on page 9 down that's what you would implement to make this all happen. The senior center would be in operation, the \$15,000 would be put back in so that we can realize an increase in our investment and whatever we have on those. Value defense we'd have the money to defend about the lawsuits we're going to have for property valuations, the security switches which we thought was a priority in the Police Department for the court system because they changed the switches, the legal aide, and the operation of the senior center, and the stormwater contingency that can come or go. Whether we like it or not, I don't think it's going to come. Mr. Malizia said oh I think it's coming. Selectman Coutu questioned this year. Mr. Malizia said this year. It's already been through the EPA. They've taken their comments - public comment is closed. It's coming. Selectman Coutu asked isn't anybody talking to our Senators and Representatives about this. Mr. Malizia said there's a whole bunch of people that have banded together to do that. You know what, EPA, us. Selectman Coutu asked what happens to Congress and the Senate don't they have a say? They're the ones who dictate whether or not they're going to allow the EPA to do this stuff. Mr. Malizia thought that train has left the station to be frank. Selectman Coutu said we'll have to thank our Congressmen and our Senators for really pushing a big bill on the taxpayers because this is going to cost a fortune if this goes through. Steve Malizia imagined that given the persuasion of some of your Senators and Congressmen, they're probably in favor of this sort of thing. If you recall during the conversations during the budget deliberations, this was a much reduced number from what the Engineer originally put to you. To have nothing to at least be able to implement some of this to stay in compliance as best as we can, we are under an EPA mandate. We've been under an EPA mandate for storm water. We've been under a permit. The permit is changing and will be revised. We are one of those communities that has to live with that revised permit. We may not like it but we have to try to do something about it.

Regardless, Selectman Coutu said you guys provided me some documents. I had things I was going to recommend but when I look at the amount of work that put into preparing this financial document, I feel a lot better about the whole situation. I applaud you and I applaud the Finance Director and department heads for their willingness to work with us to try to solve a dilemma basically is what it is. When you say to the voters we need X number of dollars and they say no we're just going to give you this figure it out yourselves, you guys went to the floor and you did this. Mr. Malizia said is it a perfect world, no it's not. Selectman Coutu indicated it's happened to us before. We've done it. There are going to be some unintended consequences and I want people to know that. They start asking questions 4 months from now hey how come we don't have this. You didn't give us the money to do it and it wasn't a priority apparently. Mr. Chairman wherever you want to go with this.

Chairman Maddox thought you really need to take a look a look at this inasmuch that page 2 tells the high points but they're still taking \$83,000 from the Police Department on top of all of this page 4. He still has to come up with \$83,000 worth of cuts. I know one of them is the crossing guards. I'm not a big proponent of that. I don't know if we if we can look at how we're going to make that work. Selectman Coutu said it might still happen. It's a school purpose. It might still happen.

When you look at a large department that has a lot of personnel such as police, Steve Malizia said you can ascertain at some point people come, people go. I can't tell you day one how much of that is going to happen. Selectman Coutu had that conversation with the Police Chief. I said well can't we just take a shot, a gamble and maybe somebody won't show up at the end of the year. Your salary lines might accumulate some revenue. We agreed that you can't guess that. You start guessing well I might get \$25,000 here if people get sick and don't show up for work and they don't use sick leave or whatever. You can't be playing those games with the numbers. You have to deal with actuals when you're budgeting. It's like when I did the budgets for Cedar Program, the federal government wanted those line items - the secretary, benefits, whatever. That's the end number and it all had to come down to the bottom line which in my case the first year's budget was \$15 million because I had 7 towns. We're talking in the late '60s. That was a lot of money back then.

Again, Steve Malizia wanted to make sure that everybody saw the document. If you have questions, we're here to answer them. We're always here to answer them. Department heads are available to answer questions. I just wanted an opportunity to walk through this. If you'd like to wait for Selectman Brucker, we're dealing with the fiscal year that starts this coming July. I wouldn't wait until June 30<sup>th</sup> to do this. It would be a little easier on the Finance Director to do it a little sooner than that. I don't think you have to do it. Selectman Coutu thought we might want to have the discussion on whether or not we want to have a special election and if we have that as a focus, we still need the backup plan. Steve Malizia said let's say if they vote no, you still got to work with this budget. This is the number you're going back to. Selectman Coutu thought we need to decide whether or not we want to go with a special election. I think it's important that Mrs. Brucker be here for that discussion. Hopefully within the next week or two.

As Steve Malizia understands the parameters for a special election if I may, there's been rumor that you have to do it in 60 days of the vote. You do not have to do it within 60 days of the vote but what you do have to do is go through a lot of the same steps that you went through in the first place. You have to have at a minimum a Budget Committee public hearing which implies that after you look at the budget, it goes to the Budget committee. The Budget Committee would have a public hearing. As you recall, we do those at the Community Center. From there you'd have to have another Deliberative Session. You don't have to do it on Saturday but you have to have it. Then from the Deliberative Session not less than 28 and not more than 60 days, you then need to have your election. When you hear 60 days, maybe people are thinking that's from when it didn't get

voted on. It's actually the maximum time between the first and second sessions. What you are required to go through those steps should you wish to have another election for the budget. Just a quick math, the Moderator provided me with some very simple numbers because you wouldn't be looking at a very complicated ballot obviously but you still need a few clerks. He's estimating about \$3,000 to run an election. That \$3,000 would have to come from this year. He doesn't have the budget. So we'd have to take it from somewhere to actually accomplish that task if he did it in this year. As I understand it from Attorney Buckley, you can put this off but you cannot put it off long enough that it would interfere with next year's Deliberative Session and voting session. So when you start getting into say November/December, you're starting to interfere and that is not permitted. I'm not sure the Statute has a drop date exactly but it does say something about interfering with the next year's Town Meeting. As you get further and further out, you're getting closer and closer to that. Just be mindful of that. Again, there's not a date that I've seen.

Kathy Carpentier wanted to point out also in the back of this package some department heads have written letters as part of the package identifying things that will not be able to be accomplished this year due to the effect of the default budget. I think that's important to point out that the department heads have listed their concerns of things that will not be able to get done. I could go through it or we could save that for the next time.

The other thing Kathy Carpentier would like to take the liberty of doing is I believe Chairman Maddox let people know that had everything on the warrant passed on the town side, an average single family home at tax bill would have gone up \$61.44. Because of the default being passed and all the other warrant articles, the average single family home on the town side only will still be going up about \$26. Just because the default went through, all the warrant articles did pass. The bill still would be increasing \$25.60 as it stands today.

Selectman Coutu asked Kathy Carpentier do you have a number for what the school impact is going to be this year. Kathy Carpentier stated I do not. Selectman Coutu thought it's going to be considerable I would think. Ms. Carpentier heard over \$200. Selectman Coutu commented that we'll be getting phone calls about that.

Steve Malizia asked to take one more liberty. If you look at the budget, there was some public input this evening regarding contract adding and not being in the default budget. When those contracts are approved by the voters as you're well aware, we raised and appropriated money for the first year. We also identified to the year every subsequent that has a cost. When we get to those subsequent years, those numbers will be rolled into the default budget because they voters have approved it. Our budgets at a minimum will have those numbers in it so we will not lose the benefit of the positive vote on our contracts. I just wanted to bring it up because I thought I heard a comment that said something to the affect well that's just going to make the default worse. That in and of itself will be rolled into the default budget. The voters passed it. We identified the future year costs so when we get to those future years, those cost - those numbers - will be put into the default budget. So we will not exacerbate the problem. It will be okay from that perspective.

Chairman Maddox asked are there any more questions on this document. I think it's a great document. It gives us an idea of where they're going. I think we have to decide what we are willing to accept to get to that \$500,000 deficit.

Selectman Nichols thanked Steve Malizia for explaining this to me. I think I'll have a better understanding when I go home and start reading it again. Mr. Malizia said trust me there's a lot of paper here. We just wanted to take a walk through it. If anybody has questions, concerns we're available. Just give us a heads up that you need to still talk and we can certainly work with you.

C. HVAC equipment at Central Fire Station

Chairman Maddox recognized Fire Chief Rob Buxton.

Just to put this in perspective, Steve Malizia said as you recall this was also a priority activity that was budgeted in the budget for next year. Because of the default budget, this activity will not be accomplished. When we were looking at the document we just talked about, we also recognized the need to do this project. The Chief has gone through his budget as well as we've looked at some of the rest of the town budget this year and said how can we perhaps work around that and get that project at least encumbered with this year's money. In other words if he can get this approved, he can get a spec together; he can go out to bid it; we can award something and we can actually encumber that money out of this year and not have to worry about taking it out of next year. That's just to set the table.

As the Town Administrator said Chief Buxton indicated we obviously with the FY15 budget not passing the ballot, we find ourselves in a situation where there's a \$60,000 replacement of the heating and cooling plant at Central Fire. As we talk about default budgets and deal with how we're going to move monies around, this was a project that I really don't have a lot of time to deal with. We're struggling to get through the heating season where before we know it we'll be in the cooling season. We've had some failures over the winter that we've regenerated through service work. I went through and I sat with the Town Administrator and went through them. We combed the budget to basically try to come up with some money. What I'm suggesting to you here this evening is that we defer the opening of the Robinson Road station for four additional weeks, which would be the month of June, and that we take these monies that are identified in the budget along with \$6,000 that we perceived to be savings through not paying a Town Engineer for approximately two months to come up with the \$59,400. As the Town Administrator had spoken, we need to get an RFP prepared. That was in development phase already because we

were in the budget process. Finalize that and get that advertised, get a bid awarded, and get this ready to encumber. We're starting to push time tables. We're going to be into April next week. By the time we get the bid out for 30 days, do the review, get the bid awarded it will be June before we know it. It's a month, month and a half project in itself. I'm asking the Board's consideration to look at this this evening and move forward with this.

Selectman Coutu indicated Mr. Chairman I know I spoke to you about it because you're the Liaison for the Fire Department. Are we moving forward with the hiring of the three new firefighters or are we going to...if you adopt this plan here this evening, Chief Buxton said I have three spots available to advertise. I would not bring a recommendation to you to hire until after July 1<sup>st</sup>. That's all Selectman Coutu said I wanted to hear. He can speak who we bring in after July 1<sup>st</sup>. We save on the earned time and the insurance. Steve Malizia indicated and we don't spend the money in this fiscal year for their salary.

Motion by Selectman Coutu, seconded by Selectman Nadeau, to authorize the Fire Chief to move forward with replacing the HVAC system at the Central Fire Station with the following funding: delay the opening of the Robinson Road Fire Station - \$35,888; line item 5710 Promotional Testing - \$3,600; line item 5720 Communications - \$1,500; line item 5730 Suppression - \$10,062; line item 5765 Fire Alarm - \$2,350; and line item 5585 Town Engineer - \$6,000.

Chairman Maddox thought it was one of those items where we've put Band-Aids on compound fractures and we can't just keep it up. I think this needs to get done.

Vote: Motion carried 4-0.

D. Acceptance of a NH Highway Safety Grant "Join the NH Clique" Seat Belt Campaign in the amount of \$2,808

Chairman Maddox recognized Town Administrator Steve Malizia.

Steve Malizia indicated this is an annual grant that you receive. Lt. Bianchi could explain the details and I'm sure he'll ask that you approve this.

Lt. Bianchi stated this is like what the Town Administrator was saying. We do this every year. It is a grant that we obtain through the State of New Hampshire. It's a Highway Safety Grant. Basically between May 12<sup>th</sup> and May 26<sup>th</sup> of this year, there is sessions of time set aside that's paid for by the State to monitor seatbelt use for commuters. We do this at Walmart and the schools. That's to ensure the safety of the public. What we're asking is that the Town accept the amount of \$2,808 to cover the cost of the overtime. This is a grant that's budgeted for and we are reimbursed that money by the State.

Motion by Selectman Nadeau, seconded by Selectman Nichols, to authorize the Hudson Police Department to accept the Hudson "Join the NH Clique" Seat Belt Campaign project awarded through the New Hampshire Highway Safety Agency in the amount of \$2,808, carried 4-0.

Chairman Maddox thought we got some results of what the operation did. Lt. Bianchi said this one hasn't gone yet. Chairman Maddox indicated last year. Lt. Bianchi didn't have those. I have the current blank sheets this year. We have those results I'm sure if you'd like to see them. Selectman Coutu asked to have Captain Tousignant to e-mail them to me so I can provide them to the Board. Lt. Bianchi said yes we'll do that.

E. Sale of Tax Deeded Properties, 98 Derry Road & 4 Bridle Bridge Road

Chairman Maddox recognized Town Administrator Steve Malizia.

As you recall at your February 11<sup>th</sup> meeting, Steve Malizia indicated the Board directed that the owners of tax deeded properties located at 98 Derry Road and 4 Bridle Bridge Road be notified of the possible sale of their properties. As you recall, there's a 90 day notice requirement. We sent out the 90 day notice certified mail. The recipients have 30 days from that mail to indicated to the Town that they would like to repurchase the property. So they were given the amounts to repurchase. They would have to identify that within 15 days of the 30 days and neither one has done that little twist. 98 Derry Road received the certified mail. They signed for it so we know they got it. 4 Bridle Bridge came back refused. So we sent it back out priority mail. So I know it got delivered but it sets the clock another 30 days. So right now I'm coming to you is I think we'd like to get the ball rolling on 98 Derry Road by putting out an RFP for a real estate professional so that we could then market the property in the spring market. Obviously that would come before the Board for an award for an RFP to do that property. I think that's the best well to sell it. We're looking to recoup over \$62,000 for that property. Again, there's a sheet in here that indicates all of that. We could try the sealed bid. We could try the auction but I think a realtor has a better opportunity of marketing that so that we get our money. I will be back in here within a couple of weeks to do the other property which is now north of \$116,000. Again what we're trying to do is move the ball by getting a licensed real estate professional bid in here so that we can sell this tax deeded property.

For folks who need to know, Mr. Malizia said it's an abandoned piece of property. The owner is out to a nursing home. We notified the Trustee, the son, whatever. At this point in time, they have made no indication. Times up. We can now sell it. They will get the proceeds over and above the \$62,000. So if we sold it for \$100,000, we'd get \$62,000, they'd get the balance. Selectman Coutu said \$62,000 minus fees. Mr. Malizia said I've already put the fees in here for real estate



commission. I've included all that. If you look at page 3 of this document...Selectman Coutu asked did you solicit the bids. Mr. Malizia said we have not solicited real estate bids yet. We know it's 5 percent approximately. We've got a \$9,500 commission in here. If they were going to buy it back, we were going to make them. Bottom line what I'm looking for is permission to start soliciting bids from real estate professionals to sell that tax deeded property at 98 Derry Road.

Motion by Selectman Nichols, seconded by Selectman Nadeau, to authorize the Town Administrator to solicit bids from real estate professionals to sell tax deeded property located at 98 Derry Road.

Chairman Maddox asked why wouldn't we just solicit bids for someone to sell these types of properties and we only have to do it once rather than every time. Steve Malizia indicated I might use a different realtor to sell a commercial piece of property on Bridle Bridge compared to this one over here. Right now I've got these two properties. If it worked out great with this realtor, maybe we could go back to the same realtor. Selectman Coutu asked can't we solicit bids for both. Mr. Malizia was not comfortable doing the other one until the 30 days is up. Selectman Coutu said what they would charge us if we were to sell the other one then we would have the bids already. Mr. Malizia indicated if you would like to defer this until April 22<sup>nd</sup> when I come in with the other one provided the other guy doesn't pay, you could do it all at once if that's what you're asking.

Selectman Nadeau stated just put this one out. Do you think we're going to get a better rate if we do them both? Selectman Coutu wasn't saying do them both. Have them solicit bids on what - I thought the rate of percentage was the same whether it's commercial or residential. Steve Malizia said we've implied in a 5 percent commission rate if that's your question. Selectman Coutu said I know that's what you're guessing. Mr. Malizia said we can negotiate with people too. They come in and...Selectman Coutu asked to move on this one.

Vote: Motion carried 4-0.

Steve Malizia indicated I will be back April 22<sup>nd</sup> with the other one just to get permission to, again, go forward and solicit bids. It may be a different realtor because it may be a different market.

F. VFW Post 5791 Loyalty Day Award Nomination

Chairman Maddox recognized Town Administrator Steve Malizia.

Steve Malizia indicated this has become an annual request from the VFW. They request a name of a town employee separate from Police and Fire because they have a separate award for a Police and Fire person. They've asked for someone, a name, for someone to award a Loyalty Day Award. Page 3 shows you the history since this award's been given in 2003, these are the recipients of the award. You can see there's been Highway, Sewer Utility, and some different people. When I put the offer out, I sent it to the department heads and I received this back from Charlie Matthews over at the Library. Not for nothing, it's the only one I received. I'm not complaining but he made his case so that's why I'm presenting it to you. You can either take this or through someone else if you'd like.

Motion by Selectman Coutu, seconded by Selectman Nadeau, to nominate Danny Arsenault, Teen Librarian at the Rodgers Memorial Library, for the 2014 Hudson VFW Post 5791 Loyalty Day Award, carried 4-0.

G. Budget to Actuals

Chairman Maddox recognized Town Administrator Steve Malizia.

As is the practice, Steve Malizia stated I've got the budget to actuals here. We are 67 percent complete through February. I just wanted to make sure that we kept on track doing this. I believe you heard from Mr. Burns the last time. He's coming in on fumes at best. We'll continue to keep an eye on the budgets. I think it's going to be very tight. As you're well aware under a default budget, thank goodness we've negotiated contracts. That's pretty much going to be put to rest. Legal is pretty reasonable. I think it's going to be very close as you would expect. Cars are doing pretty well, They're at 70 percent. I think there's some positiveness in the outlook up there. Again, this has been the practice of the Board to take a look at this. Again, this has been the practice of the Board to take a look at this. I believe you spoke to Kevin about his budget. He had some concerns and like I say pray that it doesn't snow.

Selectman Coutu asked about ambulance revenue. Is this actual revenue? Steve Malizia indicated this is build revenue. Selectman Coutu thought we were going to have another line that showed what we actually collected. Here we are at the end of the year. We have almost 9 months behind us and we don't know what we've collected in the past 9 months - actually collected out of all of this billing. I'll go back to the same argument Mr. Chairman that I had before. What you bill out and what you get are two different numbers. So it's not an actual number. It's an actual billing number. I don't want KC to think that I'm coming after her. I'm not coming after her. I would like to know what our revenue is. It's not a revenue. Its accounts receivable. It skews the end number as revenue because if at the end of the year we bill out \$2 million and we only receive \$1.7 million, there's a \$300 shortfall there.

Motion by Selectman Coutu, seconded by Selectman Nadeau, to have the Finance Director show actual collections on ambulance billing for the first half of 2014 fiscal year, carried 4-0.

H. Election of Chairman and Vice-Chairman for the upcoming year

Chairman Maddox opened the floor for nominations.

*Motion by Selectman Nichols, seconded by Selectman Nadeau, to close the nominations and appoint Roger Coutu as Chairman of the Board of Selectmen by acclamation, carried 4-0.*

*Motion by Selectman Coutu, seconded by Selectman Nichols, to close the nominations and appoint Benjamin Nadeau as Vice-Chairman of the Board of Selectmen by acclamation, carried 4-0.*

9. OTHER BUSINESS/REMARKS BY THE SELECTMEN

Selectman Nichols - I wanted to say that my first foray into the public spotlight as a Selectman. I went to the awards dinner for the Hudson Chamber of Commerce and I really had a good time. Anne's Florist got the small company award. They were gracious. I sat at their table. Gracious people. Wonderful, wonderful. I was thrilled to sit there. You pop into that shop and it just smells so good. The big business was Reeds Ferry. I call that the village because I go by it 3 or 4 times a week. When I go to my son's house, he has a Reeds Ferry shed in his yard and he lives in Massachusetts. He came up here to get a shed. The young boy that got the Junior Award - he put the pavers around the gorilla house at Benson's. He did a great job on that. Selectman Coutu indicated that wasn't him. Steve Malizia thought it was Dan Teague that did the work around it. Selectman Nichols indicated he might have helped. All the things that he's involved in is something else. It's amazing. I did ask him at one point how he studied because he's got good marks on that too but he just laughed. He thought that was funny. Of course our head guy, Bernie Manor. I call him the gentle giant because he gets his work done but he still smiles all the time. He's kind of special. I'm glad he got the award. I had a good time. That's all I have to say.

Selectman Nadeau - I have a couple of things tonight. The first one is if you notice the Road Agent is thinking spring. He started doing some street sweeping around the center of town and stuff. The weather is not being very cooperative with him. It still being as cold as it is, they can't use the water that they need to. They're starting at the north end of town this year because they flip and flop it each year. They'll be starting up there as soon as the weather is ready for them to go and there's no more snow.

The next item - this has been a long awaited announcement from the Town Clerk's office. They will be able to do boat registrations for Hudson residents as well as non-residents. If you want to register your boat, you can come in and register your boat during our hours. The State has finally gotten us our software and it's all certified for the boat registrations. All the Clerks went through the training course and it will be installed on March 18<sup>th</sup>, so they're ready to go. The Town unlike regular motor vehicles, there is a \$5 agent fee and that will go to the Town of Hudson for doing the boat registrations. So there's a potential revenue between \$10,000 and \$15,000 from the Department of Safety because that's approximately how many boats are registered in the Town of Hudson. You'll see the notification on the cable screen. They will be able to do online payments. There is a service charge and then they have an e-check charge that will be collected by the vendor that's doing this. You'll see the advertisements coming up in the HLN posting on cable TV and when you get your bills, there will be an insert telling that you can pay it on line and you don't have to send it in.

Selectman Nadeau also went to the Chamber event. It was a very good time. It was great to see the excitement of the businesses and the people getting the awards. That's all I have this evening.

Selectman Coutu - First of all I want to welcome Patricia Nichols. We've been friends long before she became a member of the Board of Selectmen. I want to welcome her to the Board. I look forward to working with you. You said to me that there was a lot to learn and then you had a tremendous amount of reading material this past week from the Town Administrator. I advise you that you should never hesitate to call him, or the Finance Director, or Donna for assistance. There's no question that's stupid to any of them. You may think it's stupid but just ask the question and of course all of us are available. All we can give you is opinion. You have to make up your own mind based on information that's provided you. I've counseled you about that. Congratulations on your victory. It was a well run campaign. I look forward to working with you. You're going to make it through the night. This is initiation. Mrs. Brucker went through the same thing. You've been around. You've met the department heads and that's imperative. We'll look at your committee assignments and try not to make it overwhelming for you. We'll see where everybody else wants to go with their request. I see Selectman Nadeau working on his already which will be Highway, the pool, and private cruiser. I think those are the assignments you want. You're not getting them.

Selectman Coutu wanted to also extend my appreciation as you did Mr. Chairman to Selectman Luszey for his three years of service to our community. Like all of us, I think we walk away from here liking each other very much though we don't always agree. Selectman Luszey was very interesting and brought a lot of skill to the Board. Certainly provided us with a better insight to IT because at 70 years of age, I'm not going to go learn IT. It was great to have his expertise on the Board for that as well as his insight on other matters that came before the Board. If there's one thing no one can accuse Ted Luszey of is not doing his homework. He certainly dug deep and came in with facts and numbers. I appreciate the service that he provided our community and I think that he handled the loss very graciously. I was impressed with how he handled it.

Selectman Coutu thanked the voters who showed up. A large number this year. I said it earlier that I don't think it's fair to try to point the finger at this group did this and that group did that. This is America. We have the right to vote and we have the

right to vote for whomever we wish. We have the right to accept or reject budget matters that are put on the ballot or warrant articles that are put on the ballot. I appreciate the fact that it's been two long years of campaigning Mr. Chairman especially for you, me, Selectman Nadeau, and Selectman Luszey when he sat here, as well as Selectman Brucker. Two hard fought years of campaigning to ask our citizens to recognize the hard work that our employees do and the value that they have to this community and that we were losing a lot of employees. I appreciate the fact that they saw that and they voted yes on their contracts. That makes me very happy. We will live, I think, without having to go to - I won't get into that because I'm rendering an opinion of something we're going to have to discuss. Whether we go to a ballot or we don't, the voters had made a decision whether if the vote was - it was 59 votes I think was the difference. If I lost the election by 59 votes, I'm not going to ask for a special election until I win. We have to consider that. I appreciate the fact that a lot of people showed up and voted.

I want to thank - because I received a couple of phone calls and I know Ben you know about this - Dick Lynch about the gazebo. They're going to donate for Benson Park. We'll be getting a recommendation or a value donation for the gazebo. We're looking at about I think they called and they got the appraisal of about \$3,300 for that gazebo. They're going to be donating a gazebo for Benson Park. Dick thanks for keeping me abreast. I can't wait to see you here.

Finally, Selectman Coutu wanted to - besides the Chamber dinner which was another great dinner as it is every year except for the politics this year. Two congressional candidates that put me to sleep. If that's the best the Republican party has to offer, we're in trouble as a party. I want to congratulate Ethan Beals. He's the Junior Citizen of the Year. He's the son of the Principal Steve Beals at Alvirne High School. Outstanding young man. As Selectman Nichols pointed out when you look at what this kid has been involved with, I don't think he dates. I don't even know if he has time to eat and brush his teeth. He's involved in so much. He's really community oriented and he's going through the Eagle Scout process. His dad had already asked me a couple of months ago if I would go and make the presentation at Ethan's induction into the Eagle Scouts. I was very please.

I want a shout out to Garrett Froman. Garrett reached out to me. He needed to do a project for his citizenship merit badge as a scout. I was the person he selected to interview. Apparently he got his badge. I guess I gave him the right answers. I want to congratulate him on that and he too is going to be moving up to Eagle Scout in the very near future and I'm going to be working with him on identifying and helping him work on his community project for his Eagle Scout. Congratulations Garrett and thank you very much Mr. Chairman.

I would be remiss if I didn't say that although we don't always agree on some matter that comes before this Board, I respect you. I respect the fact that unlike a lot of politicians certainly when I use the word "politician" there's a connotation of something negative there. You're not a politician. You're a person who dedicates a lot of hours every single week. Unlike us, we come to a meeting every Tuesday. You go to a meeting every Tuesday, every Wednesday. You service us on the Planning Board besides your liaison assignments. Mr. Chairman I've come to know you as a person who's committee and dedicated to serving the public. You exemplify that in everything you do and everything you say. Though we might not agree, we do have a mutual respect and a mutual understanding. I want to thank you for your service in the past year. As Chairman, you did an outstanding job. You've impressed me. You could do a lot more damage sitting down here but I'm looking forward to it. I know when you first started as Chairman one of the things you said to me is that I said to you I said when you have something to say, say it. You felt that as a Chairman you're here just to I guess be a referee or whatever. You did an outstanding job and I want to thank you for that. Your leadership was well appreciated this past year. Thank you Sir.

Selectman Nadeau stated one of the other things that we all talked about - the Citizen of the Year and the Businesses of the Year, the Chamber Member of the Year was Marie Mayotte from Red Brick this year. She puts a lot in behind the scenes that a lot of people don't see like a lot of the Chamber members. She was honored as the Chamber Member of the Year. I just wanted to make note of that before I forgot.

Chairman Maddox told Selectman Coutu you did drop something off of your remarks that you said you wanted to talk about which was our meeting with Nashua. Selectman Coutu indicated no I wanted you to talk about it because you're the expert of Planning. Chairman Maddox noted that Selectman Coutu made a statement at one of these meetings that the Mayor of Nashua caught wind of. We were invited over to meet with her staff and NRPC to talk about what is going to happen on the other side of the bridges as you leave Hudson and go into Nashua. They at least heard our concerns. They gave us an overview of what they believe is going to happen. They're going to put a roundabout in there and feed that new condominium development as well as possibly their train station - or at least a park and ride on the other side. They heard our concerns about public safety. They heard or concerns about trapping our citizens. We talked about some signal to be able to tell people before you go over the bridge that Chase Street is looking better because the train is blocking the tracks type of thing. At least, again, we got a dialog. I think your relationship with the Mayor certainly helped us and we can continue the conversation. I believe staff has been...

Steve Malizia indicated we had a teleconference with them this past Thursday. Mr. Webster and myself at which time we had communicated over to them the plans that we have for our CMAQ project over here to coordinate our lights. That was something they asked for. Beyond that, it was a very brief meeting. They didn't have much to update. We will coordinate to participate either teleconference if that's what do with their people or we will make ourselves available or least the Engineer will make themselves available to meet with them. At this point in time, it was very brief but that's what they asked us for.

Selectman Coutu stated it's important to note that you accompanied us as well as the Fire Chief because that was the Chairman's recommendation. It was certainly clearer to him than it was to me that we should involve public safety because god forbid we need to get somebody from this side of the bridge to the other side of the bridge to get to the hospital. Then mutual aide as well could be compromised by whatever they were doing. I appreciate the fact that she invited us. I appreciate everything that you contributed at the meeting - the signalization, the warning of the signalization on this side of the bridge and how helpful it would be. It wasn't we, we, we. That was your idea and I thought that was a great idea. Everybody acted professionally and I was impressed by the people that represented NRPC as well. At least we have an idea of what they want to do. They understand what we're going through on this side of the bridge and hopefully they'll continue the conference calls. The Mayor has assured me that if there's any change in the plans or something comes up, she'll give me a buzz or we'll go out and talk about it over a beer.

Selectman Maddox - Finally I want to say that sitting at the front of the room has its benefits and it also has its negatives. The toughest part about being Chairman is keeping yourself in line. I struggled all year trying to not go where I'm going to go starting next week. This Board has the ability to deal with the problems that Hudson has. I am fascinated as we heard two people that are going to run for congress really don't have that simple grasp. We have to deal with the issue good or bad. We're live on television. It makes it interesting. Selectman Nichols will you soon find that sometimes the hardest thing to do is extract that foot from your mouth. I'll be doing it regularly starting next week. All of you I think it's been a great year. With all the challenges we've had so I appreciate all of your support.

10. NONPUBLIC SESSION

Motion by Selectman Coutu, seconded by Selectman Nichols, 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; (c) Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the public body itself, unless such person requests an open meeting. This exemption shall extend to any application for assistance or tax abatement or waiver of a fee, fine, or other levy, if based on inability to pay or poverty of the applicant; and (e) Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed against the public body or any subdivision thereof, or against any member thereof because of his or her membership in such public body, until the claim or litigation has been fully adjudicated or otherwise settled. Any application filed for tax abatement, pursuant to law, with any body or board shall not constitute a threatened or filed litigation against any public body for the purposes of this subparagraph, carried 4-0 by roll call.

Chairman Maddox stated that Nonpublic Session is being entered at 9:32 p.m., thus ending the televised portion of the meeting. Any votes taken upon entering open session will be listed on the Board's next agenda. The public is asked to leave the room. Open session was entered at 10:40 p.m.

Motion by Selectman Nichols, seconded by Selectman Nadeau, to allow Kevin Burns to cash in four (4) weeks, 160 hours, of accumulated vacation time, carried 4-0.

Motion by Selectman Coutu, seconded by Selectman Nichols, to terminate Janelle Sargent's employment with the Town of Hudson effective March 26, 2014, carried 4-0.

Motion by Selectman Coutu, seconded by Selectman Nadeau, to promote Master Patrol Officer Joseph Hoebeke to the position of Sergeant at \$31.48 per hour (Step 5) according to Police Union Local #3657 Contract. This elevation in rank would be effective on or about Wednesday, March 26, 2014, carried 4-0.

11. ADJOURNMENT

Motion to adjourn at 10:42 p.m. by Selectman Nadeau, seconded by Selectman Nichols, carried 4-0.

Recorded by HGTV and transcribed by Donna Graham, Recorder.

HUDSON BOARD OF SELECTMEN

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

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Roger E. Coutu, Selectman

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Benjamin Nadeau, Selectman

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Pat Nichols, Selectman