

HUDSON, NH BOARD OF SELECTMEN
Minutes of the March 8, 2010 Meeting

1. CALL TO ORDER by Vice-Chairman Massey the meeting of March 8, 2010 at 7:03 p.m. in the Selectmen's Meeting Room at Town Hall.
2. PLEDGE OF ALLEGIANCE, led by Selectman Richard Maddox.
3. ATTENDANCE

Board of Selectmen: Ken Massey, Shawn Jasper, Rick Maddox and Ben Nadeau - **Roger Coutu - excused absence**

Staff/Others: Steve Malizia, Town Administrator; Donna Graham, Executive Assistant; Acting Captain Robert Tousignant; Gary Webster, Town Engineer; Doug Robinson, HLN Reporter

At this time, Vice-Chairman Massey asked to have a moment of silence to recognize one of their departed former Town Councilor Fidele Bernasconi. He thought they would all recognize that he did an outstanding job working for and on behalf of the Town, and he will be missed.

Vice-Chairman Massey would also like to extend the Board's sympathy to Leo Bernard and his family as they mourn the passing of their mother Theresa.

4. PUBLIC INPUT

Does anyone in the audience wish to address the Board on any subject? Seeing none, we'll go to the next item.

5. NOMINATIONS & APPOINTMENTS

Vice-Chairman Massey stated that there were no nominations and appointments for tonight. However, he would like to emphasize that there are several openings, especially on the Water Utility Committee and Cable. So it's an excellent opportunity for citizens to take advantage.

6. CONSENT ITEMS

Vice-Chairman Massey asked if any Board member wished to remove any item for separate consideration.

Motion by Selectman Jasper, seconded by Selectman Maddox, to approve consent items A-E, as noted or appropriate, carried 4-0.

- A. Assessing Items

- 1) Multiple exemption applications -
 - a) Elderly Exemption - Map 229, Lot 004; Map 165, Lot 047; Map 168, Lot 019; Map 138, Lot 031; Map 117, Lot 003; Map 167, Lot 010; Map 174, Lot 138; Map 136, Lot 015, Sub 001; Map 197, Lot 172; Map 175, Lot 034, Sub 011; Map 191, Lot 180; Map 168, Lot 002, Sub 022; Map 217, Lot 019; Map 190, Lot 179; Map 176, Lot 024; Map 147, Lot 029, Sub 020; Map 166, Lot 020; Map 148, Lot 095; Map 175, Lot 071; Map 161, Lot 052; Map 156, Lot 008, Sub 005; Map 182, Lot 200; Map 148, Lot 048, w/recommendation to grant
2. Multiple exemption/credit applications -
 - a) Elderly Exemption - Map 156, Lot 008, Sub 013, w/recommendation to grant
 - b) Veteran Tax Credit - Map 186, Lot 020, Sub 003; Map 167, Lot 086; Map 241, Lot 002; Map 192, Lot 019; w/recommendation to grant
3. Tax Deferral Application - Map 173, Lot 025, Sub 054, w/recommendation to grant
4. 2009 Tax Abatement - Map 156, Lot 63-29, w/recommendation to grant
5. 2009 Tax Abatement - Map 137, Lot 4, w/recommendation to grant
6. 2009 Tax Abatement - Map 177, Lot 5-50, w/recommendation to deny

7. 2009 Tax Abatement - Map 245, Lot 12, w/recommendation to deny

B. Water/Sewer Items - None

C. Licenses & Permits

1) Request to Solicit Funds by Hudson Litchfield Youth Football and Cheer

D. Acceptance of Minutes

- 1) Minutes of the Board of Selectmen's Meeting of February 9, 2010
- 2) Minutes of the Board of Selectmen's Meeting of February 23, 2010

E. Calendar

03/09 VOTING DAY
03/10 7:00 Planning Board - Community Development Meeting Room
03/11 5:30 Sewer Utility Committee - BOS Meeting Room
03/11 7:00 Zoning Board of Adjustment - Community Development Meeting Room
03/15 6:30 Hudson School Board - BOS Meeting Room
03/15 7:00 Energy Committee - Community Development Meeting Room
03/16 7:00 Cable Utility Committee - BOS Meeting Room
03/17 5:00 Water Utility Committee - Community Development Meeting Room
03/17 7:00 Seniors - Community Development Meeting Room
03/17 7:00 Library Board of Trustees - BOS Meeting Room
03/18 7:00 Benson Park Committee - Recreation Center
03/18 7:00 Budget Committee - BOS Meeting Room
03/23 6:00 Board of Selectmen - BOS Meeting Room
03/24 7:00 Planning Board - Community Development Meeting Room
03/25 3:00 Trustees of the Trust Fund - Community Development Meeting Room
03/25 7:00 Zoning Board of Adjustment - Community Development Meeting Room
03/29 6:00 Recycling Committee - BOS Meeting Room

7. OLD BUSINESS - None

8. NEW BUSINESS

A. Public Hearing/Changes to Animal Control Fines and Fees

Vice-Chairman Massey recognized Acting Captain Robert Tousignant.

The reason Acting Captain Tousignant was there was they had discussed this in the past as far as striking out some language in the Town Ordinances concerning the fines for animal control issues. In 2008, the law was changed and the fines were changed. Their paperwork was changed, and they've adopted the new fines. However, they did not realize that the Town Ordinances had fines listed in the book. The Chief had proposed earlier to strike the wording in the ordinance manual dealing with fines having the Town Ordinance refer to State law. Specifically referring to the RSAs rather than having to change the Town Ordinance manual every time, the fines change by State law.

Vice-Chairman Massey stated that the fact that the language is different than what the public hearing is for is that going to make a difference? Town Administrator Stephen Malizia thought they could amend things and then going through a public hearing, and taking comments and input. He didn't think they know at the public hearing. Vice-Chairman Massey wanted to do the public hearing first and they'll open it up for comments.

Vice-Chairman Massey opened for public comments on the fees at 7:08 p.m. He asked if there was anyone in the audience who wanted to comment on the fees. Seeing none, the Vice-Chairman Massey closed the public hearing at 7:09 p.m. He then asked if there were any Board members that had any questions or any comments of their own.

Selectman Jasper appreciated it. The only thing probably would be to take out the word "current" because that could be somewhat confusing "is to current as the time of adopted" and the intent is to keep it updated. So if it just said, "in accordance with State Statute defined as" and the RSAs, he thought it would cover it

more appropriately unless he had some reason. He knew what the intent was. Normally when they do this it would say, "in accordance with RSA 466:4 as amended". Since there are 3 of them there, he thought that would cover them.

Selectman Maddox hoped that maybe the Town Administrator would talk to our attorney or whoever. Let's do this in a format that they can fix maybe some of the other ones that are in their Town Code just to have a format that said, "fee schedule to be the same as State Statute". He thought some of the Planning Board fees on some of those fines or whatever and some other parts of the Town Ordinance may be in the same problem as they don't update them regularly. If they just had a blanket that somewhere in there says the fees are the same as the State Statute. As they're going through the Town Code, because that was one of the things they were talking about doing over the next year, they have one blanket statement for all of those types of fees that could be as the same as the State. As he read that, he's really not sure what that means - "animal control fees will be in Codes with the current State Statute that Selectman Jasper stated - RSA fees, group licenses. Is that saying anything in our Code about group licenses?

Mr. Malizia said what they would most likely be better off doing is actually taking where you have B, C, and D on this front page of the original memo. It says, "Menace dog" striking out the language and replacing it with "in accordance with RSA 46:31, II (f)". The next one down, "in accordance with" for those 3. He wasn't disagreeing with the other idea; he just didn't think they all referred to that Statute. There's going to be different Statutes. So they'll have to look at the Code in the context they're speaking of. Do this tonight, and look at that for a future meeting and say that the other ones were applicable to State Statute. Let's fix these with a different public hearing because they hadn't noticed that for this. Selectman Maddox stated as long as, again, their attorney says that you can simply say "fee structure same as State under RSA" and wherever it's applicable for all of theirs. If Mr. Malizia wasn't mistaken, under this particular section of their Code, you see B, C, and D. There is an E, F, and G which are local to Hudson. They're not articulated in Statute. These are articulated in Statute. If they do what he suggested and just put those as "in accordance with" and then just have RSA466:31 II (f). Then those would always be current. Somebody has to just make sure at your agency that they're always keeping track of what's current. Again, that's something he's assuming the animal control folks can do.

Selectman Jasper didn't disagree with what Selectman Maddox is suggesting, but he thought for tonight they should do it as the Town Administrator had suggested. He's a little bit confused as he compared them because what's come in as amended refers still to 466 but its different sections. So he thought they needed to look at that a little bit more comprehensive.

Motion by Selectman Jasper, seconded by Selectman Maddox to amend Section 205 "Animal control fees" as follows: Section B. Menace dog second offense in accordance with RSA 466:31, II (f); C. Nuisance dog second offense in accordance with RSA 466:31, II (d); and D. Vicious dog second offense in accordance with RSA 466:31, II (g), carried 4-0.

Just a technical correction on all of those, Selectman Jasper said the intent was that was second offense. He missed that to menace dog. The intent on all of those was to be second offenses. Selectman Maddox asked if the first one, menace dog \$50, which is probably by the State Statute and we're just changing...Vice-Chairman Massey said the State Statute says second offense is \$200. Selectman Maddox asked if menace dog \$50 the first offense in the State Statute \$50? Mr. Malizia said yes. Selectman Maddox said they would both be in accordance, so he thought they would want to be from both offenses. Selectman Jasper said the whole thing is in accordance with the State Statute.

B. Route 102 Sidewalk Project - Phase II; Project #13894

Vice-Chairman Massey recognized Town Engineer Gary Webster.

Mr. Webster said last Monday as you see in his memo, they got some information from DOT in the way of rating the sidewalk. He was a little concerned and a little upset about it. He had many e-mails going over everything with how the project is done. They landed up dead last from a project that was rated number one. At the time when he came back to them last summer, he did a 20/80 percent split. Twenty percent to the Town and 80 percent DOT with the funding with the TE project. The original project was always a 30/70. He should have stuck to the same 30/70 to make it more encouraging for them that we're trying to get this done and show the Town that they're trying to do it. What he's asking tonight is try to go back to the 30/70. He does have the estimate, and he has the town cost, and what they have in the corridor funds. It is pretty covered. They do have a couple of small items. He has to get everything which he's been working on for a while. This is one of the packages ready to go to Mr. Tom Jameson from the DOT. He had CLD coming in for another meeting. They're going to go over everything before he sends it up to them. He did send the

package he thought as complete as he did last time. Obviously he didn't. He's going to drown them with all the approvals and everything out on that 102 sidewalk as best he can. This project is 100 percent complete. He's almost finalized the last easement today with Mr. Slattery, and he just received the easement. They're going to execute that so that this is free and clear. It's 100 percent shovel ready, and he kept emphasizing that. It is shovel ready. It's ready to go. What he's disappointed on the low ranking is that he understood there's a second round of ARRA money that's coming out. His concern that if they're on the bottom of the pile and the other side of the project was on the top of the pile, they just might skip over us and we don't get any consideration whatsoever.

Hopefully they have a meeting the 25th up at DOT with the Governor's Council. So hopefully they can encourage them with all the new information to move us up on the list. By doing that and if you approve this 30/70 tonight, this will be their financial commitment that said that we didn't have but we did. He did 20/80 and he had that financial come out of the corridor funds. Now it's going to be spelled out. This will be part of his documents that he will give to Tom Jameson the Project Manager for DOT. Hopefully they'll consider that and we'll see where it goes. It would be nice to start this year. The gas company is going out there in another month or so. They're going to be moving the gas line to the other side of the road because we have conflicts. Then he was hoping to have some kind of commitment. Hopefully we get National Grid to do the entire gas line movement so we don't have to go out again and fight with them over the gas lines. He's trying to make that continuous. That's why Mr. Webster is a little hot on this thing to try to get some kind of an idea hopefully that they'll say yes you're in the top and we'll hopefully get funding for the following year.

One other quick note, we paid out \$52,000 on the project for engineering and everything else and we've collected \$35,500 from DOT. That's the 30/70 percent. We are getting money on a daily basis. We just got a check today for \$59.79, but they have to do it monthly. This is how DOT is now following the example. Any DOT project is going to be the same way as the ARRA project.

As Selectman Maddox read his submittal, he said to himself, "if we're 54th out of 54, do we want to maybe hold off?" The corridor account as he read it for 102 only has a current balance of \$349,000. If we needed to do something on 102, those numbers are down to a fairly low number if we're going to take another \$136,000 out. Should we hold off and wait for the next round of stimulus? Do we wait and see if there's something else coming up? He's just not a big fan of these sidewalk projects that start off at X dollars and become 3X by the time we're done. He's just trying to say are there other things they can do with that \$350,000 in the 102 account like improve the light at Elm Ave. He knew there were monies that were being contributed to do some sort of widening of a turn lane there or something. He's just saying that a sidewalk that is important but do we drain down our 102 account?

If Mr. Malizia's not mistaken, we've already committed 20 percent so it's just another 10 percent. It's not much deeper of a commitment that we've already made. We've already submitted with the Board's approval. It was submitted he thought back in September or October. So you've committed to 20. All he's saying is if he says 30, maybe it will get moved up a little. Maybe we don't.

Selectman Jasper thought the fact of the matter is they're going to have the work out there. They're going to be constructing the sidewalks that they didn't get to last fall, and this is an opportunity probably to finish the project at a less expensive cost than we'll see in the future. They're already going to be out there and it's a relatively short stretch that they'd be adding if we can get the approval. He thought it would be an important thing to have that sidewalk completed. Essentially we would have sidewalks then pretty much from Birch Street all the way to Old Derry Road if we do this. He thought they should.

Motion by Selectman Jasper, seconded by Selectman Nadeau, to resubmit the Route 102 Phase II Sidewalk project to the NH DOT with a 30/70 funding split with the Town's 30% share to come from the Route 102 corridor account.

Selectman Maddox asked the Town Engineer if he had any feeling from the State by upping the additional 10 percent where that might put us. Mr. Webster said he went to NRPC and the State. He's e-mailed them since last Monday. He made copies of the e-mails. In talking to Julie Chisholm from NRPC that would make a difference because we're going in at minimum cost. The other thing he's just add is the first phase of this sidewalk we had a 30/70. Since we got the ARRA funds, we're not spending much of that corridor fund because it's only 30 percent of the engineering we're paying for. So we're getting reimbursed. That's why he just mentioned that. We're getting reimbursed for that. After this, it's 100 percent funding for the first phase. We would have had to put that up for the first phase anyway. Now he thought we're in the bonus situation.

Mr. Webster said another thing that Selectman Maddox made a point to. We are looking at the lights here that are going to come out of the corridor funds. One is the 102 and obviously the 111. That's not a big money item. Eventually that'll be coming back very shortly to you to ask the same thing. If we don't get this and the DOT says you're not going to get the 2012. At least they tried. We haven't committed. We have to say yes if we want to do it. He's just trying to dangle the carrot in front of them to say that we're trying to get this done. The problem is in the letter he's writing to him, we have a sidewalk half way down 102. The kids on the sidewalk then have to walk onto 102 in the traffic and the bicycle path is the same thing. They have to go on 102 again. That's a safety thing. Mr. Webster brought that to their attention because now they have to go 2,000 feet to the next sidewalk. That's his feeling. If we do this right to them they'll understand it. He felt that they'll move them up the ladder after all this new information he has in the letter he's going to send them. He itemized every article. There's 33 pieces of paper that he has that will occur in the letter - all the approvals, wetlands, historical, zoning. He was upset a little bit. One quick remark here is that Heidi Marshall from CLD someone put a little sketch together on a piece of paper and they sent it up there and got a higher ranking than us. Give him a break. They didn't even do any research. This thing is 100 percent. He was a little hot under the collar last week and he had some e-mails to them. He didn't know if he made people made up there. He's trying to work with them and trying to get this off the table. Vice-Chairman Massey said they'd try to help him.

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

C. Donation offer of \$861.87 from Lifetouch National School Studios to the Recreation Department

Motion by Selectman Jasper, seconded by Selectman Maddox and Nadeau, to accept the donation of \$861.87 from Lifetouch National School Studios with the Board's thanks and appreciation, carried 4-0.

D. Hudson Lions Club - abate cost for the use of the Community Center on June 14, 2010

Vice-Chairman Massey deferred to the Town Administrator Stephen Malizia.

Mr. Malizia said this was an annual request that we've received, he believed, for at least the last 4 or 5 years. Obviously the building is available. So it's up to the Board if they wish to waive the fees as they've done in the previous years. He believed these people do most of their own set up and take down. So he didn't think it was a big issue.

Motion by Selectman Jasper, seconded by Selectman Nadeau, to waive the cost for the use of the Community Center on June 14, 2010 by the Hudson Lions Club, carried 4-0.

E. Request to purchase Town owned property at 12 George Street

Vice-Chairman Massey deferred to the Town Administrator Stephen Malizia.

Mr. Malizia included a property tax map, he believed, and some other documentation. We had a gentleman come in asking if this parcel of land was for sale. We looked it up, realized it was a tax deeded piece, so technically the Board could put it up for sale. He circulated this request to all the department heads to see if anybody had any comments, concerns, objections and/or any other reason why we couldn't. At this point in time, no one has raised any objection. If you orientate yourself on George Street, it's sort of diagonally across from where the dentist office is. If you recall, there was a new house put up a couple of years ago really an improvement over the one that was there before. This is the next lot coming towards Ferry Street. Its wooded, tall pine trees. He wasn't aware that it has any strategic value to the Town. So he put it off for the Board's consideration. He's not aware of any reason why we would keep it. It doesn't appear to be big enough to really do anything with it other than it's a buffer for those folks from Ferry Street. With that, he put it off for the Board's consideration.

Vice-Chairman Massey had just one other consideration. The large lot there, lot 17, the 5.69 acres the Town also owns that. Although you cannot see it, he and Selectman Maddox walked that property at one point looking at a possibility be it the senior center. You obviously have the right of way for the public service high voltage line. Going right down the middle of that property is a ridge. So if you were going to build on it, you're basically building over towards the homes that are off to the left of that lot.

Selectman Jasper believed with our new in-town zoning, that actually is a buildable lot then. He thought they've gone to a quarter acre. Mr. Malizia said in John Cashell's opinion, it has the possibility of being a buildable lot. It's one of the pieces of feedback he received. The gentleman who made the inquiry appeared to be most interested in building a house for himself. Again, he couldn't guaranty that he would be the one

that would be the successful bidder if it was to go out to bid. If we were to do it, he'd probably recommend public auction just because it's the most visible method and probably use St. Jean. He'd have him do some quick paperwork, come into the Board with a package to possibly set a minimum, and to set maybe other terms and conditions if the Board is interested. We wouldn't just go out and do it. Obviously we'd come back to the Board. He didn't know what it would fetch in today's market. It's a small lot, but it's possibly buildable.

Selectman Jasper thought we would be better off to hold on to this lot if we were to decide to do it. When the economy comes back up, we're seeing the lot prices go down substantially now. Traditionally when things come out, the land prices in this town have shot up. While he doesn't oppose selling it, he thought this is the wrong market to be selling it in. He thought they would do much better for the taxpayers if we waited until we had a sellers market and not a buyers market. Vice-Chairman Massey asked if there was a motion there. Selectman Jasper said if there is no motion, we do nothing. He didn't think they needed a motion not to sell it. Vice-Chairman Massey was thinking only in the respect that they've had a request for the Town to do it.

Motion by Selectman Jasper, seconded by Selectman Maddox, that the Board of Selectmen decline to sell Town owned property located at 12 George Street (Map 175, Lot 007) by public auction.

Selectman Maddox didn't argue the facts that Selectman Jasper pointed out. It's doing the Town no good. He didn't see the Town doing anything with it. To sell it somebody puts a house lot on it and now we get tax revenue. We can wait until a better time to sell that lot but over that next X amount of years we might have lost all the money we could have made in property taxes. Why not sell it if we have no use for it.

Selectman Jasper said there's one way of looking at that, but it depends if one child were to go in there, we would lose all of the tax revenue we gained by an expenditure. He didn't think that was a viable argument. If we were to extend that, then we should go out and sell every single piece of property that we're holding on to right now that we don't have a use for by the extension of that argument. It's just not the time to do it in his opinion. Selectman Maddox said if we have a minimum, again, he's just trying to balance out. It's just sitting there. Selectman Nadeau said they should round up all the lots like we have like this and sell them off a long time ago. He would be willing to hear what St. Jean or any of the other auctions companies had to tell us. If a buildable lot in this Town goes for \$150,000, this one is assessed at \$98,000; he's willing to sell it off. It's doing us no good sitting there now. He'd be willing to listen to what St. Jean or any of the other auction companies was willing to tell them. For now, he guessed we could hold off but like Selectman Maddox said get it back on the tax rolls as soon as we can.

In Vice-Chairman Massey's perspective, he distinctly recalled at the height of the market we had the same discussion about selling the lands that Selectman Nadeau is talking about. Selectman Nadeau was not on the Board. He didn't believe Selectman Jasper was on. He knew that Selectman Maddox and he were there. The decision was made at the time that we should hang on to those properties. He didn't think there's any guaranty that if we don't sell it now that when the market turns around that we're going to sell it either. Here's an opportunity where at least we know one person is going to be willing to bid on it. He thought they should get it back on to the tax rolls sooner rather than later.

Vote: Motion failed 1-3. Selectman Jasper in favor. Selectmen Massey, Nadeau, and Maddox opposed.

Motion by Selectman Maddox, seconded by Selectman Nadeau, that the Board of Selectmen sell Town owned property located at 12 George Street (Map 175, Lot 007) by public auction.

Selectman Nadeau was willing to sell it. He just wanted to see what they tell them. If they tell them that it's only going to fetch \$30,000 and we have to pay \$10,000 in fees, then he's not interested. If Mr. Malizia could put his mind at ease, traditionally with St. Jean at least, the ones we've used in the past, it's the buyer's premium. So if we sold it for \$30,000, the buyer would pay any commission. He's not saying they should sell it for \$30,000, but if was \$30,000 and they got \$5,000; the buyer pays the \$5,000. So the commission is part of the buyer's responsibility. He knew their hesitancy. The next step if we were to do this would be to come in with a bid package or something from St. Jean that says I'm willing to do this at this price for this, and here's what I think your market is. Then the Board in nonpublic could set a minimum. If it doesn't happen, we don't sell it. Those are always your prerogatives. Selectman Nadeau didn't want to spend any money and find out that it didn't sell. You look at what happened at the library houses, what did that cost us? Mr. Malizia said \$250 we paid for ads. Part of that agreement was that if we didn't close or didn't do anything, there was an amount that was paid for the advertising. We paid for that advertising and that was it. Unless they sell, they don't make money. Selectman Nadeau said okay.

Selectman Jasper said he could see he's on the losing side here. He just asked them to remember what happened this last fall with the brand new house on Pine Road and how cheaply that property sold for what it should have. This has an assessed value of \$98,000. So then you put the applied in and we're down 13 percent or something. You're knocking this down to maybe...Vice-Chairman Massey said the implied rate is 110 percent. Selectman Jasper said you knock 10 percent off and we're down in the high 80s. He's betting that that probably won't bring that in this economy. The reality is that when things take off, people are really willing to buy a premium, and we could be looking at that \$150,000 because it was a buildable lot. It's going to take you a long, long time to make up \$70,000 in property taxes on this one little lot. If you're willing to give it away at that \$88,000, fine. If you're not, and he didn't know that it would fetch that, but he thought even if it were he thought \$88,000 was undervalued because there are so few buildable lots ready to go in this town. Selectman Jasper knows that when things are booming, there are developers driving around town, knocking on doors, looking for lots to buy when things are booming. They will again do that. We've been through this many times. The only people who sell right now are the people who have to sell. We don't have to sell.

Vote: Motion carried 3-1. Selectman Jasper opposed.

Vice-Chairman Massey indicated as our Administrator has said, we actually have another go at this before we would ever go to bid. That would be to see what the bid package would be and what would set as a minimum, acceptable price. You get to weigh in very strongly there Selectman Jasper. Selectman Jasper said it isn't going to be \$150,000.

F. Budget to Actuals

Vice-Chairman Massey deferred to Town Administrator Stephen Malizia.

Mr. Malizia said he didn't have a whole heck of a lot to say. It seems like we just looked at this. These are the budget to actuals through February. So that's approximately 67 percent of the year. He did a quick calculation with KC, the Finance Director. We look in reasonable shape for the expenditure side. As you are all well aware, we are working on a default budget but everybody has tightened their belt. At this point in time they've identified and looked at the areas that they need to be concerned about. He didn't have any major concerns. He would also like to point out that in December they had some earned time payouts. Those are reflected in these numbers. So we've been able to cover that so far. He thought that was a positive for them.

Mr. Malizia said on the expenditure side, again, no major concern including the fact that we've covered the earned time payout. So it doesn't look like we're going to have to go back for December to get any of those payouts. He wished he could be as optimistic about the revenue. Unfortunately he can't make the banks pay us any more. He can't make anybody register any more cars. Ambulances are doing good. He's not saying that's a good thing, but the ambulance is up. At the rate we're going, we still have 4 more months there and again revenue from motor vehicles and interest. They are where they are. He will say that he does know on the interest, you're not seeing very much if anything now because a lot of it is tied up in a longer term. When he says longer term - 3, 4, 5, 6 month CDs. They're not paying a heck of a lot, but we don't recognize the revenue until that matures. He knows she has some laddering going on, and the first one should hopefully start coming in fairly soon. You're just not seeing much out of the regular old checking account.

Selectman Jasper agreed. We look pretty good on the revenue side. He didn't think there's a lot of potential for a lot left over at the end of the year because we are in the default budget, which means we may be looking at pulling another \$500,000 - \$600,000 out of fund balance to cover the revenue shortfall which is not good. With the motor vehicles down fairly substantial about 9 percent off of where we'd like to see it right now, we're going to be \$450,000 off on the interest. We're probably looking at maybe \$130,000 to the good on ambulance fees. There's a lot of little things that are down that add up as well. We're not looking at a good revenue picture at all right now.

Conversely, Mr. Malizia said we have not been slammed on overlay. If you look at that, that does not come under major siege. So that's a good thing. He just wanted to point that out also. That's sort of the front end of that. We have not had to use too much of that. As we get further into the year, that's a good sign for us. Again just to go back to the expenditure, we should end up in a positive position he would expect. Again, they've covered things they need to cover. Obviously gas has been fairly stable, so that's worked out okay for us. Trash, again, stable. Those things have worked out for us. We should be okay on that side. The overlay if it keeps performing the way it is, we make up some of that interest. So we could be in a little bit better than we think but we're not going to make up the interest in the motor vehicles at this point.

The only question Selectman Maddox had was as Selectman Jasper pointed out, we can take it from fund balance. He was wondering at the next first meeting in April the Board kind of looks at what our options are. He asked Mr. Malizia to look at what some of those options might be; talk with the department heads and say where are there overtime. He's looking at the two big departments and they're right about where they should be. What are our contingencies other than just subtracting it from our fund balance? Are there other things that we can do? Are there options as far as personnel or whatever we may be looking at to see - if we're going to be down \$500,000, where are we going to be? He's saying just to be somewhat prepared for - we don't want to wait until the last meeting in May and go we have a month left. We have three months where is it at? He didn't see our revenue increasing unless there's a big push to sell an awful lot of cars and register them quickly. The revenue off of the interest is never going to come up and we're \$450,000 short there. He's hesitant to say we're just going to take it out of our savings if you would what are some other options. Thank you.

Vice-Chairman Massey agreed with Selectman Maddox. He actually took the words out of his mouth. He thought that we should be looking at the first part of April and probably at the workshop would be the best place to do it except we wouldn't have the numbers by then would we? Mr. Malizia said no. Vice-Chairman Massey thought that they should look at all the opportunities on the operating side of the budget. He thought one of the things we could ask their Treasurer to give them some indication of when the CDs or her short-term investments are going to come due. What is she anticipating is going to be the revenue from it? He thought that would be a good idea in April and probably the earlier the better to take a look at where we are at that point and to make some decisions relative to cuts in the operating budget versus increases in the use of the surplus.

Selectman Jasper didn't want to rain on the parade sort to speak but 80 some odd percent of our costs are personnel driven. All of our big purchases are done. There's not anything they can say well we're not going to buy the police cruisers. They're in. There's nothing that we can say we're not going to buy. If you are looking at an option, there is only one options and that is layoffs. He didn't think there is a justification from that. We have the money in the bank. We're under the default budget. He thought to lay people off for 3 months is not a viable option at this time. There's really nothing else you can do that's going to save you any real money. There's nothing left in the budget. Vice-Chairman Massey said it may turn out that we can do a combination. He thought they should still look at it and be very clear that if we're going to do it out of it that they did exhaust all - he agreed with them that layoffs are not the answer. However, he didn't think they should just arbitrarily tonight say we're not going to look at the operating budget.

Selectman Maddox said Vice-Chairman Massey basically took the words out of his mouth. He thought that to sit there and say nothing can be done is not their answer. He didn't disagree that we're not headed to the point where we're going to do layoffs, but look at the department heads. The people that we have running those business units if you would. Are there places where they do not need to spend money this year? If it adds up \$10,000 here \$20,000 there and we only have to take \$300,000 out of - that's where he's just looking for. He didn't disagree with Selectman Jasper but to simply sit there and say it's all personnel so the only other choice - no there are other choices. He thought just as they sit at home and say maybe we go to the slower speed internet sometimes you have to step back and say where am I spending my money.

Selectman Jasper would encourage them to come in and do that. We've already got our departments running on a default budget. We already saw what the ramifications were. We're going into a budget that is also very lean. Not to do repairs to try to save \$10,000, not to do replacement of equipment that is worn out if by miracle it hasn't been, he thought we're just putting things at more of a risk. If you're serious about doing anything, then you have to say we need to make up money. Look at our payroll, which is \$220,000 - \$230,000 a week, that's the only way you can do it. You can lay people off for 2 or 3 weeks and make a lot of money without doing long-term harm. You do short-term harm. If you do anything else to this budget, you are going to have a ripple affect that is going to carry on through the year. He's not disagreeing. This is a problem. He didn't like taking the money out of the surplus. That is the problem with not this Board but a Board did a number years ago. They spent like drunken sailors and covered it by taking \$1.5 million out of surplus so nobody noticed. Then every year you have to take that down. We've been struggling with trying to bring that number down. We should not have had money built into our budget taking surplus out like we have. That's been the big problem. It was an irresponsibility that happed 5 or 6 years ago or more, and we're still suffering with it. The only thing we can do if that is a goal and it's not an unreasonable goal to say we don't have the revenues that we expected because if we were a town that had no money in the bank, this is what we'd be doing. We have to look at that. If we're serious, then let's focus on laying off people. That's the only viable alternative that does not create disaster down the road. Vice-Chairman Massey said they'd have a chance to look at it in April. He would think that if you could ask the Treasurer if she could give us an estimate of the amount of interest she expects when she turns the things over.

9. OTHER BUSINESS/REMARKS BY THE SELECTMEN

Selectman Maddox - For the home audience go back to dig it out of the recycling bin because we could really help out with the impact with some recycling, all these questions. The four of them will be in various points at the voting area. Ask the questions. He knew that it's so easy to just go in and say no. This Board agonized. You heard them discuss a number of these issues a number of times. We put on only what they thought they could afford. He thought as much as it is easy to say no, he asked that they take a look at what their needs are. One of the items that he stressed over was the contracts. He asked the Police Chief to get him a number on what it costs to get police officers from interviewed, tested, through the Academy, field training. It's in excess of \$30,000. So he's not saying that any of them are going to leave because we don't, but he's just saying at when he looked at the numbers when he made his decision, it was based on the fact that you can pay me now or you can pay me later. He saw those contracts as ones that spread out those costs over a number of years. There's nothing in the first year on any of the contracts. We're hoping in their crystal ball that by July of 2012 - again, take a look at the big picture. If you have any questions, they're certainly there to ask questions and they will hopefully come out where they want to be. He hoped to see a lot more of them at the polling place. It would certainly be nice to see even 25 percent. Unfortunately that's not historically what happens. You get the chance to make a decision based on your vote. He hoped to see them their. Thank you.

Selectman Nadeau - Had a few things to go over this evening. The first one, the ice/wind storm whichever you want to call it that we just had, he was out there many long hours with the police, fire, DPW guys, and of course the crews from Pennsylvania were the ones that he got to work with. He moved them around, showed them different sites that they had to go to, and the quickest way to get around all the down trees. He'd like to thank the residents that were out there helping them cleaning up, moving stuff around, giving people directions to get around Belknap Road, which was a main road that was closed for a long time, and Wason Road. There were a lot of people that were lost. He heard from many people when he was out there that this was the way to get around it. So they helped everybody out.

The next thing, and like Selectman Maddox said, tomorrow is voting. One of the big things are there are a couple of vehicle replacements on there. One of them is the VacCon truck, which is apparently held together with all the repairs that we've done. This is a very important piece of equipment that the Highway Department has. When there are clogged drains after the storms, you get a lot of branches, pine needles, and pine cones stuck in these things. The VacCon truck is a very important piece of equipment that Kevin has in the Highway Department. This is on the ballot for tomorrow. He urged everybody to support this. The truck is barely hanging in there.

Another thing is a lot of people probably did not know this person who passed away. Her name was Dotty Laplante. She was a dispatcher when he was a kid for the Hudson Police Department. He came down here a couple of times. On the other side of this wall there's a granite slab, and she used to be behind that. He'd like to send his condolences out to the Laplante family. She just passed away this last weekend.

One other thing he had is the Chamber Awards Dinner, which will be on March 30th. The businesses of the year this year, the small business, is Matibo's Salon. The large business of the year is Sam's Club. The citizen of the year is Tom Cavanaugh. The junior citizen of the year is a person that he got to work with during the last ice storm cleanup and that is Lauren Straight. She's a senior at Alvirne High School. She'll be receiving a \$2,000 scholarship from the Hudson Chamber. This is on March 30th and if anybody is interested, they can call the Chamber office and tickets are available. That's all he had for this evening.

Selectman Jasper - For certainly a lot of them who has lived in Hudson a long time, Litchfield has sort of been like their sister community. Those of them who have lived here have been very familiar over the years with Will and Pat Jewett. Will passed away on Saturday. He just went to the calling hours. The crowds were out the door when he got there and when he left just before 7 p.m. They were quite a team over the years and have done a tremendous amount for Litchfield and have helped out in various things that have extended into Hudson over the years as well. He just wanted to extend his sympathy again to the family. Many of the Hudson residents would know Will's stepdaughter, Pat's daughter, Nancy Morey who has taught special ed. in this town for many, many years and teaches at Hills Garrison still. So there is a definite connection there.

One of the things that he thought on the ballot tomorrow that is important is the tanker truck. It will not have an impact on the tax rate. He would encourage people to vote for that. They will be taking two trucks out of service if it passes and having one truck. If the bids come in right, we'll have the same amount of water on the road, and he thought they will do that. It would definitely be a benefit to the town in more ways than one.

Selectman Jasper wanted to touch on a couple of things because he touched on them last Thursday before he'd really spoken with the Board about Benson. The questions came up and he didn't feel comfortable not answering them. He apologized for not having been able to talk to the Board about a couple of the things. First, he and Steve did sit with Dave Yates and talk about the possibility of him being the staff liaison to the committee. That discussion went very well, and he would expect they would be back shortly and formalize that relationship.

On another note, he did receive and he didn't know if they all received the e-mail or not from the Governor's attorney relative to the possibilities. He knows Roger did and he did as well receive the possibilities of the senior center being cited there. They essentially gave them 3 options. One was survey out, get an appraisal, and buy a piece of land. The other was to build exactly on the old location of the red barn, and the other would be to come up with an alternative proposal. In quick discussions with the Governor's attorney, one of the things while he couldn't commit to it would be the idea of actually giving up the ability to rebuild on the red barn site and build a structure that would resemble the red barn so that both of the objectives would really be accomplished and have a building that looked very similar to the red barn. They wouldn't be giving up any more land or no more land would be used than what would have been used if it had been built on that site. In fact, less would be used because we could then go with the original idea of having a dual use of the parking lot so we wouldn't have to create a parking lot interior to Benson's for that. He thought that was a viable alternative. The next step will have to be that we'll actually have to spend a little bit of money on some surveying and some architectural renderings to make a formal presentation to DOT. So we'll have to talk about how we want to proceed with that at some time in the future. Tonight was not the night to do that. We really need to wait for the election anyhow. Given that he did talk about that, he wanted to make them all aware.

Just for clarification, Selectman Maddox asked square footage or footprint and asked if the red barn was 3 stories? Selectman Jasper thought was negotiable and thought it was probably 4 stories. He thought that was not terribly important as to whether it's exactly the same square. It had a lot of different footprints. So he thought they could probably do something that would meet their needs. Selectman Maddox thought that they might need to build a bigger building on the exterior to look like a barn.

Selectman Jasper said the next cleanup and they'll be burning again will be on the 20th. There are a couple of big trees that came down. They did have some wash out damage that needed to be dealt with. There were crews in there yesterday cutting up those trees. It is typical of what happened with the big trees that came down. They tend to be rotted in the center, which is what caused the tap root to die, and the whole thing became top heavy. There's a lot of cleanup to do again. We made progress and now some of that progress has moved backwards. On the 20th they intended to be in there again doing cleanup.

Other than get out and vote, and he wished the best of luck to his colleagues on the Board who are up for re-election tomorrow.

Selectman Massey - First of all, he would have to tell them that he's so proud of our highway, police, and fire departments. When you look at Hudson and the damage that was sustained on that Thursday night and Friday morning, it's simply hard to comprehend some of these trees. One in particular that he's aware of was something like 14 or 15 inches in diameter. It was across the road. He was told by Chief Murray of the Fire Department that PSNH was very appreciative of the support they got from the Highway Department in removing the trees from the right of ways. The only trees that the Highway Department didn't touch at the beginning were the ones that were actually touching lines. If they weren't touching lines, they were out there and they got them done quite rapidly. Again, the police and fire maintained a lot of orderliness throughout the town. He thought on behalf of the Board they should be very proud of those 3 departments in what they did.

Secondly at the last meeting, an observation was made about the structure of the Local Government Center its apparent weighted towards non-municipal officials and its salary structure. Mr. Malizia and he had a concall with Maura Carroll the Acting Director of Local Government Center last week. They learned a few things. First of all, the Local Government Center consisted of 3 agencies - the New Hampshire Municipal Association, the Health Trust, and the Property Liability and Workman's Compensation Group. Its Board of Directors is made up of the following. There are 12 school representatives - 6 elected and 6 appointed; 12 municipal members - 6 elected and 6 appointed; 4 teachers; 2 municipal workers; and 1 county worker. The New Hampshire Municipal Association represents a little under \$1 million of their total approximately \$18 million annual budget. Of that, slightly less than \$1 million - approximately \$600,000 is used for advocacy in front of the general court and the agencies, and the other \$400,000 is for legal services to the member communities. In terms of the breakout, the health trust is the largest agency within that Local Government

Center. They basically handle the premiums. However, the claims are managed by Anthem Blue Cross Blue Shield. Anthem Blue Cross is strictly the person that you send your bills to and they pay them. The insurance is basically through this health trust group.

Their 2 biggest competitors are Primex and School Care. Again, the health trust is the largest of the three agencies. The New Hampshire Municipal Association currently has for their comments, they have 31 members of the Municipal Advisory Committee that's made up of a combination of appointed and elected officials. They also have a subcommittee called the Committee on Governmental Affairs. It's the Committee on Governmental Affairs that does the first work on deciding on what policies the Local Government Center should advocate before the general court. The total of that committee is 75, which includes the 31 from the municipal advisory.

In terms of the salaries, first of all the Local Government Center Vice-Chairman Massey thought was a public option but its not. It's a private, non-profit organization. That's why it has the LLC attached to the back end of its name. If look at their salaries overall, they compare favorably with the salaries of the other non-profits in the State. He has a document that they'll pass out later. If you look some of the salaries that are being paid there, as an example the Easter Seals - \$485,000; New Hampshire Charitable Foundation - \$231,000; Southern New Hampshire Services out of Manchester - \$184,000. These are 2007 salaries. So its 3 years later. The Lakes Region Community Service Counsel - \$93,000. Then if you look at the top 21 salaries of the State employees again for 2008 you get a fairly good example of that because this is a private organization, they have to compete with other private organizations for their help. That's why their salary structures are what they are. Again, it was an enlightening conversation because when we first approached that, we were looking at the total number of non-elected officials and couldn't understand. When you looked at the way their Board of Directors was structured and who their largest customer is and for what purpose, it kind of makes sense. The largest customer being the schools for the health care.

With that, Vice-Chairman Massey would like to echo that tomorrow is another very important day in the life of Hudson. It's the time when citizens get a chance to tell their elected officials what they think of the way the Town is being run. There are very important issues on the ballot. The operating budget for their Town and school department will be up for a vote. There are several important contracts for both the Town and the schools. As it has been mentioned before, we have 2 pieces of capital equipment that are in need of being replaced. He would love to see in excess of 4,000 at the elections tomorrow. He'd love it. When you factor in the number of people that went to the ballot box in IRAQ yesterday and the circumstances under which they went to vote, and then you look at us, 4,000 people does not seem to him to be an unreasonable goal to have come out to the polls. He would love it if they had to keep the lines moving like they did in the 2008 elections. So for everybody, this is your chance to tell the government both your municipal and your schools how you think they're doing. He encouraged them all to get out and vote. The polls are open from 7 a.m. until 8 p.m. So there's ample opportunity to do it. As usual, they'll be goodies being sold by the organizations in town. Benson's Committee will be selling t-shirts and hats to raise some money for the park.

Selectman Coutu - excused absence

10. NONPUBLIC SESSION

Motion by Selectman Jasper, seconded by Selectman Maddox, to enter nonpublic session under 91-A:3 II (a), (d), and (e) by roll call, carried 4-0.

Nonpublic session was entered into at 8:11 p.m., thus ends the televised portion of the meeting. Any votes taken upon exiting nonpublic session will be listed on the Board's next agenda. The public is asked to leave the room.

Motion by Selectman Maddox, seconded by Selectman Jasper, to exit nonpublic session, carried 4-0.

Open session was entered into at 8:44 p.m.

Motion by Selectman Nadeau, seconded by Selectman Jasper, to hire Colleen Jefferson to fill the vacant full-time Telecommunications Technician position at a starting rate of \$20.22 according to Police Union Local #3657 contract, carried 4-0.

11. ADJOURNMENT

Motion to adjourn at 8:45 p.m. by Selectman Maddox, seconded by Selectman Jasper, carried 4-0.

Recorded by HGTV and transcribed by Donna Graham, Recorder.

HUDSON BOARD OF SELECTMEN

Kenneth J. Massey, Vice-Chairman

Shawn N. Jasper, Selectman

Richard J. Maddox, Selectman

Benjamin J. Nadeau, Selectman