

HUDSON, NH BOARD OF SELECTMEN  
Minutes of the December 11, 2012 Meeting

1. CALL TO ORDER - by Chairman Coutu the meeting of December 11, 2012 at 7:01 p.m. in the Selectmen's Meeting Room at Town Hall.

2. PLEDGE OF ALLEGIANCE - led by Selectman Maddox.

3. ATTENDANCE

Board of Selectmen: Roger Coutu, Rick Maddox, Ben Nadeau (arrived at 7:35 p.m.), Ted Luszey, Nancy Brucker

Staff/Others: Steve Malizia, Town Administrator; Donna Graham, Executive Assistant; Gary Webster, Town Engineer; Jim Michaud, Assistant Assessor; Captain Bill Avery

4. PUBLIC INPUT

Chairman Coutu asked if anyone in the audience wished to address the Board of Selectmen in any manner. Seeing none.

5. NOMINATIONS AND APPOINTMENTS

A. Interviews and Appointments

1) Benson's Committee - (3 vacancies, 2 member terms to expire 4/30/16; 1 alternate term to expire 4/30/2016)

Dave Briand (incumbent alternate) - Dave Briand, 110 Belknap Road, Hudson. Things have actually gone really well. I think we have a pretty good team on the Benson Committee and I'd like to see it stay that way. Chairman Coutu thanked Dave.

Richard Empey (incumbent member) - Richard Empey, 104 Musquash Road. I think we've had a good run since the park opened. We've made a lot of improvements. There's still a lot more that can be done. I'd like to be involved in that as I have in the past 3 years. Chairman Coutu thanked Mr. Empey.

Patricia A. Nichols (incumbent member)  
Robert S. Paul  
Lewis Pratti WITHDREW APPLICATION

Motion by Selectman Maddox, seconded by Selectman Luszey, to nominate and appoint Richard Empey and Pat Nichols as members to the Benson Park Committee with a term to expire 4/30/2016, carried 4-0.

Motion by Selectman Maddox, seconded by Selectman Luszey, to nominate and appoint Dave Briand as an alternate to the Benson Park Committee with a term to expire 4/30/2016.

Selectman Maddox wanted to say that Mr. Pratti if you're watching go to some meetings. There may be an opening at some point. Chairman Coutu indicated that Mr. Pratti has withdrawn his application.

Vote: Motion carried 4-0.

Before you leave Mr. Briand and Mr. Empey and this also goes for Pat Nichols, Chairman Coutu said he watched their last meeting. I know you have an awful lot on your plate and I want to remind the citizens of Hudson that they have two ways that they can donate to Benson Park either directly through the Board of Selectmen through the Benson Park donation account and you can also donate through The Friends of Benson. They have done tremendous work with the park those of you who have been out there and I'd like to think it's almost everybody in town by now. When we're receiving communications from former residents from Chicago wanting to know how they can donate, that's just truly is a compliment to the status of our park and the amount of work that's been going into this park on a daily and weekly basis. Thank you so much for everything you've done for our park. That's for both of you gentlemen and also for Pat Nichols.

2) Building Board of Appeals - (1 vacancies, 1 terms to expire 4/30/16)

Tim Malley (incumbent member)

Motion by Selectman Maddox, seconded by Selectman Luszey, to nominate and appoint Tim Malley as a member to the Building Board of Appeals with a term to expire 4/30/2016, carried 4-0.

3) Cable Committee - (4 vacancies, 1 member term to expire 12/31/2013; 1 member term to expire 4/30/15; 2 member terms to expire 4/30/2016)

Bryan Donovan  
Robert S. Paul  
Raymond Pearson

Leo Bernard (incumbent member)

Motion by Selectman Maddox, seconded by Selectman Luszey, to nominate and appoint Leo Bernard and Bryan Donovan as members to the Cable Utility Committee with a term to expire 4/30/2016, carried 4-0.

Motion by Selectman Maddox, seconded by Selectman Luszey, to nominate and appoint Raymond Pearson as a member to the Cable Utility Committee with a term to expire 4/30/2015, carried 4-0.

Motion by Selectman Maddox, seconded by Selectman Luszey, to nominate and appoint Robert S. Paul as a member to the Cable Utility Committee with a term to expire 12/31/2013.

Selectman Maddox indicated that this seemed to be in the wheelhouse of this gentleman. He is involved in cable growing up. I thought this would be where we - even though he applied for everything, I think this is the one that hopefully will be the best match for him and we'll see where it takes us. Chairman Coutu didn't have a problem.

Vote: Motion carried 4-0.

- 4) Conservation Commission - (5 vacancies, 2 member terms to expire 4/30/16; 1 alternate term to expire 12/31/13; 1 alternate to expire 4/30/15; 1 alternate to expire 4/30/16)

Robert S. Paul

Chairman Coutu asked if the Board wanted to appoint Mr. Paul to Conservation. Do you want to have another discussion? Selectman Luszey's preference would be to combine Energy and Recycling teams. Mr. Malizia indicated that this was Conservation. Selectman Luszey said he knew. We're actually having a conversation about Mr. Paul. Mr. Paul actually wanted the Energy and Recycling and everything. Conservation is the only person that applied for this. So do we want to put him there also or do we want to take our chances and use him somewhere else and hope somebody comes forward on Conservation later? As it stands with the Conservation Commission, Chairman Coutu said we only have two members. We have 5 vacancies, 2 members and it's not even a quorum. They can't legally conduct a meeting without a quorum. What's a quorum for 5? Selectman Brucker said there's 2 that retired last night. Chairman Coutu indicated that we have 5 vacancies. Two of the 5 is what we're saying on full time are voting members. So there's still 5 members. Selectman Maddox stated we'll have to beat the bushes. Chairman Coutu asked if there was a motion. If not, let's go to Energy.

- 5) Energy Committee - (2 year term) (4 vacancies, 3 terms to expire 4/30/2015; 1 term to expire 4/30/14)

Linda Kipnes (incumbent member) - Chairman Coutu indicated that Linda Kipnes was now nationally famous Linda Kipnes receiving a national award. Good evening. Linda Kipnes, 23 Nathaniel Drive. I've been part of the Energy Committee since it started and in fact I was the one who petitioned it to get started. I just forgot that my term was up and I needed to reapply. It feels like I just belong there. I apologize for being late but I would like to keep going.

Selectman Maddox asked Linda Kipnes' thoughts on our direction of combining Energy with Recycling. Ms. Kipnes said they had talked about that at one time a few years ago when Connie Owen was on Recycling. The Energy Committee was not in favor of it at the time. There are not a lot of active members of the Energy Committee. I don't know what the right thing to do is. In some ways the functions are related but in other ways they're not. I don't know whether the Energy Committee would get some momentum from a bigger group or whether we would be swallowed up and not be able to focus on our interest. I'm kind of torn. I don't know. I would rather stay separate and focus on energy.

Selectman Luszey asked how many active members are there right now. Ms. Kipnes said there are 3. Some of them just appeared, were interested, and so we were using their expertise. Some of them have not been appointed to the Committee but were participating. Selectman Luszey indicated that they're not members then. Ms. Kipnes said correct. They are not members. Selectman Luszey asked how many active members do you have. Linda Kipnes said there are 3. Margaret Femia and Laurie Valenti I think all of our terms were up and none of us...I forgot that my term was up and I forgot to remind them that their terms were up. I had e-mailed them last week to ask them to reapply but I don't know whether they're planning to. There would be 2 more possible.

Selectman Luszey said if we were to appoint you tonight, it would be a committee of one. Selectman Maddox said he was hearing from the background two. Selectman Luszey indicated that it is not a quorum. You couldn't hold a legitimate meeting. Chairman Coutu said there's 5 positions; no they could not hold a meeting. Linda I hear what you're saying about other people who have some expertise in Energy are coming to your meetings, that doesn't constitute a quorum because it has to be voting members that we've appointed. I appreciate people coming and willing to come in and sit in, guide, and advise different committees if they have some expertise in that course but they're none voting members and could not legally constitute a quorum and we'd be in violation of some rule or regulation.

Selectman Luszey asked if they could table this until next month to give Linda an opportunity to see if she could...Selectman Maddox said we need to appoint her because then there's nobody there. Selectman Luszey said if we don't appoint her, we could combine them. Chairman Coutu said it was an active board with one member. I would advise like Selectman Maddox that we reappoint her but we will table a discussion for combining and we will ask both Chairs of both committees to come and meet with us and we'll do that at the next workshop if we can.

Selectman Luszey said the consequence of appointing her tonight...Chairman Coutu said it was immaterial because we could just abolish any board at any time as long as it's not governed by RSA and these are not. These are appointed by us. We create these Boards. We can dissolve these boards. Steve Malizia said for this particular board you are correct. Recycling and Energy yes.

Chairman Coutu indicated that the Chair of one of the committees is here now. Leo would you be willing to participate in a workshop where we want to discuss combining Conservation and Energy. Linda Kipnes said yes. Leo Bernard said yes as well. Chairman Coutu thought it would be appropriate to appoint her if you want to waive the rules. She's an incumbent.

Motion by Selectman Maddox, seconded by Selectman Luszey, to nominate and appoint Linda Kipnes as a member to the Energy Committee with a term to expire 4/30/2015, carried 4-0.

Chairman Coutu said he expected that there should be no Energy Committee meetings until then because you don't have enough for a quorum. Nothing prohibits you from sitting down and discussing energy. You just can't take any formal action and it shouldn't be televised.

Motion by Selectman Maddox, seconded by Selectman Brucker, to appoint Robert S. Paul as a member to the Energy Committee with a term to expire 4/30/2015, carried 4-0.

6) Nashua Regional Planning Commission - (1 vacancy, 1 member term to expire 12/31/16)

George R. Hall, Jr. - Thank you Mr. Chairman. I was here last week and Selectman Maddox made a very moving speech to encourage volunteers. The key part of that was I thought there was more meetings than four a year. I think I can fit four a year in. After his description of that, I thought they were more frequent. With four a year, I think I can do that along with the Planning Board. I'd like to try that out. Chairman Coutu said that Selectman Maddox is probably our best recruiter by the way for these Boards and Commissions. Thank you for that. You couldn't have found a more pleasant gentleman.

Again, Selectman Maddox said it's a great synergy for the Planning Board. Mr. Hall sees other town boards and other communities. I think this is a great fit.

Motion by Selectman Maddox, seconded by Selectman Brucker, to nominate and appoint George R. Hall, Jr. as a member to the Nashua Regional Planning Commission with a term to expire 12/31/2016, carried 4-0.

7) Planning Board - (3 vacancies, 2 member terms to expire 12/31/15; 1 alternate term to expire 12/31/15)

George R. Hall, Jr. (incumbent member)  
Robert S. Paul  
Vincent Russo (incumbent member)

Jordan Ulery (incumbent alternate) - Jordan Ulery, 37 Webster Street. Chairman Coutu stated that Mr. Ulery has been an alternate and has still been a very active member of the Planning Board. It certainly appreciated you lend a different perspective and that's one of the reasons why Selectman Maddox felt that originally you would make a great member of that team. If you would, give us a little bit of insight as to why you want to be reappointed Sir. Mr. Ulery said he found it enjoyable to work on the Planning Board. There are some things that I agree with quite a few of them and there are other things that need to be discussed in detail. Having the opportunity to either work with people from a broad spectrum in the Town is very interesting.

Selectman Maddox was asking Mr. Ulery do you think you could do what has been done in the past. We've had a crossover between the Conservation and the Planning Board. There is a vacancy on the Conservation. If we need to fill in I was just wondering if you might be able to be that bridge between the two Boards. Mr. Ulery said it depends on when Conservation meets. Selectman Brucker indicated the second Monday of the month. Mr. Ulery stated that Mondays are a little difficult because unlike the stereotype, I work for a living. Selectman Maddox indicated he gave it a try.

Motion by Selectman Maddox, seconded by Selectman Brucker, to nominate and appoint Vincent Russo and George R. Hall, Jr. as members to the Planning Board with a term to expire 12/31/2015, carried 4-0.

Motion by Selectman Maddox, seconded by Selectman Brucker, to nominate and appoint Jordan Ulery as an alternate to the Planning Board with a term to expire 12/31/2015, carried 4-0.

8) Recreation Committee - (4 vacancies, 2 member terms to expire 4/30/16; 1 member term to expire 4/30/2015; 1 alternate term to expire 4/30/2016)

Erica Crawford  
Robert Iannaco (incumbent member)  
Michael Regan (incumbent member) WAIVE INTERVIEW  
Robert S. Paul

Carl Dubois (incumbent alternate) - Carl Dubois, 28 Forrest Road, Hudson, NH. Chairman Coutu knows that Carl is a very active member of the Recreation Committee serving as your Liaison who hasn't shown up for meetings for a little while. I plan on being fully involved hopefully from here on out. Would you explain to us some of the things that you've involved with and why you'd like to be reappointed and would you like to be appointed as a full voting member as opposed to an alternate? Mr. Dubois said absolutely. I've been on the Rec. Committee for the last two years as an alternate. I've been involved in multiple subcommittees - the basketball subcommittee and the playground subcommittee is another. I've been involved in many rec. programs myself. I think they're a great asset to the Town and want to continue to contribute.

Motion by Selectman Brucker, seconded by Selectman Maddox, to suspend the rules and nominate and appoint Carl Dubois as a member to the Recreation Committee with a term to expire 4/30/2016, carried 4-0.

Chairman Coutu said the Board was asking that Mr. Regan has a work conflict and I know I can speak for Mr. Regan. Mr. Regan has asked that his interview be waived as a result of having to work this evening, and he had to work last week. I can state for the record that Mr. Regan has been a long-time member of the Recreation Committee. I think he's been a past president at one time or another. He's very, very active even though his kids are grown or moved on. I would highly recommend his reappointment. We have a couple of incumbents seeking reappointment - Mr. Iannaco who is presently the Chairman and Michael Regan. What is the wish of the Board?

Motion by Selectman Brucker, seconded by Selectman Maddox, to nominate and appoint Robert Iannaco as a member with a term to expire 4/30/2016 and Michael Regan as a member to the Recreation Committee with a term to expire 4/30/2015, carried 4-0.

- 9) Recycling Committee - (2 vacancies, 1 member term to expire 4/30/16; 1 alternate term to expire 12/31/2013)

Lisza Elliot (incumbent member)  
Robert S. Paul

Motion by Selectman Brucker, seconded by Selectman Maddox, to nominate and appoint Lisza Elliot as a member to the Recycling Committee with a term to expire 4/30/2016, carried 4-0.

- 10) Sewer Utility Committee - (2 vacancies, 2 member terms to expire 4/30/16)

No applicants.

Chairman Coutu indicated that Sewer Utility is another one you need to recruit for. Selectman Maddox we have two vacancies with 2 member terms who expire 4/30/16 and we had no applicants. Do both of those need to be sewer utility users or is one of them a non sewer utility. Bernie Manor said they both need to be sewer utility users.

- 11) Water Utility - (3 vacancies, 2 member terms to expire 4/30/16; 1 alternate term to expire 4/30/15)

William Abbott  
Leo Bernard (incumbent member)  
Robert S. Paul

Selectman Maddox asked that when we come back for the February Workshop we also talk about the legalese and whatever of combining Sewer and Water together to make a Sewer and Water Committee. Chairman Coutu indicated that they can put that on that same agenda. I ask that you invite them. Prior to the invite, request legal counsel relative to the possibility of doing that.

Motion by Selectman Brucker, seconded by Selectman Luszey to nominate and appoint William Abbott and Leo Bernard as members to the Water Utility Committee with a term to expire 4/30/2016, carried 5-0.

Chairman Coutu noted that Selectman Nadeau has joined the meeting.

- 12) Zoning Board of Adjustment - (3 vacancies, 2 member terms to expire 12/31/15; 1 alternate to expire 12/31/15)

Kevin Houle (incumbent alternate) WAIVE INTERVIEW  
Normand G. Martin (incumbent member)  
Robert S. Paul  
Brad Seabury (incumbent member)

Chairman Coutu indicated that Kevin Houle I know well. Kevin is an alternate incumbent. He also had a work conflict both of these Tuesdays and has asked to waive his interview. Does anybody have a problem with waiving of the interview for Mr. Houle? I know Mr. Houle personally. Selectman Luszey thought they should waive it. Also in our packet last week Mr. Houle did write a letter of his interest in being nominated.

Motion by Selectman Maddox, seconded by Selectman Luszey, to nominate and appoint Normand G. Martin and Brad Seabury as members to the Zoning Board of Adjustment with a term to expire 12/31/2015, carried 5-0.

Motion by Selectman Maddox, seconded by Selectman Luszey, to nominate and appoint Kevin Houle as an alternate to the Zoning Board of Adjustment with a term to expire 12/31/2015.

6. CONSENT ITEMS

Chairman Coutu asked if any Board member wish to remove any item for separate consideration.

Selectman Maddox asked to remove Consent Item A. 4.

Motion by Selectman Luszey, seconded by Selectman Nadeau, to approve consent items A, 1, 2, 3, 5 and 6, B, C, D and E, as noted or appropriate, carried 5-0.

A. Assessing Items

- 1) Veteran Tax Credits - Map 178, Lot 013, Sub 102; Map 216, Lot 014, Sub 049; Map 218, Lot 014; Map 156, Lot 008, Sub 005; Map 148, Lot 040, Sub 025; Map 197, Lot 105; Map 147, Lot 017, Sub 012; Map 168, Lot 068, Sub 077; Map 216, Lot 014, Sub 051, w/recommendation to approve
- 2) Disabled Veteran Tax Credit - Map 198, Lot 180, w/recommendation to approve
- 3) 2012 Tax Abatement - Map 176, Lot 24, w/recommendation to approve

a. Motion to approve the granting of a Residence in a Commercial/Industrial zone classification for the property located at Map 176, Lot 24, 204 Central Street, as recommended by the Assistant Assessor

b. Motion to approve the granting of an abatement to Map 176, Lot 24, 204 Central Street, as per attached abatement form, as recommended by the Assistant Assessor.

- 4) 2012 Tax Abatements - Map 182, Lot 021; Map 216, Lot 018, Sub 010; Map 165, Lot 139; Map 168, Lot 041; Map 191, Lot 043; Map 216, Lot 018, Sub 042; Map 165, Lot 138; Map 191, Lot 134; Map 175, Lot 053; Map 148, Lot 017; Map 190, Lot 163; Map 174, Lot 138; Map 147, Lot 018; Map 222, Lot 053; Map 190, Lot 179; Map 156, Lot 063, Sub 027; Map 183, Lot 022; Map 167, Lot 019; Map 175, Lot 116; Map 182, Lot 151; Map 138, Lot 031; Map 197, Lot 110; Map 147, Lot 017, Sub 034; Map 175, Lot 041; Map 198, Lot 066; Map 183, Lot 059; Map 136, Lot 015, Sub 001; Map 173, Lot 025, Sub 054; Map 190, Lot 032; Map 116, Lot 024; Map 151, Lot 010; Map 156, Lot 063, Sub 118; Map 142, Lot 007, Sub 021; Map 207, Lot 008; Map 218, Lot 004; Map 167, Lot 010; Map 147, Lot 022, Sub 007; Map 182, Lot 150; Map 178, Lot 013, Sub 002; Map 168, Lot 098; Map 197, Lot 077; Map 203, Lot 109; Map 216, Lot 018, Sub 051; Map 229, Lot 012; Map 156, Lot 063, Sub 120; Map 174, Lot 196; Map 174, Lot 177; Map 160, Lot 094, Sub 002; Map 204, Lot 006, Sub 927; Map 204, Lot 006, Sub 517; Map 204, Lot 006, Sub 838; Map 182, Lot 200; Map 204, Lot 006, Sub 922; Map 156, Lot 063, Sub 116; Map 156, Lot 008, Sub 013; Map 197, Lot 147; Map 241, Lot 006; Map 174, Lot 205; Map 174, Lot 202; Map 168, Lot 002, Sub 003; Map 197, Lot 181; Map 168, Lot 117; Map 182, Lot 196; Map 178, Lot 013, Sub 043; Map 193, Lot 018; Map 168, Lot 002, Sub 021; Map 111, Lot 047, Sub 002; Map 216, Lot 018, Sub 027; Map 198, Lot 040; Map 133, Lot 045; Map 183, Lot 122; Map 191, Lot 099; Map 178, Lot 013, Sub 109; Map 178, Lot 013, Sub 080; Map 156, Lot 063, Sub 068; Map 165, Lot 141, Sub 328; Map 168, Lot 002, Sub 022; Map 175, Lot 059; Map 204, Lot 006, Sub 327; Map 174, Lot 230, w/recommendation to approve

Chairman Coutu indicated that every item has one or two lines. This is a long one. Selectman Maddox asked if the Town Administrator could explain better than the Memo that was attached because the 3 columns were kind of confusing and again maybe why and how it happened. Chairman Coutu indicated that Mr. Michaud is here and I'll ask Mr. Michaud to step forward and answer if you would Selectman Maddox's question.

Jim Michaud indicated that Patti Barry the Town Clerk/Tax Collector came to me and said basically I have a whole list of properties that were billed more in June than they owe for the entire year. The 3 columns which come out of her system, we have the net bill that you see, that's what their total tax liability was for the year. The previous bill represents what their June bill was. The difference between the two is what she needs to clear the screens. In some cases, it's money going back and in other cases it's just clearing the screens because their tax liability was either null because of the application of exemption or it was effectively null because of what they were billed in June and the movement of the assessments and the movement of the tax rate. What I said to Patti was if they need any further explanation than that, I'll be calling you in. This is her software that produced this.

Selectman Maddox said most of the way down the page, there's one that's 1935. The second column has minus 1876, and the third column has 941. The math you just told us doesn't add up. Jim Michaud asked the Board to defer this for Patti Barry to come in and explain it.

Motion by Selectman Maddox, seconded by Selectman Luszey, to defer Assessing Consent Item 6. A. 4. to the Board's next regular meeting, carried 5-0.

- 5) 2012 Tax Abatement - Map 167, Lot 19, w/recommendation to approve
- 6) 2012 Tax Abatement - Map 191, Lot 103, w/recommendation to approve

B. Water/Sewer Items

- 1) Water Abatements - W-UTL-12-13; W-UTL-12-15; W-UTL-12-14, w/recommendation to approve

C. Licenses & Permits

- 1) Raffle Permit - St. Baldricks Foundation

D. Acceptance of Minutes

- 1) Minutes of the October 25, 2012 meeting
- 2) Minutes of the November 5, 2012 meeting

E. Calendar

- 12/12 7:00 Planning Brd - Buxton CD Meeting Room  
12/12 7:00 Budget Cte - BOS Meeting Room  
12/13 5:00 Sewer - BOS Meeting Room  
12/13 6:30 Recreation Cte - Oakwood Center  
12/13 7:30 Zoning Brd of Adjustment - Buxton CD Meeting Room  
12/17 7:00 Recycling Cte - BOS Meeting Room  
12/17 7:00 Energy Cte - Buxton CD Meeting Room  
12/18 7:00 Cable Cte - BOS Meeting Room  
12/18 7:00 Budget Cte - CD Meeting Room  
12/19 5:00 Water Utility Cte - BOS Meeting Room  
12/19 7:00 Conservation Cmsn - BOS Meeting Room  
12/19 7:00 Senior Affairs Cte - Buxton CD Meeting Room  
12/20 7:00 Benson Park Cte - BOS Meeting Room - CANCELLED  
12/20 7:00 Budget Cte - Buxton CD Meeting Room  
12/24 7:00 Recycling Cte - BOS Meeting Room - CANCELLED  
12/25 CHRISTMAS - TOWN HALL CLOSED  
12/27 2:45 Trustees of Trust Fund - Buxton CD Meeting Room - CANCELLED  
12/27 7:00 Budget Cte - BOS Meeting Room  
12/27 7:30 Zoning Brd of Adjustment - Buxton CD Meeting Room

7. OLD BUSINESS

A. Votes taken after Nonpublic Session on November 27, 2012

1. Motion by Selectman Luszey, seconded by Selectman Maddox, to move the Assistant Town Administrator's salary, not to exceed \$90,000, to the Senior Center Capital Reserve Fund, carried 4-1. Selectman Maddox in opposition.
2. Motion by Selectman Nadeau, seconded by Selectman Luszey, to authorize the Recreation Director to start a lacrosse program and disband the Babe Ruth Program, carried 5-0.
3. Motion by Selectman Brucker, seconded by Selectman Maddox, to reconsider: Motion by Selectman Nadeau, seconded by Selectman Brucker, to post for a full-time Building Inspector at a salary of \$21.65 per hour, Step 1, which carried 3-2. Selectman Luszey and Selectman Maddox in opposition. - carried 3-2. Selectman Nadeau and Selectman Coutu in opposition.
4. Motion by Selectman Brucker, seconded by Selectman Luszey, to wait until December 4, 2012 to hire a Building Inspector, carried 4-1. Selectman Nadeau in opposition.
5. Motion to adjourn at 9:38 p.m. by Selectman Maddox, seconded by Selectman Luszey, carried 5-0.

8. NEW BUSINESS

A. Petitioned Warrant Article for Land Transfer Map 253, Lots 67 & 66

Chairman Coutu recognized Town Administrator Steve Malizia.

Steve Malizia believed that the Petitioners are here. What you basically have is a situation where you have two abutting lots. The Town of Hudson owns Lot 66 and the Petitioners I believe there's a representative here for Lot 67. If you look at the map which we've provided in the agenda packet, it clearly shows that part of the existing building is on town land. One way to resolve this situation is to have some sort of land swap, which is what the attorney has recommended as a way to correct this situation. In order to affect a land swap, you need to have Town Meeting approval. Hence, that's why the petition is in front of you because the folks that wish to correct the situation have garnered the appropriate number of signatures to conduct a land swap. They have also provided us with a warrant article. If I'm not mistaken, what the proposal is take a piece of town land and swap it in the back so that you have equal parcels being exchanged. The Town's piece I believe is 19 acres. You're looking at a pretty good sized piece of land that was dedicated to the Town probably when the subdivision was dedicated. It has wet on it and we're not doing anything with it. It actually has some frontage to the street so you could theoretically have access to it. Bottom line to correct a situation that this property owner finds himself in, the most effective way to correct is through a land swap. Again as I've stated the way to affect a land swap is to do a warrant article. I recommend that they prepare a petition because at this point it was at their expense but the Board can certainly sponsor it also if they wish.

Chairman Coutu said he was very familiar with the neighborhood and most of the people in the neighborhood. It certainly makes sense to me. The question I have is I know it's a citizen's petition and I wouldn't want the citizens to get into any trouble before we have further discussion. Has anybody reviewed the language on the warrant article to assure that we can accomplish...Mr. Malizia indicated that our attorney has reviewed the language that was prepared in the petition. I have the attorney's language. This is what our attorney is recommending that a warrant article say because it's more appropriate, correct. The Board has the option to possibly put this on themselves. When the attorney saw this petition, he thought this language that I just passed out is more appropriate. There are two ways that you could effectuate this. You could either do it yourselves or you could request that the Petition go back out and get a petition that says this. They'd have to do this before or by your next meeting of January 8<sup>th</sup>. I'm not trying to make more work for anybody; I'm just trying to make this clearer. You're trying to correct a situation that this property owner finds himself in. I believe through no fault of their own, this was done at some point in the 70s maybe the early 80s before these people owned the property. Now they're trying to remortgage their property and they have problems.

Chairman Coutu said that was his first question was going to be is it because of a problem with the banks. I can see where obviously when they go out and survey, they find those things. Mr. Malizia said they're also looking to go to the other side with another addition on the side that is not affecting the problem. Bill Oleksak has actually said you need to come in and rectify this. That's the other reason why we're here. Again, we're trying to correct a situation that we've been made aware of. There are two ways to possibly do it. One is through the petition or in the alternative we could do it ourselves and append it or add it to the warrant. It's obviously no money at this point in time. So far the burden and all the costs have been on the property owner and not on the town which would be the expectation I think of the Board that if we're going to fix this, it wouldn't be at our cost because we're not the ones that did it. They didn't either but neither did we. I think you're trying to fix a problem here.

Chairman Coutu told Joe it's not a problem that you would assume any costs related to any adjustments that might be made on the property if this warrant article whether it's the one you submitted or we propose, you will be willing to assume the costs associated with the land swap? Joe Carter indicated that they're looking to resolve the situation. Obviously they bought the house in '95 that was already in this condition. It was built to meet codes and setbacks and then an addition was put on in '79 and '81 that put it over the lot line. They find themselves in a predicament. They'd like to resolve it just so that in the future they don't run into problems with it. It's going to be a thorn in their sides forever until they get it resolved. This is what the Town Engineer came up with was a parcel swap with zero land change, zero acreage change between either party, and it brings everything into compliance with the Town that is on their property - their home - right now.

Chairman Coutu knew that Dave and Kristine I know you're both sitting in the back. Do you agree to assume financial costs associated with rezoning? Dave Melanson said he supposed but part of that would depend on what kind of money we're talking about here. Steve Malizia indicated that you've probably spent most of the money that you need to spend. Mr. Melanson said all of these changes that went over the property line were approved by the Town. Joe Carter said what Mr. Melanson is asking is there additional costs to this other than engineering they've already done and things...Chairman Coutu said there are recording costs. Selectman Maddox stated they'd have to record the new plan. The Planning Board does this all the time is the lot line relocation. It's only because the land isn't someone else's to give the permission to is the issue here. I think the only thing they'd have to do now is you've already got this drawing is submit it to the Registry and those costs, whatever those are. Mr. Melanson asked if they were hundreds of dollars. Selectman Maddox said he thought it was under \$350. Mr. Malizia was not aware that it was big money. I'm not aware that it is. Mr. Melanson said if you're talking a hundred, maybe a couple thousand, that's okay. Chairman Coutu said it's not even close to \$1,000. Selectman Maddox said the Planning Board does these all the time. We're the owner of the other land. Most time this would be between two land owners and we work out an agreement. It's because this land is owned by the Town, the taxpayers, it has to go through this incantation. I kept looking at because of the zoning. You have G1 in there, R1, and there's a number of things going on. I think the simplest way is should stay as a petition. That keeps it clean. They're the ones that are trying to do this. I don't think we want to get into it. This is what they want.

Selectman Luszey asked about the consequences should the petition fail. Selectman Maddox said they come back next year. Selectman Luszey said it becomes an unsellable piece of property because it will not get a clear title any more. Chairman Coutu said he was going to suggest to Selectman Maddox we represent the taxpayers. Why can't we just authorize this thing and go to the Planning Board. Technically, the taxpayers own the land. There may be some taxpayers that object to doing this. I for one am certainly not going to object. I support it. It's the right thing to do. I'll certainly vote for it and I'll certainly endorse it and anybody that asks me about it. It's not going to cost the Town any money to do this. It's not cost to the taxpayer. I couldn't see why anybody of a

reasonable mind wouldn't support this petition. I think I agree with Selectman Maddox. It's cleaner if we let it go forward as a citizen petition and we can each individually do what we can to help these people get the votes necessary for this to pass. We can't affix approval on a citizen's article. Mr. Malizia said we can. What will happen is should you receive any petitions through I believe the deadline is early January, you are required to put some sort of recommendation on those whether they're money or non money. Non-money does not go to the Budget Committee so it would just stay with this Board. You would make a recommendation for it and if you would recommend say this 5 to zero, that carries a lot of weight. Chairman Coutu said he was hoping that we could do that. We don't do this at this time. We do all of them together? Bottom line, Steve Malizia said you can do it any time you want before that deadline but what I'm recommending is because we have some different language here and this is more explanatory and more complete, you may wish to ask the Petitioners to withdraw their other petition and resubmit with this language. Again, the attorney has taken the opportunity to write this language for us which in his opinion is valid, legal, and accomplishes what you're trying to accomplish. It's better language.

For your edification so that you know to reiterate what Mr. Malizia said, Chairman Coutu indicated that we rely on our attorneys to make sure that the warrants carry the proper language for passage. Obviously this has been referred to for proper language so that we can pass a clean warrant article so recommending that you agree to the change.

Selectman Maddox stated that it says in there there's "a lot line adjustment as the Selectmen deem fit". I think we should just reference this drawing that's already been done. There is no negotiate terms and conditions. It's purely as per this drawing transferring this amount of land to an equal amount of land. Steve Malizia said those are the terms and conditions as you would see fit. Selectman Maddox said if you just explain what it is we're agreeing to. Joe Carte asked the Board if they wanted him to walk them through the plan. Chairman Coutu said they know what they're agreeing to. He's saying the voters might want to have...Mr. Malizia said we would post this at the Deliberative Session so that the voters could see it. It could also be made available at the polling place and they'd obviously be available in our office and it's referenced that it's available. If somebody wishes to come in, I'm not a planner but it's pretty simple to me. I would imagine that the average citizen could figure it out. The minute I saw it, it was very clear what they were trying to accomplish.

Chairman Coutu asked that Joe Carter ask the Petitioners to look at this language and see if it's agreeable to them and that's what will be the language in the warrant article. Steve Malizia indicated that what he's recommending is they withdraw this, go get the signatures for this. Bring that in anytime between now and January 10, the sooner the better. At the next Board meeting when it's on the agenda again, the Board can then say recommend and that will be the recommendation on it. That's probably the cleanest way to do it. It's also complete. The attorneys have recommended it. My fear and the attorney's concern is we get to the Deliberative Session and somebody tries to change the language from what you had to this. Do it in the first place. I think that will be helpful for everybody.

Based on what Chairman Coutu was seeing or hearing, I think that the Board would recommend to the voters to approve this. It's cleaner and safer for both sides. Thanks an awful lot. I appreciate your time.

B. Acceptance of a donation of a utility trailer valued at \$300 from Jane and Glenn Bowles

Chairman Coutu recognized Town Administrator Steve Malizia.

Steve Malizia recommended that the Board accept this donation. Primarily, this will be used by the Highway Department to move the DASH unit. Kevin Burns is aware of the donation. He recommends it and it will be primarily used to keep the DASH unit more mobile. It doesn't tie up any of his current equipment. It's a good solution for that unit.

Motion by Selectman Nadeau, seconded by Selectman Brucker, to accept a donation of a utility trailer valued at \$300 from Jane and Glenn Bowles for storage and transportation of the DASH unit with the Board's thanks and appreciation, carried 5-0.

C. Public Hearing - Acceptance of a donation of several pieces of equipment for Benson Park valued at \$5,296

Chairman Coutu recognized Town Administrator Steve Malizia.

Mr. Malizia believed Richard Tassi is making this donation of several pieces of equipment. Specifically a Cub Cadet tractor with a mowing deck and utility cart, a walk behind mower, a backpack blower, and a gas powered trimmer. Those items will be used at Benson Park for the continued maintenance of the park. I recommend that you accept it with the Board's thanks and appreciation.

Chairman Coutu opened the public hearing at 7:56 p.m. Does anyone in the audience wish to speak on this item? Seeing none. The public hearing was closed at 7:56 p.m.

Motion by Selectman Nadeau, seconded by Selectman Luszey, to accept a donation from The Friends of Benson Park consisting of several pieces of equipment, specifically a Cub Cadet tractor with mowing deck and utility cart, walk behind mower, backpack blower, and a gas power trimmer, for Benson Park valued at \$5,296 with the Board's thanks and appreciation.

Selectman Luszey said his only concern I have is who is the user of the equipment. We've started down this road. We've never come up with an actual answer. Is it town employees or is it citizens at large volunteers. If it's the volunteers, then what's our liability? We had this same conversation with DASH units and that's why DASH units are manned by expert people and not volunteers.



Mr. Malizia knows we've had conversations with our insurance company. I don't recall all of the particulars.

Chairman Coutu said we did have conversation relative to this. Selectman Luszey said it was on the DASH and it came back not to let volunteers use it. Selectman Nadeau said that's why we have the waivers. Chairman Coutu indicated that as they found out, not everybody uses the waivers. Mr. Empey raised his hand so if you want to step forward and give us some clarification to the question raised by Selectman Luszey.

Richard Empey indicated that 3 years ago we went down this same road with the brush mower that the town purchased for us. At that time, it was decided that the waivers were to be signed and they should be. As far as I know, they're up to date on the people that use it. What we decided between the Benson Committee and the Path and Trails Committee in particular that this equipment would be assigned to be used by a limited number of people who would be trained to use the equipment and responsible for it. This is the procedure we used with the brush mower. This is what we intend to do with this equipment. As Chairman of the Path and Trail Committee, we are the users of this equipment. This is intended to replace personal equipment that we're using now which had become quite a load on some of the volunteers to supply and maintain. I feel that we can be responsible for this equipment and use it responsibly and the waivers that we sign should cover the same it would cover the brush mower that the town owns I would expect. I think that we've shown in the past 3 years that we can do this responsibly.

Chairman Coutu understood that but should cover and will cover are two different words. I'm a little uncomfortable right now because I can't remember specifically if we ever sought a legal opinion on the validation of the waiver as heavy. Mr. Malizia indicated we'd have to look in the file. I wouldn't doubt it. We ask for a lot of opinions and/or insurance opinions. If we have something, it would be in the file. Mr. Empey didn't see where it would be any different than the brush mower that the town bought for us. Chairman Coutu said they wanted to back track and see what we did with the brush mower. I hate to think that we're allowing private citizens on publicly owned land to operate equipment that could come back and...Selectman Luszey said bodily injury about the user and the...Chairman Coutu said he would rather get a legal opinion or see if whether or not we did legal opinion. Selectman Nadeau seems to think that we did. We can research that in the file to make sure that that's the reason why we accepted the brush mower. It may very well be. Selectman Nadeau may be correct. Like Selectman Luszey, I can't recollect and neither can the Town Administrator. I would rather that we be certain before we accept this equipment. I would be willing to table this item to the next meeting.

Selectman Maddox indicated if during that time we can get something from the Benson Committee itself to say that they're in support of this. Again, the thing that is driving my question for that Mr. Chairman is exclusive use of the Path and Trails. Couldn't some of this equipment be used during cleanups that you may not be there and who's going to enforce that?

Selectman Nadeau said the Benson Committee approved accepting this equipment and that's why it's before the Board. At one of our previous meetings, they gave us a presentation on the equipment. Because of the amount, we brought it here.

Richard Empey indicated the reason why the donation says "to be used exclusively by the Path and Trails Committee" in my opinion that reduces the town's liability in this that it's going to be used by 4 people that are familiar and trained with the equipment and not just any random volunteer including high school kids or whatever. This is the method we used with the DR when that was accepted. That's why we went this route with this equipment. It controls the liability of who's using it and who's controlling the equipment.

Chairman Coutu said it may control it but some of the greatest experts in various fields get hurt on equipment that they're well trained to operate. We have an obligation to the taxpayers to make sure that we are either properly covered with liability or that the waiver that is signed is sufficient to protect us. Until such time, I will not be comfortable voting to accept this donation as much as I appreciate it and I'm sure you could use it. You won't be using it much before the spring. There's no meetings in December and I don't think you're going to be doing much in the snow in January. I would rather we research this item to make sure that we are covered with liability. That's my personal opinion. Selectman Luszey said Chairman Coutu summed it up his concern very nicely.

Selectman Maddox wanted to know if our actions will impact this. Is the equipment already bought? Is it sitting somewhere? Selectman Nadeau indicated that the equipment was already bought and we have it. Selectman Maddox indicated that it won't be used. I didn't want to hurt it if it was a grant and there was a time factor here. That's what I was looking to find out.

Chairman Coutu said that we're not the only park in town. We are the only park in town - the biggest park in town anyway but we're not the only park of this type. There are a couple of them in Nashua. They're manned by volunteers and they use equipment. I'm sure they've taken the proper procedures to be able to satisfy liability. I just want to make sure the question of liability is answered. I don't have the answer and neither does the Town Administrator. At this point, neither does Selectman Luszey. I don't think any of us do. Selectman Nadeau seems pretty confident that we did get a legal opinion. I don't remember.

Selectman Luszey asked if someone got hurt, the first thing I would ask for is show me all the training records and all the waivers that are signed off. If we have, where are they? I don't think they're in this building. Selectman Nadeau stated that the Benson Park Committee has the waivers that have been signed. Selectman Luszey asked where all the training procedures on, and who signs them off that they're trained? Selectman Nadeau said that would be something Mr. Empey would know seeing he's the one that's...that was Selectman Luszey's point. It's kind of hand me down heresay. The informal process and procedures in place.

Chairman Coutu thought and Mr. Empey stated that as Chairman of the Trails Committee that you assume a responsibility for the upkeep of the equipment. I would assume that you're talking about assisting in the training of people. Do you keep records of anybody you've trained with the brush mower, or any equipment that they were given X number of hours of training and what type of training it

was for the record? If we were going to court, they would say training, where's the training records. Mr. Empey indicated that they do not maintain written records of training. If you go in that direction, I guess the question would be in writing who's qualified to do the training. With the DR, I did the training. I've worked on and with this type of equipment and much larger equipment for 38 years. I'm quite familiar with it. I train certain people and there are 2 of us that control the keys. Nobody uses it that has not been trained although I will admit that there is nothing in writing saying who those people are.

Selectman Maddox said he was going to vote in favor of the motion because looking at the gift horse in the mouth but I think it's should be something that we address in the future of having a policy of people using this type of equipment. I think the resource we should use is our insurance company to see what they would be looking for us to do as far as documents, record keeping, training and whatever. At least we have it. I don't think we should hold up accepting the equipment for something that we've been dragging around for years.

Chairman Coutu asked Mr. Tassi to step forward. First of all, I want to express on behalf of the Town regardless of what you're hearing here. It's just the legalese. We absolutely appreciate your willingness to donate all of this equipment. I know how much you volunteer at that park and we thoroughly appreciate it. Would you have a problem Sir if we withheld accepting this donation until such time as we're able to discuss this with our attorney to make sure we're liably protected from people using this equipment? Mr. Tassi said not at all. Chairman Coutu said he's going to vote in opposition.

Vote: Motion carried 3-2. Selectman Coutu and Selectman Luszey in opposition.

Chairman Coutu indicated that we are accepting your donation. We're still going to have the Town Administrator look up to make sure that whatever needs to be done is being done and Mr. Empey we'll be sure to get back to you. Like Selectman Nadeau said, it may very well already be contained in our liability insurance. Maybe the forms that people are signing are sufficient. We're going to look that up and we'll certainly make sure that would you please provide anything that we've yet a copy of any legal opinion to Mr. Empey or Selectman Nadeau and he can provide it to the Benson Park Committee.

In ending this, Richard Empey wanted to take a minute of your time to give you a little information about the equipment. The equipment was actually purchased with a grant from the UPS Foundation of Atlanta Georgia through the Friends of Benson as being a nonprofit. UPS awards these grants by application on a yearly basis to promote volunteerism amongst their employees. This year UPS employees logged several hundred hours of work at the park which greatly improved our eligibility to receive the grant. The Friends of Benson and the Benson Park Committee are very appreciative of their efforts. There's been several people involved that have done quite a bit of work to receive these grants. I'd like to add also one little thing in what I just read here. This is a yearly program by the UPS Foundation which should be of interest. They literally contribute hundreds of millions of dollars a year to this type of project.

Chairman Coutu asked the Town Administrator if he felt that we'd have to go back to a public hearing but we just accepted it. With all due respect and certainly appreciation to The Friends of Benson's and to you Mr. Empey for volunteering information for us, I'm still going to have the Town Administrator look into the aspects of using that equipment. In the meantime, you have it stored on the property in the barn. Mr. Empey said Selectman Nadeau is aware of where it's stored. I prefer not to disclose that. It's stored. It's under lock and key and it's controlled right now in the manner that I described to you.

D. Public Hearing - Acceptance of a donation of trees for Benson Park valued at \$3,799.75 from Country Brook Farms

Selectman Nadeau indicated that they're very beautiful trees. I've taken a look at them. They're very nice trees. Just like all the stock that we get in there, the volunteers take care of it and get it into shape.

Chairman Coutu stated that Country Brook Farms has been very generous to the Town of Hudson. They were good for the Hudson Memorial and they donate a lot of other things. Because of the amount, I'm going to go to a public hearing.

Chairman Coutu opened the public hearing at 8:13 p.m. Is there anyone who wishes to speak on this item please step forward and state your name and address for the record. Seeing none, I will close the public hearing at 8:14 p.m.

Motion by Selectman Nadeau, seconded by Selectman Luszey, to accept a donation from Countrybrook Farms consisting of 3 Autumn Blaze Maple trees, 3 Maple Sugar Legacy trees, 1 Maple October Glory, and 1 Maple Red Sunset tree for Benson Park valued at \$3,799.75 with the Board's thanks and appreciation, carried 5-0.

E. Full Time Position approval - Administrative Aide II

Chairman Coutu recognized Assistant Assessor Jim Michaud.

Good evening. Jim Michaud indicated a few meetings ago I indicated that I was going to come back with a budget neutral way of accomplishing moving this position from a part time position to a full time position. In terms of full time status, the Department started as a full time department with 2 full time employees in 1980 32 years ago. The Town's population has increased by over 75 percent in that time period. The number of real estate parcels has increased by over 94 percent. The tax base has increased by over 2.3 billion. The number of Veteran's credits has increased by 366 percent. The number of elderly, blind disable exemptions has increased by 312 percent. We've had numerous additional laws and rules approved by the State of New Hampshire at the administrative level and at the legislative level including those associated with the state-wide education property tax and the State of New Hampshire Department of Revenue Administration Assessment Review Requirements. This position is responsible for the correct accounting, for ownership and

mailing addresses which is critical to the collectability of property tax bills. It's also used by the Water Utility, Sewer Utility, fire permits, abutters lists, and the list goes on. This position processes an average of 854 property deeds per year. This position is responsible for validation and entry of qualified data into the State's software program for equalization purposes. This was critical to make sure that we are not paying more than our fair share of the County budget, equalization process is also extremely important to determine how much State education aid goes to our public schools.

Jim Michaud thought that we know that the property tax base this is how we raise over 65 percent of our revenue. Twice this year on a temporary basis this Board has approved this position to be full time. Three times before 3 prior boards also approved on a temporary basis the position should be full time. In terms of my most recent memo, I'm talking about funding the position of part time appraisal technician and using those funds to make this position full time. The number of full time employees in the Town, the number of part time employees in the Town does not change because that would be asking the Board to move over a vacant secretary position that has not been filled nor budgeted for 5 years. No net increase in part time. No net increase in full time. This is a way to accomplish this in a budget neutral basis because that's been the directive of the Board to come in at zero budget line increase. This doesn't change this year's budget and it doesn't change next year's budget in the Department. I ask for the Board's support for this position.

Selectman Luszey referred the Board and Mr. Michaud to page 2 what you just said about it doesn't change the head count to the Town. When I read this, it did change the head count. What it did for me is - and it's in the last paragraph - "in order to accomplish this in a budget neutral and # of employees neutral manner the full time-status of one of the two vacant secretary positions from the Community Development Department" and reallocate to the Assessing Department. In the last sentence, the "part-time status of the Appraisal Technician and the Administrative Aide II is made dormant, not funded". I circled the word "dormant" and basically said that means those positions are eliminated. So we're eliminating two part time positions. That's not consistent to what you just explained to us.

Jim Michaud said it is. We currently have - correct me if I'm wrong Steve - two vacant secretary positions that one is dormant and one funded. When I say dormant...Selectman Luszey understood what you're saying. For me, that's not a neutral swap. The neutral swap is you're going to take a full time status person and you're going to move your person into that role. The part timers for me to be truly neutral go away. The part timers have no benefits associated with them. To be fully transparent and neutral, you have to eliminate the benefit side of that equation and you do that by eliminating the part time roles. Mr. Michaud indicated that neutral means no net increase or decrease the number of full time and part time personnel. What you're saying is the word "dormant" means to you that I'm saying the positions be eliminated. That's a Board decision if the Board wants to do that. That's not what I'm saying. Selectman Luszey said he understood what you're saying. You're saying I'll take the full time position and hire into it and then I have two part time people that we could continue to hire should we want to. Mr. Michaud said the Town has that not Assessing Department. Whatever it says - senior position part time, or an IT part time. Selectman Luszey said that's where he's having difficulty.

Chairman Coutu asked Selectman Luszey what would clear it up for him. Selectman Luszey said that we authorize the use of a vacant admin. slot and we eliminate the two part time slots. Chairman Coutu said okay as long as it's clearly on the table.

Selectman Maddox said going to the 2014 budget which would be the same as the 2013 I would hope, you have 2 part time employees that you want to combine together basically to make one full time. Jim Michaud said he was taking the money from one part time position and morphing that into the money for the other part time position. Selectman Maddox asked why we had to outside of your department if you have two part time people. Mr. Michaud stated that he had no way of...Selectman Luszey said because of the benefits. Mr. Michaud said he doesn't have another full time position. Chairman Coutu said we're creating a position if we do that.

Selectman Maddox had a follow up. You have two part time people who are working 56 hours that we're going to reduce down to 40 by doing this number one. Number two, we keep on indiscriminately swapping these imaginary positions. In the Town budget book that we got this year, we got this breakdown of all of our employees. I think if we're going to continue to do this slight of hand, I think we need to document what departments have what illusionary positions. Nowhere on here does it say that we're going to take the ones from Community Development that's supposedly there that hasn't been funded for 5 years. We either have to have a column somewhere that says that these people are languishing in the outer space land that we're going to keep transferring around. I've lost control of we're taking somebody from here and moving it over there. I think to be fair to the voters who I know it's only an advisory but this Board has held to it like all the previous Boards of asking for a full time person, we're kind of circumventing with invisible positions. I understand your concern and your need but I'm just saying we're trying to use a mechanism that is challenging at best Mr. Chairman.

Jim Michaud said he was okay with that. I've been transparent in this. I had not engaged in a slight of hand and I don't know if that's directed this way but I just want to make sure that I'm being open and transparent. Chairman Coutu said it wasn't directed towards you. I can attest to that. He was directing it at us as a Board not at you at all.

Steve Malizia said if you look at the budget book which is a document that we produce every year. We give it to the Budget Committee. It's on line and the citizens can look at it. You will see in the Community Development Department this year, last year, and the year before something entitled "vacant secretary" or "vacant support position". It has no dollars associated with it. We used to put a dollar in there just for kicks I guess. Now we don't put the dollar in but you can clearly see that it's in that department. Should the Board make any motions to move anything, that's what the recorded public minutes are for. You would actually make that recording and next year that position would come out of that group. It's a position in his group and potentially depending on where you want it to put or if you didn't want to put the part time people somewhere, i.e. the positions, they would either be redeployed based on what the Board does or they wouldn't. Bottom line if you look at that document, that has all of those positions. Selectman Maddox said it has some of them. It doesn't have all of them. Mr. Malizia said he wasn't aware of any that it doesn't have.

Selectman Luszey said the only comment I would make to the Administrator's statement is there's actually two positions over there right now. One has been zero funded - zero dollar funded for a number of years. That's what the Budget Committee is looking at and that's what the voters are looking at. There is a vacancy that occurred this past summer that is funded. My expectation is that's the one that would be used for the swap. The one that's not funded if we were to refund that, I would not vote for it. I would say we need to go to the Budget Committee and we need to have that back on the warrant article because we are increasing the labor dollars for the town operations. We took it out and we brought them down to zero for a reason to make those positions no longer available for use. It may not be the opinion of everyone here, that's my opinion and that's the way I saw it when I sat on the Budget Committee.

Just for my own edification anyway, Chairman Coutu said when it came to Community Development I can remember that we had agreed that even though the positions were vacant that we would keep the line item for them because at the time our justification for decreasing the number of employees was we weren't at a level where we were three or four years ago. You remember the ups. At that time, we needed those positions. We expect that there's going to be a turnaround. It's just taking longer than what we thought and if Green Meadow ever resurrects or some other major project resurrects at the south end of town or any part of town, we're going to have to look at increasing staff. If we have to wait a whole year while there's an ongoing project to go back to the voters and say we need this position back and justify it to the Budget Committee hoping to get their recommendation then we find ourselves shorthanded in Community Development that was my position at the time that I voted to keep those positions. I can't speak for the other members of the Board. Selectman Brucker wasn't here but Selectman Nadeau and Selectman Maddox were. We thought we would be putting the town in a safer or protected mode by not funding the positions but keeping the positions there in case we ever need them and not having to go back to the voters for something that won't take affect for a full year out. We didn't want to put ourselves in that position. That's why I supported keeping the positions in the budget. It wasn't a Houdini trick on my part or I don't think it was the intent of this Board to pull a Houdini or try to pull a fast one. We're just trying to look at areas where there may be some town growth and we need to have some flexibility to be able to get positions in a hurry in case we need them.

Selectman Luszey said the flexibility is the ability to go out and hire consultants and part time staff for that type of situation. To say that you don't need to go back to the voters - when you zero out a line item, especially a head count, you're wiping out all of the benefits that go out with it. The voters when they vote on and pass the following budgets have a set expectation now about what the labor costs for the services for this town are. If you zero it out, I don't think they're giving us any kind of authority or mandate that says we're only kidding. If you want to go and refill these positions, you can do it at any time. I don't think so. I think they would want that authorization to come back in the form of a warrant article that you want a refund that position. That would be my opinion.

Chairman Coutu said he came here about 5 years ago and that was what we did or what we're doing is what I was lead to believe that's what is down in this town and now it's been done. I voted accordingly to build in that safety factor in case we need to increase the head count because of something like Green Meadow development. I understand. Selectman Luszey said you actually have that authority now. You don't have to go to the voters to hire. That's advisory. Steve Malizia indicated that there is nothing in RSA, there is nothing in Statutes that require that. Back in the 90s, someone made a petition or a motion to do that. That is a requirement that is only advisory. It is not required by the law. You are the governing body. If you chose to hire someone and you can fit it into the appropriation that you have, that's a key because you can't spend more than you have, it's your purview. That's about as simple as I can state it.

Selectman Brucker said it looks like it's leaving Community Development without any secretarial position. Selectman Luszey said no. Steve Malizia said there are two positions that are vacant. One is funded one is not. We've had that conversation. The one that is not has not been funded for the last 2 or 3 budget cycles. You laid the person off but you kept the position. Positions are hard to come by if you're going to operate under the standard that every position has to go to the voters. You didn't go to them to ask them to get rid of it. You just took the money away. What Mr. Michaud is proposing is to take that position, take the money he has identified in his budget, move the head over - you're not increasing the head count, you're not increasing the appropriations. He's going to pay for the appropriations. He's got the money. That's what he's telling you. Am I correct Jim? Mr. Michaud said that's correct. Mr. Malizia said all he's saying is you have a full time position that we have not filled, we have not talked about filling, the vacant one. Not the receptionist and not the front as we've talked about that. What he's saying is I'm requesting that you give me that position in this budget neutral manner. I'm not asking for any more money. I am not increasing the head count for the Town. As a matter of fact, he will now have two vacant positions from his department that you could redeploy but at the end, two vacant part time positions.

On that point and if Chairman Coutu heard Mr. Michaud correctly based on the argument that you presented, Mr. Michaud said I don't care what you do with the 2 part time positions, that's up to you. We are the governing body. When we prefaced this, I asked you what would you like to do to correct it and you said get rid of the two part time positions. Selectman Luszey said eliminate. Chairman Coutu said that's of no consequence to Mr. Michaud. He didn't care. That's an administrative decision we have to make. I'm willing to do whatever I can to assist Mr. Michaud in this matter because I am his Liaison. I do appreciate and understand the position that he's in. Yes he has two part timers and the hours would exceed what we're doing. It's not like having a full time person dedicated and devoted 5 days a week to have 2 people you don't know if one's going to call in sick and the other one - it could happen with the full timers I understand that.

Selectman Luszey said don't get me wrong. I am okay with this. What I'm not okay with is to be truly transparent and neutral; we have to figure out how to offset the benefits package that's going to come with this. That is real dollars that the taxpayers are going to be paying from now until this person retires or leaves the Town of Hudson which is different than a part time person. They get no vacation, no sick, and all the other insurances and stuff that go with it. We're going to add that to this budget. That's an ongoing process. Chairman Coutu understood that but if you have 2 part time positions that are working in excess of 50 some odd hours, we're only going to pay 40, I would imagine the salary level is going to be consistent with the part timers that you have or more. Mr. Michaud said it was going to be the same salary. The salary does not change. The number of hours change. Chairman Coutu said you're going to have

that excess money to go towards benefits where if according to you, you have enough in your budget. Mr. Michaud said he does. I went over it with the Finance Director. It's attached to this document.

Selectman Maddox said here's his dilemma I guess. You have somebody that's 29 ½ hours and the other position is 29 ½ hours. So you have 60 hours and you're going to get one 40 hours, so you're losing 20 hours yet all your justification is how much work there is. I'm having a tough time help the Selectmen leap. You're losing 20 hours, a half a person, by making one of them full time. I'm not getting there with the paperwork you submitted. Jim Michaud said given a directive that wasn't zero, I would be asking the Board to make this position full time and keeping the part time Appraisal Technician position. That's not an alternative. What is my highest priority in terms of hierarchy of needs or what I think the Town's priority is? That's not actually this group and me, it's actually the residents. We don't have any lack of assessment administration laws and rules, exemptions, and credits. We've been doing a good job in terms of keeping our data up to date and doing cyclical data collection. We haven't been doing a good job in terms of making sure we have that administrative tasks covered. We've been through 3 successive cyclical data collection cycles. We have pretty good data. The higher need that we have is building that core and have a core administrative person, a core appraisal position, and a core assessing position. That's what this does. It's a hired need. I'm not asking you to sit in my seat and make that - I'm asking you to make the decision but in my judgment, that's the better fit as opposed to making a part time appraisal position full time and eliminating the administrative position. I need that Administrative Specialist position on a full time basis because of the volume of work. I can vendorize the data collection but data gets stale and we need to go out, we can do that with a vendor. I can't vendorize somebody that's handling confidential information.

Selectman Luszey asked why. It's done every day. Jim Michaud said has way too much information that is personal to the taxpayers of the community. Selectman Luszey said he wanted some real clarity that there's more secure that HIPPA. Jim Michaud said he was not qualified to answer that question. Chairman Coutu said no. Selectman Luszey said it's done every day in this town. Mr. Malizia said what is people's tax returns, that's what they're looking at. Selectman Luszey said no. Information that is more personal than tax information and it's done by part time employees by consultants, by outsourced individuals. Mr. Malizia said if you're talking about HIPPA, which part time people are you talking about? Selectman Luszey said in our school system it's done all the time. Mr. Malizia said it's done all the time. Selectman Luszey's point is its personal information data that can be done by outside agencies. It doesn't have to be done. That is not a reason.

Jim Michaud said that is his reason from my experience in the 20 years of doing this around the State with the Assessor's Association. People do vendorize data collection. People are not vendorizing their veteran's credits, elderly exemptions, and tax deferrals. They haven't been doing it.

Selectman Nadeau's question was kind of on the same idea as Selectman Maddox. You're going from almost 60 hours down to 40. We have so much work in the department, what's not going to get done and what are we going to have to do to get that work done now? Jim Michaud said we have field personnel and Mike and myself. We have used that position in the past both within the department as well as in the field. We're currently also doing administrative tasks that would be done by this person who's now going to go to 40 hours. It's going to get done is the answer. I have a hire need on that Administrative Aide position. I'm again building that core 3 positions for the 9<sup>th</sup> largest community in the State. That's what I'm estimating is what we need in terms of that core.

Selectman Nadeau said that Selectman Luszey said that we were going to take the person that is currently in the Community Development Department. Selectman Luszey said the position that is funded. Selectman Nadeau indicated it was the receptionist over there. Now we're not going to fill that receptionist? Jim Michaud indicated that was not his proposal. Selectman Luszey said it was his counter proposal in clarification of how I would view this and how I would execute to make it happen. Mr. Malizia raised the point that when we did our first workflow meeting, that position was supported by the Workflow Task Committee to retain in that department. I respectfully would have to say we've looked at that position and in our position, the funded position, we'll call it "receptionist" but it's a little bit more than that, our recommendation by that Committee was not to do that. It wasn't in this context with him. It was we felt there was still a need for that position in that group. Good, bad or indifferent, and again to your theory if you get hit, that position is going to be pretty active.

Selectman Brucker said she wanted to understand this. The money that is there for this receptionist position is going...Steve Malizia said no. That's not his recommendation. Selectman Luszey said you're talking about my proposal. It's not his. Selectman Brucker said we will retain the funding for the receptionist position...Chairman Coutu said we're discussing that. We haven't decided that. He's made an alternate proposal. I don't necessarily agree with it. I still believe in the retention of positions in the event that we need them. I just don't think it's - we're Mickey Mousing here. I think it's something that's been over it all along. We've been doing it for the 5 years I've been here anyway. You may proceed. Selectman Brucker wanted to make sure that that position remains and that I agree. I think Mr. Michaud has the best judgment on this issue about what he needs. He's figured out a way to do it and pay for it and he's using the one open position. Chairman Coutu said that was his proposal.

Jim Michaud asked if it mattered what vacant position.

Selectman Luszey said he needed help to understand the math in where you're getting the monies from. If you're using the dormant position, the monies in that is zero. Mr. Michaud said that was correct. I have 2 part time position FICA and salary that actually slightly exceed what the total is and that's in the attachment. The slightly exceed what the full time roll up is. Unless Selectman Luszey is reading this wrong, are we on page 15 where it says, "annual increase of \$27,500"? Jim Michaud said yes. Selectman Luszey said you had \$32,779. I'm reading off of his handout. He says that the now budget is \$32,700. The new budget is \$60,300. Selectman Maddox

indicated that he's taking these two part times and coming up with that same number. Good or bad, that's what you've done. Selectman Luszey indicated that that's not what this page says.

Jim Michaud said this page says what happens to this one position in terms of expenses. In the memo, it says where I'm coming up with that \$27,550 is asking the Board to make dormant the part time appraisal technician position. That's where the money is coming from. Chairman Coutu said that didn't say that here. Mr. Malizia pointed out that it says it on the front page of the Memo. To a layman's eyes, Chairman Coutu said it would appear to me that when I have a sheet that certainly indicates that this is the budget for the position that we're in the hole for \$27,550 if we approve this position. There should have been an additional line in all fairness to us that said that \$27,550 will be absorbed by eliminating a part time position which presently costs I believe in excess of \$27,550. It's \$37,065. He's technically going to come out with a \$3,200 savings.

Jim Michaud said he reviewed the draft motions with Steve. There would have been 3 motions to make within one motion. Chairman Coutu said he understood that but the document is not clear to us. Without having to go through 15 pages and then try to remember what we read on page 1 and 2 of the document, but then you go to a summary budget summary page. I understand now. I have a clearer understanding.

Selectman Nadeau stated if we do this, we're going to be losing one of our part time employees correct? Jim Michaud said that was correct. The position would be defunded. That person would not be able to be in a position that's defunded. The Board can take other action. I'm just saying that's your decision to make as far as the other two go for part time positions.

Correct me if I'm wrong, Selectman Luszey said we're also doing is we're now going to put funding back into a head count that is at zero which also leaves another head count on the book fully funded in the Community Development organization. Chairman Coutu just asked and I'll have him give further clarification - though the position is zeroed out, the head count I believe remains with that position in it. Mr. Malizia said we're not going to have any more positions at the end of the day. That is what it is. Whether they were funded I hear you. Your argument is well it didn't have funding in that specific position and I don't like it. We still have the same amount of head count. If I may, Selectman Luszey said here's where I'm having the issue with. We're taking a full time status head count and we're going to take a part time person and put it on. The one that we're using has zero funding in it. We're essentially refunding that one. The net to the budget is not zero. It's more because now we have all the benefits that go along with it. We did not use the one that is currently funded. There's going to be excess dollars in the budget for the head count that is fully funded for a permanent full time position.

Chairman Coutu told Jim Michaud that I know you disagree but I see where he's going. You stated that the 2 part time positions you have FICA and all that's in there. Is insurance in there? Somebody comes in and they want the best plan we have. Jim Michaud said we don't fund insurance for 29.5 hours positions. Chairman Coutu said what if someone were to come in and say I want the best insurance plan you got. Where are you going to get the money? Mr. Michaud asked for which position. Chairman Coutu said for the full time position. Mr. Michaud said the money is there for that. That's what I've identified within my own budget.

Steve Malizia indicated that we have \$60,000 in this budget for the two positions. He's saying get rid of both of the part time positions. He doesn't need either part time from here on out. Correct? Mr. Michaud said we're going to make it dormant. The Town wants to eliminate them, they can eliminate them. As far as your department goes, Mr. Malizia said Mr. Michaud is looking at those as those positions leave your department in theory. You get the full time head and you save \$3,200. Mr. Michaud said yes there's actually a net savings. Mr. Malizia said the Board has to unfund it. The funding is now transferred out of those positions into the full time. You have two part time positions that have no funding. If you do that action which you can do what you please with. One could possibly be a senior support person if you want to move money into it. One could be IT support. One could go to any other part of the organization that you deem fit.

Chairman Coutu said he sees it now. Thank you Selectman Maddox. Chairman Coutu asked Selectman Luszey if his questions been answered. Selectman Luszey said no.

First off, Selectman Maddox thought at some point we need to address this document and kind of track these mystery floating people that we keep on popping up to be able to be used. That's another agenda item. I'm just having a tough time saying you're going to eliminate 20 hours a week out of that department and that's okay. I'm just having a leap of faith that it's great to have this core person as a full timer person but you've eliminated 20 hours. I'm having a tough time here. Where is that going to come from next year and the year after? Is there going to be an increase in Patriot Properties, or is there going to be a request for a part time person downstream? I'm just trying to figure out how you're going to take care of a problem that you're identifying right now. Jim Michaud said you're asking me to crystal ball. If the community grows, are we going to ask for a position? I can't answer that question. It's an unanswerable question. You've asked the question. He's asked the question. I've answered to the best of my ability. It may not be the answer that you're looking for but I understand what you're saying and I've said in my judgment I'm assigning a higher priority to what is a fair amount of assessment administration specialist work? That is just something that has not decreased in 32 years. No more than the Town has decreased in population, tax base, and parcel count.

Selectman Luszey had a closing comment. Mr. Malizia actually hit upon it. We sent all the departments head to start to take a look at a workflow analysis. We have not seen that. I think for us to be prudent in looking at this swap, we should have a workshop to take a look at the work they've done to see what work is being done in those positions and what we should do with that list of phantom positions right now. There's a number of them. I think there's 5 of them. Five openings right now, 5 vacancies. I think the bigger question is do we need those 5 vacancies on our books at all or should we eliminate them. Do we have the right people? Do we have the right

number of people? Are they in the right spot? Mr. Michaud is making a case here which I actually would support maybe not tonight. He needs a person in that department but what hasn't been shown is whether or not we need the vacant positions in the other department. I think until we see the work that Mr. Malizia and the department heads have done, can we answer that question? Based on that, I will not support this tonight.

Jim Michaud would say the budget process of the last few years where that position has not been funded in Community Development has shown that it is a position that is not needed. The action is louder than anything else. The action was that position is not needed. That's why they haven't come in to fund it. I respect what you're saying. I'm just saying the facts are the facts. It could be the Assistant Town Administrator position for that matter we can move over. Take your pick. That was one that was created...Mr. Malizia said you didn't get rid of it. You spent the money from it. You still have the position. They're not phantom they're identified. We're not hiding anything.

*Motion by Selectman Brucker, seconded by Selectman Maddox, to replace the Assessing Department's part-time position of Administrative Aide II with the position of full-time Administrative Aide II; said position to be placed within the Local 1801 - Administrative and Support Staff Union at its existing grade, effective December 30, 2012.*

Selectman Brucker thought that Mr. Michaud has spoken to the need for it. I trust his judgment on what he needs in his department. I don't think we should be waiting for these studies to be done to make some of these decisions. I'm in favor of it. He's accounted for it in terms of how it will be paid for. I think it's a good move.

Selectman Maddox wanted to air it out so at least there was a motion on the table. I'm still having a tough time with this whole thing of moving people around. I'm right on that fence.

Selectman Nadeau said he was in the same mind set as Selectman Maddox. I'm just confused. We keep hearing that we need more hours in this department and here we are now cutting the hours to this department. I don't think it's been justified to me tonight. I have a few more questions that I'd like to ask the Assistant Assessor. I don't think it's going to get done tonight. I think that I will be voting in opposition on this this evening hoping to have some of my other questions answered down the road so that we can move on with this.

Selectman Luszey didn't think there's a great need that we move on this tonight. He has 2 part time people that are filling his needs above and beyond what he plans on going to Selectman Nadeau's point. I think we do have the time and the opportunity to take a look at what are the real needs not only in his department but the other departments and make sure we're putting the right resources in the right place. Once we make a person or position a full time status, it's not a fixed cost. A part time person is almost a fixed cost because there is no benefits to be had there. When you go to a full time status, those benefit costs begin to escalate year over year in terms of vacation time, earned time, and insurance costs. It's not something that we should take too lightly.

Selectman Brucker said she understands that but I think that what Mr. Michaud is asking for is a different kind of role for this person. Both you and Selectman Nadeau have been talking to just adding on the necessity for these extra hours when it's not the hours it's the kind of work that he's talking about. That's where I am not as concerned as you both are.

Selectman Nadeau was afraid of doing is jumping into this and going with this full time person and losing these 20 hours of services that we're currently getting and then hearing 3, 6, 8 months from now saying I need to have more services done because I lost 20 hours. I want to make sure before I do that that I'm not going to run into this. These are one of the questions I have and we'll get some clarification soon I'm sure. I'm not comfortable jumping into this this evening and going down this road yet. I'm going to be voting against this tonight and we'll look into it a little bit further before it goes too far. I think it might be something that needs to be done but I'm just not sure losing 20 hours and not having a justification how we're going to do the work that these people are currently doing.

Chairman Coutu said he had to weigh in. I have to tell you Mr. Michaud quite frankly I supported your request. I told you that I thought it was a reasonable request way back. I've had discussions with the Town Administrator how we were going to do this in the past. It became clear to me that it would be neutrally funded by the way that you were going to present it. However, I made it very clear to the Town Administrator that I think that you went down a path that has left us all in a quandary about changing what is presently 2 part time positions, 60 hours, down to 40 hours. Is that a statement to us? I know the answer is going to be no but we have 20 hours worth of people that we don't need because all I need is a 40 hour person. That's what it looks like to me. That's how it's going to come across to the audience.

Jim Michaud said that's not the answer. When I came in and asked for the funding for it, the answer was no we're not going to give you the funding for it. Okay. Well I still have that need for that full time position. So I will find a way to get it done. I know I can't get any funds on that at any point in the future in terms of replacing a part time status. We have put us in a position where we can't ask for any more funds. We can't ask for anything to respond to the growth of the community. If it was equipment, it would be one thing but I need personnel. I don't have equipment. I understand your concern about the hours but I think I already made that statement that in my judgment this position in its full time status is giving us that intangible that I don't have with the two part time positions. It's the need with the specialist end dealing with assessing administrative work.

Chairman Coutu asked what it is that these people are doing now. This is the question that's been bandied about and we never got a direct answer. What is it that these people are doing now that we no longer need 20 hours for? Mr. Michaud said the cyclical data collection work. I believe I answer that question. We've gone through almost 3 complete cyclical data collection since the year 2000. Not many communities have gone through that level of cyclical data collection. We have. We've gotten really good data out of it. I want

to maintain that data. We're going to maintain that data through permits, through abatements, and sales verification. At what point do we say okay how much more work out there are we going to do in terms of cyclical data collection? We're probably not going to go house, to house, to house. We're going to concentrate on those properties that we've not been into or those properties that have no trespassing on them and engaging in more communication with them. I have the need for the administrative end and I also have a need to make sure that our existing staff, the 3 that I have right now because that other part time position has not been a field position due to the person's illness. We're trying to meet that need now and my expectation is by this person filling out some of that administrative work that both Mike and I are doing, is going to free us up more for the outside.

Chairman Coutu asked at what point did cyclical data collection end. Jim Michaud said we continued it through this re-evaluation. We'd still be doing it if that position was able to fill it. I look at what the needs are. I have a higher need on the assessing administrative end than necessarily I do in the cyclical data collection end. I still have both needs but which one is the higher need. If the Board said here's the funding, then I would be making that position full time. Chairman Coutu indicated that Mr. Michaud just made the statement you still have that need but which one is the greater priority. That brings me to Selectman Nadeau's question at what point are you going to come back and ask for another part timer? Mr. Michaud still has that need that we were going to try to do with ourselves with Mike and I - field personnel. Chairman Coutu stated you're saying you're going to take on a heavier workload. Mr. Michaud said because some of our hours are going to be freed up because now I have this person coming on for 10.5 hours of administrative time.

Vote: Motion failed 4-1. Selectman Brucker in favor.

Chairman Coutu asked to recess for 10 minutes at 9:00 p.m. The Board was back in session at 9:12 p.m.

As a follow of to our last conversation, Selectman Luszey said he knew he did mention it. I think we should add to our February workshop the work that the Town Administrator and the department heads did on the work flows to help us understand what work is needed to help us get to a resolution on not only this position but a few others. Chairman Coutu said fair enough. We'll see if we can get that on the February Workshop. Donna it's consensus of the Board and we want to see the report of the Town Administrator and department heads on the assessment of needs and positions in the Town. Any workflow analysis that's been done relative to that.

F. Request to advertise for a Police Prosecutor

Chairman Coutu recognized Town Administrator Steve Malizia and Captain Bill Avery.

Steve Malizia said according to the Memo from Chief Lavoie, the Police Prosecutor is resigning effective the 28<sup>th</sup> of December. This individual has been in that position since December of 2006. The Police Chief is requesting the approval of the Board to advertise for a full time Police Prosecutor for the Police Department. That position is covered by the Police, Fire and Town Supervisors Association. Again, it's asking for permission to post.

Motion by Selectman Maddox, seconded by Selectman Luszey, to accept Chief Lavoie's request to advertise for a full time Police Prosecutor.

Selectman Maddox indicated that the Captain is here but I think it's pretty explanatory. We need a Prosecutor. We can beat this one around all day. Chairman Coutu said we need that position. Selectman Luszey said with a start date of February 18<sup>th</sup>. Captain Avery indicated it would be after February 18<sup>th</sup>. It's a long process. They're going to go through a full hiring process just as a police officer would. Chairman Coutu asked if this was posted in house first. We don't have anybody in house. Mr. Malizia said he wasn't aware that it's a requirement of that contract. It would be posted externally. Captain Avery said he was waiting until after this meeting before I posted it throughout the Town.

Just on that note, Selectman Luszey asked about posting. Would this go to other than The Telegraph like the Union Leader, the Lowell Sun? Captain Avery said the NH Bar Association. I will be reaching out to them. Also your regular papers - Hudson/Litchfield News, Nashua Telegraph, WMUR. We will reach out to the Lowell Sun to try and grab some attorneys down in Massachusetts to get some more applicants. Selectman Luszey said in the areas of Manchester and Concord. Mr. Malizia assumed that they have to be admitted to the NH Bar. Captain Avery said that was not a requirement in the past but it is now. In the past when Attorney Ray Mello was here, they could operate under his license for one year. However, we do not have that luxury currently. So they will have to be NH Bar certified.

Vote: Motion carried 5-0.

G. Hudson Speedway Annual Report

Chairman Coutu recognized Town Administrator Steve Malizia and Captain Avery.

Steve Malizia indicated that the Board has requested for the past several years the log for the closing times for the Hudson Speedway to make sure that they are in compliance with their permitted closing time. I believe Captain Avery has provided us with a report and I believe there were two incidents based on what I'm reading here. They exceeded the time limit by I believe 5 minutes and 9 minutes respectively. It appeared that there was an accident during those particular races. With the exception of those two, it appears that all the other races were well within the time limits.



Chairman Coutu asked Captain Avery if this was his report. Captain Avery said it is. There were two dates that we did not have the end time on. It wasn't logged in our police log. Chairman Coutu said the July 29<sup>th</sup> and September 9<sup>th</sup>. Other than that, I'm sure you take rides down there relatively satisfied with the operation. Captain Avery said he was very satisfied. There were severe accidents. Selectman Nadeau was actually at both races when the accident took place.

Selectman Maddox said he instituted this a number of years ago to stop the spring time annual they were running over last year. I think this is at least documented as best we can that situation. I think it keeps both sides honest inasmuch that it was documented when they were shut down. You can see that there is new construction in that area. I'm sure they're going to have more complaints as they develop. I think it's important that this continue through the next year so that, again, come spring time there were over a few minutes because of a legitimate reason. I think this serves a purpose. Chairman Coutu asked if they police had it on their radar for next year as well. Captain Avery said they do it every year. We started it two years ago so we've been tracking it for the last two.

Selectman Maddox was going to bring it up under "Other Business" but while Captain Avery is here and much as he loves spending the evening with us, I thought I would bring up the fact that unfortunately I was called and told that the Part Time Animal Control Officer has resigned. Captain Avery said they had replaced Carol Whiting with another individual. Due to a conflict with his full time job, he was forced to vacate this position. Because we're not meeting until next year, Selectman Maddox thought if the Board is in that mind to advertise for that position as well. Quite frankly in light of the amount of workload that has been increased in that area especially with Benson Park, Chairman Coutu said there's certainly a critical need to fill that position. There always was a need for the position but it's even more critical now to get somebody in there and trained and getting the mechanics of the job behind him. Without objection, I'll entertain a motion.

*Motion by Selectman Maddox, seconded by Selectman Nadeau, to advertise for a Part-Time Animal Control Officer, carried 5-0.*

H. Reverse Involuntary Merger of Map 173, Lot 14

Chairman Coutu recognized Town Administrator Steve Malizia.

Steve Malizia indicated that at some point in the last few years in the assessing records, there were two lots that were merged involuntarily. It's something that Assessing goes and takes the small parcels and adjusted it in his records. The owner of the parcels has the right to have that involuntary merger reversed. As a matter of fact if you read our Annual Report, you'll see a notice in that Annual Report that the law allows any lots that are involuntary merge to be unmerged upon written request. You have a written request by the owner of the property requesting that the lot be unmerged. The appropriate motion would be to unmerge.

*Motion by Selectman Luszey, seconded by Selectman Maddox, to unmerge existing Lot 15, as shown on Town Assessor's Map 173, so that the previous involuntarily merged Lot 14 portion of said Lot 15, shall again become a separate lot, and for it to be designated as Map 173, Lot 014, Sublot 001, in accordance with the recommendation of the Assistant Town Assessor.*

Selectman Luszey asked why were these lots merged without consent. Selectman Maddox said because there was a State Statute that said we could. Selectman Luszey knows you could but why. Selectman Maddox said because they were, and I don't know about this particular lot, but in the 1920s you could buy a lot as big as this table area if you have breakfast in Lowell. So there's a lot of these little itty bitty lots that didn't support even a TR zone. They were unbuilt. They were existing but they had not been constructed on so they combined them to make them at least a minimum of a TR zone lot to today's standards as per the RSA.

Selectman Luszey asked when you unmerge them don't the lots have to be in compliance with the lot standards. Selectman Maddox said no. They're lots of record. Chairman Coutu said we recognize pre-existing conditions. Selectman Luszey said no. It says "once restored, restoration does not cure nonconformity". Do we make nonconforming lots now? Selectman Maddox said he wasn't exactly sure how this law was intended. Chairman Coutu thought what happens is that once you have a subdivision and a lot specification within that subdivision if someone were to seek a special exemption and he got a lot size just somewhat shorter once he gets that approval, it's in compliance even though it's not really in compliance. It is because he was approved for the compliance.

Gary Webster thought what Mr. Maddox said we have all these camp lots, small lots, on Tolles Street and all over town. They're all about 20 X 100. I remember the law that came in that they could consolidate them. Technically, it's a buildable lot 100 by 100. This is going the reverse now to put the lot lines back in.

Selectman Luszey's question on these lots because it says "once restored, the properties will once again become separate lots however they must still conform to applicable land use ordinance. Restoration does not cure nonconformity." Are we creating nonconforming lots? Mr. Webster said the only way they'll conform what I just mentioned is you consolidate them. I don't know what the reason was but now you're putting the lot lines back where they were. If they're putting all the lot lines back in, now it becomes a nonconforming lot. They couldn't come in and get a building permit for that lot.

Chairman Coutu indicated that if you look at the map Lot 173-14 based on what I'm looking at, there's probably that paved area for a trailer and it looks like they want to bring the lines out further up to Tolles Street down and across. It looks like they're enlarging it. Mr. Webster said he's never had a case where they want to put the lot lines back in. Usually they want to take them out to make it a bigger lot so that they can build on it. They have paper streets down there and everything else. This is the first time I've seen it. I don't know why they want to do that. Chairman Coutu said where all I see are those pavement areas on Tolles Street, those were all the places they were putting trailers? Mr. Webster said across the street there was mostly and there's an empty lot. Lot 173-16 at one time that

was the rubbish removal guy in there and then across the street was a body shop. I haven't been down there for quite a while. I know they've done some other things. They actually hooked into sewer finally a couple of years ago. I've never run into a thing where they put the lot lines back in for camp lots. It's usually the other way around. Like it says here, it has to be conforming. If you don't meet the setbacks and the build envelop, you might have to put a small house in there. We had other cases like that before but the lots were smaller on Riverside. As long as you met the building setbacks - sometimes they turned the house sideways and that happened on Riverside so it fits with the setbacks. It's a nonconforming lot. It's a zoning thing if they come in for a building permit. There's got to be a determination if they can build on the lot with the setbacks.

Chairman Coutu said he stands correct Selectman Luszey. He's shrinking the lot because he's putting the lines back where they were. Steve Malizia said it's his right. Unfortunately whether we agree or disagree, he has the right to do it because it was an involuntarily merged. I don't know what his purpose is but it's his legal right to do so. Chairman Coutu said if it's an undersized lot, you can't build on it anyway. Mr. Webster said he'd have to go to the Zoning Board for a determination. Selectman Maddox said he can because he has now a lot.

Vote: Motion carried 5-0.

I. Senior Center/Cable TV Facility Warrant Article

Chairman Coutu recognized Selectman Luszey.

As you know, we've been working on this for a number of months now. When we last actually talked about this, we were hoping that we would not have to raise any monies out of regular taxation. Given that we're not able to get a real accurate handle at this time on what's going to be leftover in a couple of the funds and there was a mistake on my part on the Council on Aging. They had \$50,000 and the number that they gave us that is designated for fit up that cannot go for building. At that \$38,000 roughly that I had the last time we spoke, add \$50,000 to that and it comes up to about \$83,000. On top of that, there's some monies left in the account right now that Mr. Webster is working out of for the drawings and stuff like that. We have not got the final bill from Warren Street. We know there's going to be some monies left over but until we actual get the bill, we can't forecast that. We need to submit this warrant article to the Budget Committee. Given all that, the Finance Director worked up a nice little balance sheet if you will that shows all the monies on page 3 that we will have made available to us should this warrant pass and what would need to be raised out of general taxation, which is the \$117,996. We're going out to bid on January 2<sup>nd</sup> for the actual bid process which we believe we will have back in time for the deliberative sessions. We're hoping to have a motion ready to decrease that amount on the floor and not increase.

Chairman Coutu asked if Selectman Luszey could explain for the listening audience what this sentence means - "The balance of \$117,996 is to come from general taxation". If I'm a listener, I'm saying you're going to raise my taxes by that amount of money. Selectman Luszey said that's right four cents (\$.04) a thousand roughly. Mr. Malizia said its appropriation. When all is said and done, you've appropriated the entire amount. You've identified where monies are coming from. They are coming from the Cable Capital Reserve Fund, and they're coming from the Senior Center Capital Reserve Fund, and they're also coming from a donation from the seniors. That donation is for the building only and not for the fit up. Once you take all of that mathematics, you are left with a balance of \$117,996 which at this point in time we're identifying as being raised for taxes. What Selectman Luszey is saying is should the estimate come in below \$1.778 million and should we have monies leftover from the drawing or the plan part of the process, we potentially could lower several numbers. One being the total cost of \$1.778 million along with the tax piece because that's the other piece that would decrease. What you can do at the deliberative session is amend those numbers as you have appropriate costs. For now, you need to forward something to the budget and the Budget Committee. This is at this point the best estimate of where we're at. The language has been vetted. The only thing that was missing the last time was the numbers.

Chairman Coutu said he wanted to make sure everybody understood where we were.

Selectman Luszey said what this also means is in this year's tax rate there's \$300,000 that went to the Senior Center Capital Reserve. This is less than half of that. Steve Malizia said actually if I could help you out a little bit, yes for the reserve fund. We also had some money that we took from the reserve funds to do the plan and the study just so people know. There's money going both ways.

Selectman Maddox had one question as to the FY14 projected funds, the cable access fees of \$91,040. That's draining every cent they have. Are they going to be giving folding chairs and a...Selectman Luszey said no. In their budget they actually have money set aside in their operating budget for deficit and upfit if you will of this.

Chairman Coutu said we have the money to do it.

Mike O'Keefe said yes. In the FY14 budget we have money accounted for to unfit the building we're in now which we're required to do as part of the lease. Then we have roughly \$70,000 or so in a small equipment line item and that could be used. We're not going to be purchasing a lot of new equipment because most of...Selectman Maddox said he was talking more about furniture and those type of things. You have very little at the existing facility, all these offices that you're putting in and all of that type of thing. I'm just making sure that we're not spending every dime you got and we're going to have a beautiful empty building. Like Mr. O'Keefe said, we have roughly I'd say roughly \$75,000 that could be (inaudible) equipment. We certainly haven't estimated what the exact would be. I can't imagine some desks, chairs, and what not are going to cost more than \$5,000 - \$10,000. Chairman Coutu said the revenues are going to be greater because we had increased it by 1 percent. I think we're going to be in relatively good shape there. We don't know when the construction is going to be over and when we'd be able to make the move. It certainly won't be in a couple of months. It's going to take

some time to do this. We can't put a shovel in the ground until after the voters approve it. It wouldn't be until July 1<sup>st</sup>. Selectman Maddox said the 91 is based on the 4 percent. Chairman Coutu said he was satisfied with what we have - the consoles and what not and with whatever funds are available, we'll be able to fit that building and have a bigger studio. We'll be fine I think.

Motion by Selectman Luszey, seconded by Selectman Brucker, to forward the warrant article for the construction of a dual use senior center/cable TV facility to the Fiscal Year 2014 Warrant, carried 5-0.

J. Hudson Train Depot Contract - 14408

Chairman Coutu indicated that Gary Webster and his counterpart Bernie Manor so much time on this, I'd like to wrap this all up in 30 seconds. Mr. Webster if you'll explain where we're finally at.

Gary Webster indicated that he gave a packet with the information and WarrenStreet is our contractor for the Phase II, Phase III, and the construction administration. The total is \$122,500 for the contract. The reason for this is because the administration is \$50,000 some odd dollars for the construction administration which we'll probably be doing in house. It's been a long, long task. I have another item I want to bring up also for your information after. It's been 21 months since we've been trying to get a contract. It's been a lot of pain and we finally got there. There's one little glitch that I just got the other day but nothing serious. I've done other DOT projects that have gone much faster and easier and almost painless compared to this one. I'm not sure if it's because it's historic but it's been a long process. We're getting closer to get this moving. I got the schedule today of the train station.

Chairman Coutu indicated that Mr. Webster and Mr. Manor look 21 months older as a result of this. Mr. Webster indicated that it's been 3 years since we've been working on it. They want to start the preliminary engineering the first of January. I've already told WarrenStreet to go because I'm not fooling around anymore.

Selectman Maddox asked how much was the original Phase I. Mr. Webster said \$13,000.

For further clarification especially for our listening audience, Chairman Coutu said that we just mentioned an amount of \$122,500. We know this isn't coming out of the general fund. Will you explain what we have in that pool and where that money is coming from? Right now, Mr. Webster said our share at first was \$68,000. When we first started this project, we had \$273,000 in there. The Town's share was \$68,393 and the State portion was \$205,179. This was back in 2010 when we started this project. Obviously as time goes on, they've got us more money. We have to put 25 percent of our funds to match the funds of the State. The proposals from the State now is \$388,000 and our share is going to be \$27,679 above the \$68,000 for our share.

Chairman Coutu stated that we're now up to \$97,000 for the Town and where is that coming from. Mr. Webster said it was going to have to be part of the budget for the Benson fund. I believe that's how it was going to be funded.

Selectman Maddox indicated that we're going to spend \$135,000 on engineering for a building that the 5 of us could build for \$100,000. How does this happen? I think we ought to do what we did with the damn bridge. I think we ought to invite DOT down to explain how they justified this kind of expense to build a building that isn't worth the price of the engineer.

Chairman Coutu said he didn't disagree with Selectman Maddox but based on what I've seen if we extend this out another 6 or 7 months, it's going to cost that much more. This price tag was a lot cheaper 2 years ago when we started this project and they've already elevated it.

Gary Webster said he was going to add to Mr. Coutu what you just said. The preliminary engineer was 33. It was up to 52, then it went to 98. Working with the State and I'd love to show you all the notes that keeps adding on having an archeologist while we're digging a hole to put the foundation in and all the specialty things that he has to hire. We'd have to get some historian. We have an archeologist, the borings, an estimator, a structural engineer, a civil engineer, historic consultant which DOT made us get, independent testing, and the environmental. The biggest part of this whole price is we have \$57,000 for construction and oversight that the State wanted us to do. I want the contract on so we can get moving on this thing.

Selectman Maddox asked why don't we invite the people from DOT that told us when we got Benson's when took on this project that we wouldn't have to jump through all of these flaming, moving hoops and say why are we doing this? It is taxpayer money somehow. To build a building that isn't worth what the engineering costs. Chairman Coutu said he wasn't here when the train station first evolved. I hear where you're coming from and I think we're just throwing money in the wind if we don't ask why the hell did all of this cost increase so much without any input from us. Basically we just ran Gary through the ringer. I think it's unfair. At what point do we cut our loss and say go ahead with it. What's next? We have to put it somewhere. You can leave it just where it is and keep the roof going every year...Selectman Maddox indicated we put a new roof on it.

Mr. Webster said at the beginning of this project obviously the money we had in there was not enough. The goal that Bernie and I had was to get it on the foundation, get the volunteers to do the interior work. I think the price tag was almost \$500,000 to finish it 100 percent. I think the biggest thing is to get it on the foundation, get the utilities in there. Every year DOT keeps adding this price to get more work done with the price they have. We have no control. I've invited them down to take a look. I had the guy from DHR down here a few weeks ago to look at the office building. He wants to see the train station moved. It should have been real simple to do this.

Chairman Coutu said based on his understanding from several meetings ago that we technically couldn't put volunteers in there to finish the inside because they have very strict regulations relative to what we can and can't do in there. We need to find original materials back in the day and restore it to that caliber which is a very, very expensive proposition. Gary Webster indicated we're doing the same with the office building right now. If there's a better way to do it, please let me know. Chairman Coutu appreciated and understood the ringer Gary's gone through - running back and forth to Concord over these past 2 years, the volume of e-mails that have gone back and forth. You sent me pretty much every one of them. I'm well aware of what's going on. You and Mr. Manor all the hours that he's volunteered on this as well to help you; the meetings that he's gone to. There comes a point where common sense prevails. It's getting to the point where...I started listening the other night to the Benson Committee meeting and how much is involved in restoring the office building and what kind of hoops we have to go through to make sure we restore that. We took on these obligations but the final obligation and the only obligation that we have is to maintain the buildings in the condition in which we found them. The train station I dare say is in much better condition and I dare say that the office building is in much better condition. I can't talk so much about the barn but that's another thing. What we're saying is we're willing to contract this out and find a mechanism to raise an additional \$97,000 to get this done. When this all started 2 years ago, one of the questions was how much is this going to cost us - oh we have the money to do it. Now we're up to \$97,000 our cost. I hate to say that all this work is gone for not.

Gary Webster indicated it's another \$27,000. We have 68. Chairman Coutu indicated that the Town's share was 97. Mr. Malizia said the Town's share originally was \$68,000. Chairman Coutu said then it went up to \$97,000 and then we needed an additional \$27,000. Mr. Malizia said no. What he's saying is the difference between the 96 and the 68 is 27,600. Then he's also saying as you move your finger down you see the \$8,000, that's for a box culvert and the foundation estimate difference of \$3,900. That's the additional monies that we do not have right now that we need to do this. Chairman Coutu confirmed that the 27, plus the 8, plus the 3 is a total of \$39,697 is what we need over and above the \$68,000 we've already put into it. Now we're looking at \$108,000 total cost to the Town.

Gary Webster said last year we put the roof on. We had the foundation all designed and ready to go. Chairman Coutu said he understood. I hate to think that all this work would go for naught because I know the amount of hours that's been invested in this over and above the cost. I think we're between a box and a hard place here.

Bernie Manor said the unfortunate thing in this whole thing is the Town signed the agreement to take that property back. When they signed that, they assigned on to do what we're proposing to do. The cost keeps going up. It's not realistic and anywhere near - common sense would dictate. I don't see how you can get around the signing that we've done to take that back.

Selectman Maddox said we didn't sign up that we were going to move this thing and make it into a museum. We signed on that we would maintain it in the shape that it was given to us. We can have our attorney look at it again Mr. Chairman. We're not obligated to do this. I think Mr. Chairman it is time to much like we did with the dam, bring somebody down from DOT, put them in that chair and say why are we spending taxpayer money and State money to match it on something that makes no sense when you told us, and I believe and the Town Administrator will have to go back and tack a look, when we bought the properties some of these questions were asked would we have to go into archeology and all this other stuff. No you're all set. We're being told a new story now. I think we need to put somebody in that chair, the Assistant Commissioner or somebody, and say why is this being done before we spend \$122,000.

Chairman Coutu asked who Mr. Webster's contact point on this project at DOT. Mr. Webster said Robert Hudson. Chairman Coutu asked if we could get him in here and a couple of his engineers or aides to explain why he's got us up against a wall for this kind of money when we thought this was going to be a done deal 2 years ago at \$68,000 originally - money that we had and now we have to go and find money. Mr. Webster said he'd gladly invite him. I've been trying to get him down here just to look at it. Chairman Coutu said he knows it's going to put it off a little longer but it can't be done now. I agree with Selectman Maddox. I would rather get a consensus of opinion.

*Motion by Selectman Maddox, seconded by Selectman Luszey, that a Representative from DOT come to a Board of Selectmen's meeting to outline the increase from the original \$68,000 in the agreement the Town originally had in regards to the train station.*

Selectman Luszey asked to amend the motion that the meeting take place in February. Selectman Maddox said if they can't be here, what's the difference. Selectman Luszey said we need to put a time table on it. We have people that are waiting for contracts to be signed and they've done a tremendous amount of work. We need to put closure with them. Chairman Coutu asked what happens if they can't make it in February and say they can't possibly be there until March or April. Do we move ahead with the project? Selectman Luszey said no. Call our Reps. and have them put pressure on them. Gary Webster said he's been in contact with them so he knows what's going on. Chairman Coutu assumed that would be Representative Jasper.

*Motion by Selectman Maddox, seconded by Selectman Luszey, that a Representative from DOT come to a Board of Selectmen's meeting in February to outline the increase from the original \$68,000 in the agreement the Town originally had in regards to the train station, carried 5-0.*

Chairman Coutu was glad that the motion was unanimous because you can tell them we're upset. The sooner they get here the better. I will get a hold of Representative Jasper and whatever other member of the delegation. That delegation should be marching down to DOT and demanding some answers. Demanding. We've been held hostage through this thing for two plus years. We are a hostage to their ineptness. DOT is inept and I can be quoted on that. That's what they are. I've dealt enough with them over the past five years to realize now how inept they are. Gentlemen, I appreciate your taking the time. I'm glad you're not upset by our decision. We need to do what's best for the taxpayers of the Town of Hudson. This makes no sense at all. I'm glad this was unanimous. The Board certainly

sees through what they're trying to do to us. I can't believe we're here with this thing after two years. This should have been a done deal. Bureaucracy - never having done on time. You are so right Selectman Maddox.

K. Petitioned Zoning Warrant Articles

Chairman Coutu recognized Town Administrator Steve Malizia.

Steve Malizia indicated that the deadline for accepting any petition zoning warrant articles is actually tomorrow, December 12<sup>th</sup>. As this is your last meeting and you are required to forward any we receive, we put a motion out that in case we get some tomorrow you do not have to have any kind of special meeting. You're basically approving a motion to forward any petition warrant articles we receive in the office tomorrow and that are validated to the Planning Board which is required by Statute. We don't have any. You had one that you've already done in anticipation that you may get another one. I'm not aware of any. You have to take this motion.

Motion by Selectman Maddox, seconded by Selectman Luszey, to forward any petitioned zoning warrant articles received by the Selectmen's office through the end of business on December 12, 2012 and validated by the Town Clerk's Office to the Planning Board, carried 5-0.

L. 2013 Meeting Schedule for the Board of Selectmen

Chairman Coutu asked if there were any changes anyone wished to recommend on the schedule for 2013. Selectman Maddox said just like this year, we don't want to work on Christmas. We just want to make people aware that this is the last meeting of the year. It's going to be the same thing next year.

Motion by Selectman Luszey, seconded by Selectman Nadeau, to accept the 2013 Meeting Schedule for the Board of Selectmen, carried 5-0.

9. OTHER BUSINESS/REMARKS BY THE SELECTMEN

Selectman Luszey - Thank you Mr. Chairman. Just one brief announcement. The Town Clerk's office and the Sewer Department will be closing early on Christmas Eve 12/24. They'll be closing at 2 p.m. Just so folks are aware, this isn't costing us anything. They're using their earned time and vacation time to take that half day off. I wish them happy holidays. If you have any business that you need to conduct at the Clerk's office, please do it before 2 p.m.

Selectman Brucker - The Conservation Commission met last night. We did have 2 long-time members retire from the Commission - Sandra Rumbaugh and Tim Quinn. I just want to say how much we appreciate them. They both have been on the Commission for 11 years. We appreciate their service. Chairman Coutu said he considers both of them friends. I'm sorry to see them go. Over all these years, they've been hard workers on the Conservation Commission. A lot of people don't even know what the Conservation Commission does. We do here in town and I'm certainly going to miss Sandra and Tim. Tim and I have our same roots in Lowell. Thank you for that. Selectman Brucker said Mr. Quinn was worried. Chairman Coutu said the last time he resigned I talked him into not doing it.

Selectman Brucker stated that the Budget Committee of course met last week. We're continuing to review the town budget with the Budget Committee. There were no major questions asked. Chairman Coutu asked if there was anything the Board should be aware of. Selectman Brucker said no. Steve Malizia said they did tentatively recommend - their straw poll was very strong in favor of the articles that's been presented thus far. The articles being the Town warrant articles. They were met if not unanimously favorably, they were met for the majority favorable. There might have been a couple of abstentions. Just the general tone after sitting in the meeting with Selectman Brucker was that they seemed to be favorably disposed as to how the Selectmen put the budget together and the warrant articles that they presented. I saw nothing but favorable comments, a few modest questions, but in general the first session went well. Chairman Coutu was glad they were favorably inclined about the budget as I am. These four people did an outstanding job in my absence.

Selectman Brucker wished everybody a merry Christmas and happy holidays to everyone since this is our last meeting.

Selectman Nadeau - A couple of things. The first one is I went to the Chamber annual Christmas party/auction for St. Vincent's. I don't know what the number was but they did very well and the attendance was there. There was a lot of fun there in the evening.

The other thing is we have the winter parking ban and a lot of people still don't understand that even though there's no snow, the parking ban is from 11:00 p.m. until 7:00 a.m. It's on the Town website and on the cable channel scrolling all the time. It's so that when we have to do the snow cleanups and stuff in the evening, we don't have to worry about the cars in the way. This has been this way for a few years now but people still don't understand it. I hope that they get the message on the parking ban.

Selectman Nadeau said the hours for the parks in town have changed due to the winter hours. That's also on the Town website. If people could please take a look at the hours for these parks. They're starting to have problems with people after hours in the parks. As soon as the snow gets here, people will be wanting to snow shoe in the park. Just be aware of the hours and the gates will be locked during the non hours.

Lastly just to wrap up the Christmas season. They are still doing the Toys for Tots drive throughout the Town. The boxes are still out in a lot of the businesses. We have one here at Town Hall. We also have a drop off for St. Vincent's and there's a big need for canned goods for the Christmas distribution baskets. If you'd like to drop those off either at Town Hall or at the Gulf Station, it would be greatly appreciated or Caribbean Tan. If anybody needs further information, they can contact me and I'll be more than happy to help them with those items.

Chairman Coutu asked if there was any serious vandalism at any of the parks or the police should be aware of certain parks. Selectman Nadeau was aware that people have been in the parks after hours and doing stuff that they're not supposed to. I'm sure that the police are aware of these problems.

Selectman Luszey said it was brought to my attention - I think we need to go back and revisit the ordinances for Benson Park specifically. It appears that we may have let some slide through that actually did not become ordinances. Chairman Coutu asked Selectman Nadeau to make it a point to ask the Benson Committee if there's a problem. Are you aware that there's a problem with...Selectman Nadeau said he just heard about it this evening from Selectman Luszey. Chairman Coutu asked Selectman Luszey how it was brought to your attention. Selectman Luszey said someone told me that they had an issue with a horse riding through the park and they were told by the Police Department that it's unenforceable because it's not an ordinance. Chairman Coutu said he understood that and I believe that in the deed horse riding is acceptable unless we ban it. I don't think we did. I think you're right. Selectman Luszey said we have a bunch of rules but they're not ordinances and they're unenforceable. Chairman Coutu asked if we had others. Whoever your source is can we get all of them so that we can have the police look at them? Selectman Luszey said he'd work with Ben. Chairman Coutu said they should get it to Selectman Maddox so he can bring it to the Police Chief to see what he can - I'm sure he can enforce a horse. There's basically only a couple of ways in and out with a horse. Selectman Luszey said if there's no mechanism for them to enforce that. Chairman Coutu said he understood that. Why don't we see if we can collect the data and have Selectman Maddox present it to the Chief.

Selectman Maddox - To that end, I asked the Captain today how many citations or tickets have been given for leashes longer than 6 feet. None. We make the ordinance and nothing has been done with it. The libertarian side of me is saying why are we going to go through all these hoops. Tell the people no horses and so be it. I think sometimes we over regulate and under enforce.

With that said, Selectman Luszey and I went to Foxboro to see the squad truck so that we could talk intelligently about that concept. It was quite enlightening to see that vehicle. I think that there is great promise for better services at a reduced price for the taxpayers.

An item that I would like to add to our already full agenda is I'm going to call it an "Action Item Report". We all say things at these meetings and sometimes we don't make a motion. I think that we need to have a mechanism Mr. Chairman by which they are tracked. I would like us to see, and I will work with the Administrative Assistant if you all agree that we make a spreadsheet that says if Selectman Brucker wants X to be looked into and we all say yes, it's documented and it's tracked. We talked about bringing the Representatives in to talk to us. All the legislation has already been submitted. We've lost that window. We asked them to be brought in but we didn't give a time frame, we didn't give it an urgency, or whatever you want to call it. It got forgotten. I think we need to put some mechanism in place Mr. Chairman. I'm just saying a spreadsheet that gets distributed to us every meeting so that there's some follow up. I think we have some great ideas. They get passed along and they get swept up in all the last things. If the Board is agreeable, me and my spreadsheet will be more than willing to help out.

Chairman Coutu asked the consensus of the Board. Selectman Luszey thought it was a good idea. Selectman Nadeau thought it was a good idea. Chairman Coutu indicated that the Board had a consensus.

Selectman Maddox said one of the things that may have fallen through this crack as I speak to you there was deep concern about people working inside the Elephant Barn yet I saw on Facebook, don't ask me why I was there, that they were cleaning that out. Some contracting company gave them a dump truck and all of this stuff. So there's people working in there. I thought that we said no working in that building until we got this magical report about the amount of asbestos and the plan to mitigate. Did I miss something? Chairman Coutu said that was what we said.

Selectman Nadeau are you aware of this? Selectman Nadeau indicated just when Selectman Maddox brought it up the other day. We talk about it at our Benson meeting - not this past meeting but the one before. I was going to bring it up this evening but seeing our agenda was so heavy this evening, I decided to bring it forward for the next meeting. They got me the documentation and the stuff for the next meeting which we'll bring forward to you at their remediation plan that they have. I wasn't aware that they were doing work in there this weekend. I'm not sure if it was that building that they were working in or if it was the office building that they were working in. Selectman Maddox indicated it said the Elephant Barn on their Facebook page.

Chairman Coutu said he knew they were doing some work in the office building. There was some damage on the threshold going in and the stair casings and stuff. Selectman Nadeau knew they were doing that. Chairman Coutu knows that we had a contract with The Friends of Benson Park. It has nothing to do with the Benson Park Committee. I appreciate that you're seeing these things and you were going to report it. I remember distinctly we said that all activities in that building will cease and desist until we get a mitigation plan on the asbestos that remains in that building only because we don't want existing particles to be floating around the air and somebody gets it in their lungs. I thought we made that very clear. I thought they were told that they couldn't be in the building. I thought that at one point I had the police go down there and say short of roping it off, tell them they can't be in the building. That was made clear to me that that was done. Apparently they're still going in there and doing whatever. If that's the case, at what point do we say they're violating the contract?

Selectman Luszey stated at the point at which they violate the contract. Chairman Coutu said it's been several times now. Selectman Luszey said we should be calling on them. Chairman Coutu asked if they should be bringing them in again. Selectman Maddox indicated that it was a month away.

Motion by Selectman Maddox, seconded by Selectman Luszey, to have the Highway Department secure the Elephant Barn by means which only they have access to it.

Based on what Selectman Maddox read, we don't want people in there. I don't know how else to do it but to secure it with our locks and whatever needs to be done to secure that building so that we control who goes in the building.

Selectman Luszey said he as okay with that. I think the Town Administrator should notify The Friends of Benson Park's Chairperson that says that this is what we're doing. The expectation is that they're not in there until after we see them. Chairman Coutu said that was fair enough. We could give them...Selectman Luszey said they should communicate our intentions with them. Chairman Coutu indicated that they could get a letter out tomorrow if it's possible. I still think we have to have the same President. Unless we've been notified otherwise, that's the person we deal with and we send a letter to him. He has 5 days, not business days, 5 days from receipt of the letter and I would send it certified mail, registered receipt so that we're sure that he signs for the letter. He has 5 business days from the date of the receipt of the letter. We'll get the receipt back and they have 5 days to get out instead of doing it overnight. Is that fine with everyone?

Selectman Luszey didn't know if they have stuff in there that they may want to move out. Chairman Coutu indicated that somehow they needed to include that in the motion and I'd have to have the seconder to agree that with a letter to the President of The Friends of Benson...Selectman Maddox stated that we are saying no more entry into the building until such time as we have received that report and has come before the Board.

Motion by Selectman Maddox, seconded by Selectman Luszey, to have the Highway Department secure the Elephant Barn by means which only they have access to it and that a letter to the President of The Friends of Benson indicating the Board stated no more entry into the building until such time as we have received the remedial report and has come before the Board.

Selectman Nadeau thought that this is a little extreme. I think we should be working with them. I wasn't at the last Benson's meeting when they gave us the report. They're going to be coming forward with it to us. They brought it to the Benson Committee because they thought that was their avenue that they were supposed to go. I asked them to get me all the information so I could bring it forward to the Board. They have a remediation plan that they would like to do, which is accepted by the Building Inspector. I think that we should inform them that until we have an agreement with them that they can't be going in the building. I don't know that we informed them formally last time of them not to go in. I don't think putting a padlock on it is the way to go. I did not see the posting that Selectman Maddox was talking about. I didn't go on to take a look at that. I just knew that this plan was coming before us at our next meeting in January. We should just tell them not to go in the. I think that they're adults and they should know that we have an agreement and this is what we're going to do. I don't think going that route is the way to go. If that's the will of the body and that's what you guys want to do, great.

This is Chairman Coutu's problem Selectman Nadeau. They were before us. They said they didn't understand who the Town was. I think we made it very clear to them that the Town is the Board of Selectmen. We are the administrators of whatever in this town and if everything has to be done through us. We are the landlords; they are the tenants. I thought that was made very clear to them. Again it says to me their actions says to me otherwise. They went to the Benson Committee. Selectman Nadeau indicated that's what the Board told them to go.

Chairman Coutu asked with the remediation plan. Selectman Nadeau said no. Anything they wanted to do you told them to go to the Benson Committee. Chairman Coutu said the Board told them that we wanted to see, "we", the Board of Selectmen wanted to see a remediation plan and we didn't want them in the building doing any further construction. They've continued to do construction if the posting is correct. Selectman Nadeau said that is correct if the posting is correct. We don't know if that is. Chairman Coutu indicated that if the posting is not correct, I don't see what negativity is going to be to vote for the motion. In case they have violated what we told them, this is going to stop them from doing this until we get a remediation plan. This is asbestos we're talking about. This isn't peeling wallpaper off the wall. This is something that's serious and we know it's serious. We were told flat out there was no more asbestos in the building and then we were told that was wrong. Now we had to react to that. Again, we represent the citizens of this Town. People at some point are going to be going in and out of there. If we don't know that they're covering the asbestos properly, which I understand is a method that can be used with whatever solution they need to put on it. If that were so, I'd know that it was being done correctly. I'm going to vote for the motion. Is there any more discussion?

For clarification for myself and why I'm voting for it, Selectman Luszey said they were here. We asked for a plan. There was to be no more work done in the elephant barn until we got the remediation plan and the asbestos issue resolved. We haven't seen the plan back. If someone goes into our elephant barn and is exposed to asbestos, we would be held liable for that. That's my issue. We need to safeguard the Town and limit its liability to this. I just recently looked at the posting for the elephant barn. It names a construction company, (inaudible), and what time to go in there and remove junk from it. To me, it sounds like there's activity going on in that barn that has not been approved by the Benson Committee or us. If you can't tell us that the Benson Committee approved them going in there, then they haven't (inaudible). That's what I just heard you say.

Chairman Coutu asked if the posting was dated. Selectman Maddox said it was Sunday, December 8<sup>th</sup>, at 6:12 p.m. To speak to my motion, I don't want to do this but we have asked, cajoled, semi-threatened and it's not getting across. When something bad happens, it's going to be the 5 of us sitting here and nobody else. Enough is enough. Chairman Coutu said especially when somebody can come back and say you knew about it and you did nothing about it. That's the problem I'm having and that's why I don't like supporting the motion any more than you do. Unfortunately, sometimes you have to draw a line and now the line has been drawn and we need to call it.

Vote: Motion carried 4-1. Selectman Nadeau in opposition.

Lastly, Selectman Maddox said he and Selectman Brucker were going to a rendition of It's Cold Outside, but it hasn't been cold outside. Christmas is coming. This is our last meeting. I think you said it earlier. I think this Board had done what it has to do for the benefit of the Town. We may not always get it right. We might not always be pretty doing it. I wish all of you happy holidays. As we all leave this room at the end of the night even though some of us aren't happy at this moment, there might be somebody else at another moment, we understand that we are doing what we are elected to do. It's a pleasure serving with all of you.

Selectman Coutu - Chairman Coutu asked Selectman Nadeau to assure the populous out there. I'll get about 20 texts tomorrow from him. He's not angry at all. He never gets angry. Don't take this stuff home.

I don't have much to say except I'm glad to be able to be here this evening. I'm looking forward to some serious progress. I hope to be here at every meeting and start becoming totally involved. I want to thank each and every person who's contacted me, the help that's been given and offered. Your support and all of my friends on the Board of Selectmen, your phone calls, your visits are truly appreciated. We're making slow but steady progress. With any luck at all, I'm going to start going in my business a couple hours a day getting my feet wet. I have a couple more serious obstacles to overcome and we're getting there. With that, I want to wish all of you my fellow board members and staff a very merry Christmas as the very best in the New Year. That goes for those of you, the press, and others in the audience as well as all of our citizens in the Town of Hudson. Our Board you can see each night that we have a meeting, we get along very well considering some of the votes. Don't be fooled by what you hear but by what you see. We get along well and it's been a pleasure to serve with all of you. We'll see what the next election brings.

#### 10. NONPUBLIC SESSION

Motion by Selectman Luszey, seconded by Selectman Maddox, to enter Nonpublic Session pursuant to RSA 91-A:2 (a) Strategy or negotiations with respect to collective bargaining; RSA 91-A:3 II (a) The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, unless the employee affected (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted; (b) The hiring of any person as a public employee; and (c) Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the public body itself, unless such person requests an open meeting. This exemption shall extend to any application for assistance or tax abatement or waiver of a fee, fine, or other levy, if based on inability to pay or poverty of the applicant, carried 5-0 by roll call.

Chairman Coutu declared that Nonpublic Session is being entered at 10:25 p.m., thus ending the televised portion of the meeting. Any votes taken upon entering open session will be listed on the Board's next agenda. The public is asked to leave the room.

Chairman Coutu advised that open session was being entered at 12:47 p.m.

Motion by Selectman Brucker, seconded by Selectman Maddox, to hire Patrick Colburn as the Town Engineer within Community Development beginning on January 7, 2013. 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 \$74,334 and then to Step 2 - \$77,418 at the completion of probation, carried 4-1. Selectman Luszey in opposition.

Motion by Selectman Maddox, seconded by Selectman Luszey, to hire Gary Webster as the Part-Time Civil Engineer, 24 hours a week, at an hourly rate of \$30.11 starting January 1, 2013, carried 5-0.

Motion by Selectman Luszey, seconded by Selectman Nadeau, to grant Chief Lavoie's request to buy out 720 hours of his earned time at his current rate of pay, carried 4-0-1. Selectman Brucker abstained.

Motion by Selectman Luszey, seconded by Selectman Nadeau, to forward the Hudson Support Staff Contract to the Fiscal Year 2014 Warrant, carried 5-0.

Motion by Selectman Luszey, seconded by Selectman Maddox, to forward the Hudson Police, Fire and Town Supervisors Association Contract to the Fiscal Year 2014 Warrant Article, carried 5-0.

#### 11. ADJOURNMENT

Motion to adjourn at 12:55 a.m. by Selectman Luszey, seconded by Selectman Maddox, carried 5-0.



Recorded by HGTV and transcribed by Donna Graham, Recorder.

HUDSON BOARD OF SELECTMEN

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Roger E. Coutu, Chairman

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Benjamin Nadeau, Vice Chairman

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Richard J. Maddox, Selectman

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Ted Luszey, Selectman

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Nancy Brucker, Selectman