

HUDSON, NH BOARD OF SELECTMEN
Minutes of the March 24, 2009 Meeting

6:30 p.m. - p.m. Attorney Client Session. Pursuant to RSA 91-A:2 I (b), this session was not open to the public.

1. **CALL TO ORDER** by Chairman Nadeau at 7:00 p.m. in the Selectmen's Meeting Room at Town Hall.

2. **PLEDGE OF ALLEGIANCE** led by Sue LaRoche from the Recreation Committee.

3. **ATTENDANCE**

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

Staff/Others: Steve Malizia, Town Administrator; Mark Pearson, Assistant Town Administrator; Priscilla Boisvert, Executive Assistant; Rob Buxton, Deputy Fire Chief; Dave Yates, Recreation Director; Sue LaRoche; Jeremy Griffis; Mark Levesque; Michelle Rourke; Stuart Schneiderman; Tim Sundstrom; about six others; Gina Votour, HLN

4. **PUBLIC INPUT**

Certificate of Appreciation for the American Red Cross for the support they provided during the December ice storm.

This item was removed from the agenda by the Chairman, who said the presentation would be made at the Red Cross offices. He asked if anyone in the audience wished to speak to the Board on any subject at this time.

Stuart Schneiderman, 2 Library Street, read the following:

The results are in and the voters of Hudson, NH have decided to not increase the town budget by one cent on the dollar. The Town Administrator, the Police Chief, the Fire Chief and several more non-union employees will not get a raise this year. Our senior citizens will not get a part-time Services Director and our children will not get kindergarten. There are over 15,000 registered voters in Hudson and these warrant articles were decided by 3,000. There is a myth the NH's fiscally conservative state culture creates frugal, but fit government—no taxes, no frills, no problem. In truth, which NH may provide fewer services than other states, the notion that its finances are emblematic of old-fashioned New England Puritanism just isn't true. Recently, the NH House Ways and Means Committee (who controls where your taxes come from) and the Finance Committee (who controls how your taxes are spent) have been holding public hearings at every corner of the state. The strength of NH's budgeting process is openness and the opportunity for the public to speak to the government about how our tax money is collected and spent. The weakness of the budgeting process is a tendency to push to tomorrow that which should have been done yesterday. For example, decisions about how to comply with court rulings ordering more equitable school funding dragged on for a decade. NH's tax burden has ranked among the nation's lowest, the state/local tax burden percentage ranks #46 (this is good, but not the lowest in the nation, as some would have you believe). However, NH has the 8th highest state business tax in the nation (this is bad because it keeps small businesses from thriving). Our business tax is higher than Vermont (43rd), Maine (40th) and Massachusetts (32nd). As one of only two states that tax neither sales nor wages (Alaska is the other), NH is heavily dependent on property tax revenue. NH is one of the 37 states that collect property taxes at both the state and local levels. NH combined state/local property taxes rank second highest nationally, just behind Connecticut. Low and middle-income families in NH pay a far higher share of their income in state and local taxes than do the richest NH families. NH's taxes are particularly regressive because the state lacks a broad-based income tax and instead relies primarily on property taxes to fund public services. The total of all wages and salaries in NH is \$55 billion. The total of all business profits taxes is \$395 million. The total of all statewide property taxes is \$387 million. If all business profits taxes and all statewide property taxes were eliminated, they could be replaced with a statewide income tax of less than 1-1/2%. This means that the huge majority of NH citizens will pay less in taxes. In light of these facts, perhaps we should consider shifting the costs of running our state away from business owners and away from home owners.

Selectman Massey said that was interesting information and something for them to think about. Although there is no general sales tax in the state, there are specific targeted taxes on sales, primarily in the snack and beverage area, so there is some form of sales tax, just not 100%. When people say NH doesn't have a sales tax, that's not accurate.

5. **CONSENT ITEMS**

Selectman Jasper removed A-2 from the consent items; Selectman Massey removed B-1 and Selectman Coutu removed B-2.

Motion by Selectman Coutu, seconded by Selectman Massey, to approve consent items, A-1 & 3, C, D and E, as noted or appropriate, carried 5-0.

A. **Assessing Items**

1) 2008 Abatement Application, Map 170/Lot 21, w/recommendation to deny.

2) **2008 Supplemental Tax Bill, Map 100/Lot 10–Northern NE Telephone, w/ recommendation to approve.**

Motion by Selectman Coutu, seconded by Selectman Massey, to approve the 2008 supplemental tax bill for Northern New England Telephone, LLC, Map 100/Lot 10, as recommended by the Assistant Assessor.

Selectman Jasper said they were valuing the land in the right of way at \$1.158 million, but they don't know what the total valuation is that they are billing everybody else, which would include use of right of way, sidewalks, fire alarms and water. Last year, they decided to attempt to settle. Now they are going to send another bill and go through another process. Until they have a meeting with the attorney and the Assessor to review what they are doing, they ought not be sending another bill. The right of way is not worth \$1.5 million. Selectman Coutu said at the earlier Attorney Client session, the Board was briefed on this issue. He thought the Town Administrator could bring him up to date on what the Attorney advised, and why. Selectman

Jasper said he arrived just as the Attorney left, but the Board could have brought him up to speed. He was told nothing substantive happened. He was late because he was in Concord on legislative business. He didn't look at things in detail, but thought they were talking about only one other item; this was just ridiculous. The right of way isn't worth that and he'd like to see what the total assessment is, broken out, for each of the entities that use the right of way. The court was pretty clear that yes, you can assess a value to it, but you have to take into consideration all the uses. He's made the case for years, they don't even own all of the area they are assessing. They don't own most of the right of way down Old Derry Road, Greeley Street and a number of other areas, and yet the town is assessing them for the use of the right of way, but the town doesn't own the property; it belongs to the abutters. It is ridiculous to say if you assume there are five or six uses in a right of way, including the town's use of the right of way, to put snow in from the streets. What are they saying, that they could turn around and sell that right away for \$10 million? Of course they can't. It's ridiculous. Who is going to pay the bill at the end of the day. This money comes back and is billed to the people using the telephones and anybody else who they sublease to. This is something the Assessor is very hot to trot on. Rochester just spent a lot of money and lost. He thinks this is a total waste of taxpayer money to pursue this. They will never get anywhere near what it costs to do this. If they pursue it, they will come down and say alright, show us where you actually own this right of way., and the town doesn't own a lot of it.

Selectman Maddox said in Attorney-Client, a lot of Selectman Jasper's concerns were addressed. What Selectman Jasper is looking for is, basically, what is happening. They all thought he was more up to speed than they were. Selectman Jasper said nobody said a word to him since the last time they met a year ago.

Vote: Motion carried 4-1. Selectman Jasper voted in opposition.

- 3) 2009 Tax Exemptions/Credits—Veteran's tax credit: Map 112/Lot 013; Elderly Exemptions: Map 168/Lot 057; Map 147/Lot 029/Sublot 001; Map 191/Lot 187/Sublot 052; Map 147/Lot 017/Sublot 032; Disabled Exemption: Map 253/Lot 078, with recommendation to grant.

B. Water/Sewer Items

- 1) **Water abatement application, W-UTL-09-01, Acct. #3501866201, w/recommendation to deny.**

Selectman Massey said from July 2006 through December 2008, the readings were within a range, with the exception of the reading in September, which was way outside. The Water Utility has had similar cases and it is very possible that if people don't keep track of their toilet water tanks, they can lose water at an astonishingly rate. That may not have caused this particular leakage, but the Water Utility did due diligence and the meter is correct. It actually flowed through that meter and the meter readings before and after are within the range. On that basis, it was appropriate for the committee to recommend denial.

Motion by Selectman Massey, seconded by Selectman Maddox, to accept the Water Utility's recommendation to deny the abatement for 114 Highland Street.

Selectman Coutu said there wasn't much information, other than the reading that went from an eight to 123 and then down to four, so obviously, there was a problem that month. The owner felt that there was an inaccurate reading and nothing to indicate they were aware of a water flow problem or that they had any repairs done to correct the problem. He asked if the property owner was asked what they thought might have caused the problem. Selectman Massey said they contacted the user and they relooked at the meter. About a year ago, there was a similar problem and in the same range in terms of dollar value and that property owner made a convincing case that they were not aware of any of their water closets leaking, yet because they did some additional testing on meter readings, they ultimately came to the conclusion that the water passed through the meter. The procedures are very clear. If the water goes past the water meter, it constitutes usage. A tiny bit of sand could be on the flapper valve and that would be enough to leak out large volumes of water. You wouldn't even hear the water running, it would be so slow—but over a period of time, even that amount of seepage under the flapper valve would be enough to cause this type of usage.

Selectman Coutu said it seemed abnormal, going from \$44 to \$405 and then back down to a \$22 or \$23. Selectman Jasper said he was concerned, too. This seems extraordinary, and he'd like to find out more information. Possibly the meter malfunctioned and flipped forward.

Mr. Malizia said if anything, the meter would slow down because, over time, they become corroded. It's not possible for a meter to speed up and then slow back down. It's a very simple mechanical device. The water goes through a turn dial, and that's it. Selectman Jasper asked if a water surge could occur. Mr. Malizia said the usual cause is a leak in the home. The town called the homeowner, saying they noticed a problem. They could have power-washed their house, filled the pool, left an outside spigot on, etc. Because it reverts to a normal reading the next two months indicates that something happened inside the house. It sounds good to give a rebate, but water passed through the meter which tested to be accurate. Selectman Massey added that the Board accepted the Water Utility's recommendation on the previous one.

Vote: Motion carried 4-1. Selectman Coutu voted in opposition.

2) **Water abatement application, W-UTL-09-02, Acct. #3505101502, w/recommendation to deny.**

Selectman Coutu said this one had something to do with rust in the water and a filter being used. It seemed that there was a legitimate problem, but it was confusing trying to decipher the e-mails that went back and forth. The Utility said they were sympathetic, but they still were recommending denial. Gary Webster made a site visit and was trying to help resolve it, and Pennichuck was involved. He's not clear whether or not this should be abated. Mr. Malizia said this is in a condominium development at Rolling Green. If they let sediment build up, they sometimes get rust. The lines are flushed once or twice a year to prevent that. Absent complaints from anyone else, it would appear this situation is localized. The people made the claim that since they bought the house, they've had this problem, which indicates it's most probably in their house somewhere because rusty water isn't being delivered to the neighborhood or the system, as a whole. On occasion, there is a water line break, or during high demand times in the summer, it's possible to stir up sediment that creates some rust in the line, but it's not localized to one individual, but rather to an area. No one else in this development has complained, and it's not at the end of a line, where sediment might build up. Selectman Massey said the pipe itself broke because of the power outage back in December, and it would be no different than any other homeowner whose pipes broke. They would still be responsible for the water that went through the water meter. The logic the Water Utility used is that if it goes past the water meter, it constitutes a water usage. Unless they can prove a defect in the meter itself, the recommendation has always been to deny. He fully understands the significance of being hit with a bill that weren't expecting, but they all, sometime or other, end up with bills they didn't expect.

Motion by Selectman Massey, seconded by Selectman Maddox, to accept the Water Utility's recommendation to deny the abatement for 5 Baltusrol Dr, carried 4-1. Selectman Coutu voted in opposition.

C. **Licenses & Permits**

- 1) Request to hold fundraising activities at SAM's Club by HO Smith & Library Street Schools on 4/18/09.
- 2) Request to hold fundraising activities at SAM's Club by Nashua Elks Crusaders on August 15 and 16, 2009 and at Dunkin Donuts at Lowell Road and Derry Road during weekend of August 22 and 23, 2009.
- 3) Request to hold fundraising activities at SAM's Club by Richelieu International on May 16, 2009.
- 4) Raffle Permit by the American Cancer Society for April 25, 2009 at the American Legion Post 48.
- 5) Request to hold fundraising activities at SAM's Club by VFW #483 Nashua on April 24 and 25, 2009.

D. **Acceptance of Minutes**

Minutes of the Board of Selectmen's March 9, 2009 meeting.

E. **Calendar**

- 3/25 7:00 Planning Board in CD Mtg. Rm.
- 3/26 3:00 Trustees of the Trust Funds in the CD Mtg. Rm.
- 3/26 7:30 Zoning Board of Adjustment in CD Mtg. Rm.
- 3/31 Noon – 7:00 pm -- Red Cross/Police Department Blood Drive at Community Center
- 4/01 7:00 Planning Board in CD Mtg. Rm.
- 4/01 7:00 Cable Committee in BOS Mtg. Rm.
- 4/06 6:30 School Board in BOS Mtg. Rm.
- 4/07 7:00 Board of Selectmen's Workshop in BOS Mtg. Rm.
- 4/08 7:00 Planning Board in CD Mtg. Rm.
- 4/09 5:30 Sewer Utility in BOS Mtg. Rm.
- 4/09 7:30 ZBA in CD Mtg. Rm.
- 4/13 7:00 Conservation Commission in CD Mtg. Rm.
- 4/13 7:00 Republican Committee in BOS Mtg. Rm.
- 4/14 7:00 Board of Selectmen in BOS Mtg. Rm.
- 4/15 5:00 Water Utility in BOS Mtg. Rm.
- 4/15 7:00 Library Trustees in BOS Mtg. Rm.
- 4/15 7:00 Hudson Seniors in CD Mtg. Rm.
- 4/16 7:30 Budget Committee in BOS Mtg. Rm.
- 4/20 6:30 Hudson School Board in BOS Mtg. Rm.
- 4/21 7:00 Benson's Committee in CD Mtg. Rm.
- 4/21 7:00 Cable Committee in BOS Mtg. Rm.
- 4/22 7:00 Planning Board in CD Mtg. Rm.
- 4/23 7:30 Zoning Board of Adjustment in CD Mtg. Rm.
- 4/26 3:00 Trustees of the Trust Funds in CD Mtg. Rm.
- 4/27 6:00 Recycling Committee in BOS Mtg. Rm.
- 4/27 7:00 Green Team in CD Mtg. Rm.
- 4/28 7:00 Board of Selectmen in BOS Mtg. Rm.

6. **NEW BUSINESS**

A. **Request by the Police Department to participate in Join the New Hampshire Clique Enforcement Campaign**

Town Administrator Steve Malizia said this campaign has been conducted for the past several years, funded through the state for seat belt enforcement for children. It will be conducted in the May-June timeframe. The grant covers the overtime costs.

Motion by Selectman Maddox, seconded by Selectman Massey, to authorize the Police Department to enter into an agreement with the NH Highway Safety Agency to participate in the annual "Join the NH Clique" enforcement campaign for \$2,478 to cover the cost of participating, carried 5-0.

B. Request by the Police Department to schedule American Red Cross Blood Drives at the Community Center on March 30 and September 21, 2010.

Motion by Selectman Massey, seconded by Selectman Maddox, to approve the request to hold blood drives at the Community Center on March 30 and September 21, 2010, and to waive the fee for use of the hall, carried 5-0.

C. Request by Fire Department to donate Protective Gear

Deputy Fire Chief Rob Buxton said over the last year and a half, they've upgraded the protective clothing the guys wear. Manchester has requested used protective clothing for their Explorers. The department is also seeking authorization to donate other used items, and would forward to the Board an inventory of what was donated. Selectman Massey asked if the department was covering its own Explorers. Deputy Buxton said they are well outfitted and are up to snuff with their needs. Selectman Massey asked if this gear could be used for probationary officers. Deputy Buxton said the protective clothing has outreached its lifespan for the department.

Motion by Selectman Jasper, seconded by Selectman Coutu, to authorize the Fire Chief to dispose of 20 old sets of protective clothing to the Manchester Fire Department Explorer Program and authorization to donate any further sets of old protective clothing to other organizations, as outlined in the Chief's memo dated March 10, 2009, carried 5-0.

D. Robinson Pond Wetland Engineering Presentation by Litchfield Youth Football and Cheerleaders and Hudson Youth Baseball Organizations.

Michelle Rourke and Mark Levesque were recognized. Mr. Levesque said they wanted to provide a brief summary of where they stand with the wetlands survey and how they got to where they are. It has been a little over a year since all of this got started. Last February, Michelle had discussions with the Recreation Department. Last June or July, they did a development presentation and in August, they provided a Master Plan presentation to the Recreation Committee, and then in September, it was presented to the Board of Selectmen. On November 10, 2008, proceeding forward with a wetlands study passed unanimously. On January 29, 2009, they received the final stamped drawing of the 47-acre parcel at Robinson, which was before the Selectmen tonight, which they wanted to present formally on behalf of Litchfield Youth Football and Cheer and the Hudson Youth Baseball organizations, to the Town of Hudson for future use. He thanked the members of the organizations for providing funding to achieve this goal. He also thanked the Recreation Department and its committees, United Soccer Club, Hudson Girls Softball League, Hudson-Litchfield News and the Board of Selectmen. He personally thanked Selectmen Massey and Coutu for their guidance and support through all of this. It has been an education for him and he appreciated their efforts.

Selectman Coutu said there was a monetary value attached to this wetlands report and wondered if the Board should vote to accept the donation. Mr. Malizia thought that would be a good idea, but would need to know the amount in order to determine what type of hearing to hold. Mr. Levesque said it cost \$12,000. Mr. Malizia said it would be a noticed public hearing. Selectman Coutu asked Mr. Levesque to get the appropriate information to Mr. Malizia. He continued by saying Selectman Massey was very helpful in terms of providing them with a lot of information that was required with the Planning Board in order to proceed. They wanted to do a wetlands study in order to ascertain two things. One, if the land was feasible to accomplish their objective, which was to build several ball fields to be used by the non-profit agencies and two, to ascertain if there was sufficient land available in order to achieve the goals of the Recreation Department to determine if this was an appropriate site in the future when funds were available to address all of the needs of the department, so they could be housed in one area. The wetlands study delineates that land which is available for development. The topography of the land creates some problems. There's questions whether or not there is sufficient land to allow for access for emergency vehicles without going into the setbacks. He didn't know where the Board wanted to proceed from here.

Selectman Maddox said this was a great project, but they can now see that government moves slowly. He asked if there was an electronic copy available, which could be put into the town's GIS system. Mr. Levesque said yes, that he would provide that. Selectman Maddox asked how this wetlands study tied in with the master plan, as far as being able to do with the land what they were hoping to do. Mr. Levesque said the general consensus from the engineer that did the study was 2/3rds - 3/4's of what was presented would be achievable, with some manipulations and stipulations. It would have to go to the next phase of drawing things out and developing things, visiting with the wetlands committee and seeing what would be allowed to be done. Selectman Maddox asked if they were looking to move forward with this. Mr. Levesque said yes, in collaboration with the Recreation Department. They've had several meetings already to determine their wants and needs. Selectman Maddox said it was fascinating to see how the wetlands isolate some pockets of land, but he didn't know how bad that would be.

Selectman Massey said they talked about this before and once they had this study, and if they wanted to go forward, the next step would be a conceptual plan for the Planning Board to look at. He would be astonished if the town didn't accept this. He asked what their thinking was in terms of timing to put a plan together for the Planning Board. Mr. Levesque said several months, and they want to take into consideration the requirements of the Rec Department and have additional meetings with them for their input. They wanted the Recreation Department's support along the way,

which they have had throughout the process. Selectman Massey thanked the two organizations, saying it was a great example of what can happen and what can be achieved when private and public groups get together. Hopefully, something will happen from this in the future.

Selectman Jasper said there certainly were some issues in terms of the topography, going from around 220 up to 256, but that's not insurmountable, depending on the sub-soils and ledge. The areas that come in from either side, he didn't see any wetlands plants denoted there and it looks like that may be just a drainage area because they are low areas where the surrounding topography is rather high. Some wetlands are nothing more than just a drainage area that are wet when it's raining, so some of that may not be as insurmountable as it might appear at first glance.

Selectman Coutu noted for the record that this has been a joint venture; financially, it's been "their" venture, but the town has worked with them cooperatively. They realized full well that this was a gamble on their part and they have agreed that if they were to proceed with this, they would not be resistant to the Board identifying a parcel that would be set aside for future use for town purposes. He asked, if the town works cooperatively and jointly with these two groups to develop a conceptual plan that was to be brought before the Planning Board, and if it was acceptable to the Planning Board, if they could seek a release of some of the funds in order to proceed with this project. Is the conceptual plan the final step to sell the potential of the development by these non-profit agencies in order to free up some of that money that has been collected for recreational purposes?

Selectman Maddox said it would help tremendously if it came from the Recreation Committee. The Planning Board has always thought those monies were collected for the use of town recreation. That is the driving force. If the Rec Committee feels strongly this is where they want their money to be spent, he thinks that would release the funds. But the Planning Board will do what the Planning Board will do. This was just his take on it.

Selectman Coutu asked if there was a consensus to proceed with a conceptual plan to present to the Planning Board, and they'd see if the Recreation Committee was willing to endorse the final plan and make a formal presentation. He would be with them to make the presentation to the Planning Board. Selectman Massey said if they needed any input relative to the conceptual planning process, he'd be glad to provide it.

Chairman Nadeau asked if everyone was in agreement with that. All Board members indicated they were.

E. Request by the Cable Committee to add additional Camera Operators to the Pool

Chairman Nadeau said this was just to add a couple more camera operators, so if they run short or if someone calls in sick, there will be people to fill in. Selectman Maddox said this was a good idea. Having only two operators didn't make any sense because if the number of boards being televised increases, more camera operators will be needed.

Motion by Selectman Maddox, seconded by Selectman Coutu, to hire Casey Murray and Ryan Kelly as HCTV camera operators at \$11 per hour.

Selectman Massey opposed the motion because until they have a plan on how the cable facility is going to be operated, they are going to be nickel and diming things. These monies are not coming from the town's tax base, but it is coming from taxpayers as rate payers. They owe it to the people in town to know what the plan is, and he's still waiting for it. Until he receives that plan, he will not approve any additional personnel. He didn't know how they got to \$11 per hour, but there are plenty of jobs out there now that are paying under \$8.

Chairman Nadeau said these two individuals would record meetings, as needed. They are currently down to only two camera operators and one of them doesn't come in on a regular basis, so the Senior Camera Operator, who is paid at a higher rate, has to fill in. At town meeting, four or five camera operators are needed, so this will bring them up to where they need to be. Selectman Maddox said there needs to be a plan, but these camera operators are for the Board of Selectmen, Planning Board, ZBA, Budget Committee, etc. Only two operators didn't make any sense. If someone calls in sick or whatever, the Senior Camera Operator has to take over. The request didn't have anything to do with the cable facility.

Selectman Coutu said there are going to be more committees that are going to be televised, such as the Recreation Committee. If there are only two operators and two meetings going on at the same time, and only one operator is available, they are in trouble. This is for the government broadcasting and that's why the pool of camera operators needs to be increased. There needs to be people available to televise the meetings. Without them, on some nights, some committees may not be televised and the viewing audience will be clamoring about that.

Selectman Jasper said he supported hiring these two people, but agreed with Selectman Massey about the \$11 per hour. There is a certain amount of skill with this job, but it's not a labor-intensive position. A part-time job such as this for a high-school student at \$11 an hour seems a little pricey and something they need to consider as they move along. The more people they bring on, the more of an issue that will become, in terms of the operating expenses. Selectman Maddox said the Cable Utility set the rate at \$11, but these kids were working scattered nights. They are being asked to come in on short notice to fill in. At some point, they have to be realistic and \$11 is not outrageous.

Vote: Motion carried 4-1. Selectman Massey voted in opposition.

F. Hudson Cable Facilitator

Selectman Maddox said at the Board's last meeting, Mr. Nazarian came in under Public Input and asked why they were not supporting the programs that they had voted for. What Mr. Nazarian was saying was the Board did not approve of his hours. In the packet was the present contract with the Facilitator, which says not to exceed 45 hours per month. A copy of the Facilitator's most recent time sheet was in the packet for 88-1/2 hours. There was also a copy of the access plan that said the Facilitator's contract would likely need to be modified to increase the number of monthly hours from 45 to 65. The Board is supporting it; they've leased a space for the facility and it's being set up. There may be some budgetary considerations because of having to stay with the default budget. He has gotten e-mails saying "they" cannot do some of the programs they want to do with various trainings, but it comes down to time management. The Board is supporting the plan, but the Facilitator needs to stay within the hours outlined in the contract and manage his time better.

Selectman Jasper said he, too, was surprised about the comment the Board wasn't supporting the program because they weren't supporting the doubling of the hours of the Facilitator. When they signed the contract, they signed at a rate that was much higher than they had been paying. He voted for that because he thought the things that needed to be done could be accomplished in that time. A few months after the contract was signed, the numbers nearly doubled. If someone said this was an 80-hour a month job, he would not have voted for \$27 an hour. If the job is 88-100 hours a month, that's something they need to look at in the next contract, and a lower hourly rate.

Selectman Massey said the contract allowed the Facilitator to exceed 45 hours upon written approval by the Town Administrator. When the Senior Cable Operator position was created, it was supposed to offload a lot of the administrative work from the Facilitator. Until he sees a plan, he won't vote for any more spending on this program. Selectman Coutu assured Selectman Massey that they are working on the plan, which has been presented to the committee, who will formalize it before presenting it to the Board. He supported the position that they shouldn't spend any more money until the plan has been finalized. Relative to the 88-1/2 hour time sheet, the Facilitator approached the Town Administrator when he had reached 45 hours, and the Administrator told him to cease and desist--but he didn't. They are paying \$27 per hour for the Facilitator to talk on the telephone and make ID tags; it's getting beyond ridiculous. He thanked Selectman Maddox for putting it on the agenda.

G. Fiscal Year 2010 Default Budget

Town Administrator Steve Malizia said next year, they would be operating under the default budget in accordance with Town Meeting vote. His recommendation was to review the budget, its consequences and what possible actions the Board may need to take at the workshop meeting on April 7. At that time, the department heads would be in to work with the Board so everyone will understand what they may be able to do to alleviate and/or possibly transfer money around to accomplish the tasks they are expected to accomplish. He met with the department heads last week to outline the default budget, as he understands it, so everyone will have a scope of what they are talking about. He will meet with them again tomorrow to define and articulate where problem areas may exist, and where opportunities may exist, to alleviate those problem areas in anticipation of the meeting with the Board of Selectmen.

Selectman Maddox said the voters saw the difference between the default budget and the proposed budget of \$48,000 and may have felt they could live without an increase. What people didn't realize, and the Board may not have done a good job selling it, is that helped out the sewer because they're \$320,000 to the good, but the default budget decreased the operating budget for the town by \$304,000 so it wasn't a simple \$48,000 difference. Those are the consequences the Board will have to deal with. It's not a \$48,000 shortfall, but a \$305,000 delta.

Selectman Massey said in general, the default budget does not proscribe them from spending on an item that was not in the 2010 budget, if the line item was there. The line item for the capital reserve was zero dollars. On the capital reserve line items only, does the default budget require them to put that amount into the capital reserve funds? They are a special circumstance and they already know that, based on the work that Selectman Jasper did, if you put \$1 into it, you couldn't subsequently put more money into the capital reserve fund; it was what you budgeted for. On all of the capital reserve funds they have, about 12 of them, what is the money they put in? If it has zero dollars in the default budget, there may be some consequences.

Mr. Malizia said in anticipation of that question, he asked Attorney Buckley to prepare a legal opinion so they can be guided by that opinion. The town has never been in a default situation before and they need to understand the implications, particularly as it relates to capital reserve funds, so he specifically asked for that.

Selectman Jasper said it would be an interesting opinion to read because he didn't think it was ever the intent of the Legislature that any particular line be restricted at that time, and he was part of the discussions a long time ago on Senate Bill 2. He believed the intent was merely to reduce the dollar amounts and if you proposed items in the budget, then those line items would be areas you could expend money in and you could make the adjustments accordingly, not that they were sent back to the previous year with the adjustments. He didn't think there was a legislative intent to make restrictions in that regard.

There was a consensus to schedule a review of the FY 2010 Default Budget at the Workshop on April 7, 2009.

H. Election of Chairman and Vice-chairman for the upcoming year. (Effective at the adjournment of this meeting.)

Selectman Massey nominated Selectman Maddox and Selectman Jasper nominated Selectman Coutu as Chairman for the upcoming year. He said the "Jasper Doctrine" that Selectmen Maddox referred to a few times in the past is that the chair rotate. Every one of them, with the exception of Selectman Coutu, has been chairman, and he has demonstrated his ability on the Board. Not to take anything away from Selectman Maddox, but he feels it is Selectman Coutu's turn to be chairman. Selectmen Jasper, Coutu and Nadeau voted for Coutu; Maddox and Massey voted for Maddox.

3 votes for Selectman Coutu; 2 votes for Selectman Maddox. Selectman Coutu was declared Chairman.

Selectman Maddox nominated Selectman Massey for Vice-chairman and to close the nominations with acclamation, seconded by Selectman Jasper, carried 5-0.

Selectman Massey was unanimously elected as Vice-Chairman.

7. OTHER BUSINESS/REMARKS BY THE SELECTMEN

Selectman Jasper congratulated the new officers of the Board and to Selectman Nadeau and Selectman Coutu for their election. He thought this was the first time in his 15 years there weren't any changes in the election cycle, a notable consideration. It is also the first time where everyone on the Board has served as chairman.

➤ Selectman Jasper said it will be a long week in Concord with some things coming down that aren't going to be a lot of fun for communities. Today, the attempt to overturn the Evergreen Clause was unsuccessful, and a couple other things he thinks would have helped municipalities, which didn't happen, so the battle continues. With everything else the Legislature has done, proposing to raise taxes and everything on the table, it looks like the budget gap is still in the range of \$165 million. They have about a month left that the Legislature has possession of the budget; they have to balance it by then, but the Lord only knows how that's going to be accomplished--but it's not going to be pretty.

➤ He received an e-mail from Gary Rodgers, as a member of the Rodgers family who donated the money for the library. They proposed dedication of the library is June 7 and the Rodgers family would like to have an old-fashioned picnic that day.

To that end, they have asked if the town would be willing to loan approximately 25 tables and 150 chairs to be set up at the site for that picnic, and if the Highway Department would deliver those chairs and bring them back, which he so moved, seconded by Selectman Maddox, which carried 5-0.

➤ Selectman Jasper congratulated Selectman Nadeau on a job well done as Chairman and he certainly was out there during the storm. A lot of people don't realize how much of his time he gives in situations like that. He also thanked the voters for returning him to the Board, which he appreciates very much.

➤ Relative to Mr. Schneiderman's remarks during Public Input, the Board of Selectmen has nothing to do with those issues. If you live in New Hampshire and work in Massachusetts, you wouldn't pay any income tax in NH, so the people who would be paying the burden would be those primarily who live and work here, and that's not terribly fair. People who live in Massachusetts and work here would, and there's not nearly as many who do that as there are who live here and work in Massachusetts or Maine or Vermont because of the advantages of living in NH, so that's not a great way to structure the tax system. The sales tax would be devastating to the business community because they have built up based on border sales and lack of sales tax. The Legislature has looked at those items and most people on both sides of the aisle came to realize there are big problems with implementing either of those. There are no easy solutions to the problem, but as a wise man once said, taking taxes from people should not be easy or pleasant. It should be very difficult and something that puts them through the grinder when they do it. They will continue to slog on over the next couple of months.

Selectman Massey said the Federal law reads if you live in (in this case) New Hampshire and work in Massachusetts, you pay Mass tax first, and only if your total tax in NH would be greater than the Mass tax would you pay the difference to the state. Until there's a substantial decline in the number of people that leave the borders into Mass every day to work, an income tax is going to put the entire burden on a smaller portion of the people.

Selectman Massey congratulated Selectman Coutu on his election and expressed sincere thanks to Chairman Nadeau, who did an excellent job this year. All of the citizens should be aware of the concern and care that Selectman Nadeau has for the town. During the ice storm outage, there wasn't a group, an area or a person who needed help during that period of time that wasn't in some manner, shape or form, by touched by him.

➤ On Friday at 3:00 p.m., March 27, they will be swearing in two new police officers, Adam Lischinsky and Christopher Marney. They will also formalize the promotions of William Avery to Captain, Kevin DiNapoli as Lieutenant and Michael Gosselin and Michael Niven as Sergeants. He congratulated all of them. The Police Department is a community-based agency and one example of that are the blood drives they hold on a semi-annual basis. On March 31, from 12:00 – 7:00 p.m., there will be a blood drive at the Community Center and everyone can help by donating to the Red Cross blood drive--and there are usually some very good goodies waiting at the completion of the process.

➤Last Saturday, the Commission on Accreditation for Law Enforcement Agencies formally approved the accreditation for the town for another three years. It's a credit to everyone in the Police Department, especially Lt. DiNapoli, who spearheaded the program. A fully-accredited police agency requires the full support of the governing body, which they've demonstrated over the years, and the wholehearted commitment by every member of the police force. Accreditation is not a goal; it's a state of mind.

➤Selectman Massey said May 7 at 7:00 p.m. at the Community Center, is the Volunteer Recognition Ice Cream Social. He will extend the invitation to a wider group of people in town to include some of the elected officials, whether or not they get paid.

➤The recount confirmed the original vote. Selectman Jasper had 10 less votes; Selectman Nadeau had five less votes and Candidate McGrath had one less vote. He didn't think they'd see the results overturned, but the recount verifies to the townspeople that their electronic form of balloting is very accurate.

Selectman Coutu said he wanted to bring a serious matter to the Board's attention. He asked the Town Administrator if he has had any communiqué from the IT Director with regards to a member of the Budget Committee making certain demands on her. Mr. Malizia said during the budget process there were, but he wasn't aware of any demands recently, or specifically. Selectman Coutu asked him to look into that matter. He happened to catch the Budget Committee meeting the other night on television and the Chairman of the Budget Committee suggested that this particular member should be going through the liaison. These people work for the Selectmen, not the various committees, unless they are so directed. If there is a problem, he asked the Town Administrator to bring it to a halt and then to bring it back to the Board.

➤He congratulated Alvirne HS Bronco Boys Basketball team for making it to the semi-finals. At the Chamber banquet, they were brought up to date on the score, and Alvirne was winning after the third quarter and he thought for sure he'd be going to the finals but, unfortunately, they didn't quite make it. He was proud of the program, the coaching staff and the young men who play. They made Hudson very proud.

➤He thanked the Hudson citizens for returning him to the Board. He was quite pleased to realize that it was an endorsement of the manner in which the Board conducted themselves in the past year to have three members returned to the Board, but they have their work cut out for them because the voters gave them a clear mandate in terms of holding the line on spending.

➤Comedy Night is Saturday and he plans to be there front and center—and will take his licks, if he has to..

➤Congratulations to Selectman Massey for being elected to Vice-chair. He thanked the Board for the chairmanship position. Even though Selectman Maddox was a candidate, they will get along very well in the coming year.

➤Selectman Coutu reminded Selectman Nadeau that the Rodgers family wants to host a picnic, and that means food... and Selectman Massey is having an ice cream social, so he expects to see Selectman Nadeau at both events. On a serious note, a year ago, he was given an opportunity to serve on the Board of Selectmen and Selectman Nadeau was a candidate for Chairman, which he didn't support at that time, much to his regret because he has done an outstanding job. Selectman Nadeau is a very kind and compassionate person and deserves the plaudits awarded to him by the citizens of the town by re-electing him, as well as the plaudits being handed out tonight. He's done an outstanding job and Selectman Coutu appreciated the leadership provided during the past year. Selectman Nadeau has left some big shoes to fill.

Selectman Maddox congratulated Selectman Coutu. He voted for himself because a wise man once said, "I wouldn't vote for anybody that wouldn't vote for himself." Working the election, everybody talked about "the bums," but they were all re-elected. This is his sixth year and this group isn't always going to agree; sometimes they are going to disagree quite verbally, but at the end of it, people can see their intent is to do their best for the citizens. A 5 - 0 vote constantly means something is wrong, so if it's three to two, that means there was debate, discussion and opinions. They won't be any easier on the new Chairman than they were on the current Chairman, who has managed to smile through most of the year.

➤Relative to the recount, the people could see that the process was there, that the paper ballots that they filled out, not some computer-generated screen, they could see them physically recount those ballots and show that the numbers on Tuesday night were validated at the recount. If the Legislature ever wants to look at electronic ballots, they just need to look at how that process works to be able to validate and show, in a close race, that the numbers were, in fact, correct.

➤They may want to think about having a liaison, or the Chairman, visit the School Board. It's time to start talking to that body. Depending on how the state does their payments, they can get \$1 million that the town will lose. That's still in flux, but he thinks they need to have a dialogue as to what they are doing so if they are going to have a big bond issue on the ballot, the Selectmen will be smart enough to know not to put something on at the same time. It's a subject they need to discuss at the workshop on the 7th, or whatever, but sometimes people went into that voting booth and thought they were cutting their taxes by circling the default budget, and yet the school budget was OK. The Selectmen need to do a better job of communicating with them.

➤In an effort to save money, he's been weighing his recycling, which averages about 40 lbs. a week. In 50 weeks, that's a ton—\$73 savings. They've been stuck at 28% for recycling, so they need to make a concerted effort with the Green Team and Kevin Burns—a public service announcement. Maybe make the bins available at Old Home Days, or at the dump when it's open. If they get up to 33%, that's a lot of money. This is one of those items that's real easy to do. If he can do it, he's sure the citizens can. If he saves \$73 by recycling, that makes a difference, and when they are looking at \$304,000, every \$73 counts.

►The Selectmen have a challenge, but 'the bums' will find a way to do it in a way that when they are done, still like each other.

Selectman Nadeau thanked the voters and the Board for the hard work during the past year in getting Benson's, and with a lot of the other projects they tackled. It's a good Board and he congratulated Selectman Coutu and Selectman Massey.

►The Recycling Committee has made up new boards and they'll be displaying them in various businesses in town. The Drama Club will do a skit on recycling for cable TV. They have a few recycle bins at the landfill. Residents just have to ask for them.

►At the Chamber of Commerce dinner last week, T-Bones was the winner of the large business of the year, Specialty Kitchens was the small business of the year, and they do a lot of things behind the scenes in the community, and the citizen of the year this year was Len Lathrop. Congratulations to all. The town gave all of them a certificate of recognition.

8. **NONPUBLIC SESSION**

Motion by Selectman Jasper, seconded by Selectman Maddox, to enter Nonpublic Session under 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 vote.

Nonpublic session was entered into at 8:55 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.

Open session was entered into at 9:55 p.m.

Motion by Selectman Jasper, seconded by Selectman Maddox, to hire the 2009 summer staff, contingent upon need, effective May 23, 2009: Mathew Brownrigg and Lauren Chesnulevich a Counselor II at \$9.25 per hour and as Counselor III's at \$9.75 per hour, Millie Buttrick, Ralph Carpentiere, Jess Destramp, Frank Girginis, Andrew Gora, Jenna Lambert, Derek Lee, Michele Martineau, Larissa Miller, Allison O'Donoghue, Thomas Scurini, Vinnie Scurini, Quinn Sendall, Sean Sendall and Debra Smith, as recommended by the Recreation Director, carried 5-0.

Motion by Selectman Jasper, seconded by Selectman Maddox, to hire Thomas DeAngelis as Babe Ruth Baseball Director for the fee of \$600 and Cindy Holton as Ladies League Softball Director for the fee of \$600, effective April 1, 2009 and Kimberly Malley as Summer Program Director for the fee of \$5,500, effective June 1, 2009, carried 5-0.

Motion by Selectman Massey, seconded by Selectman Jasper, that under the Hudson Community Television Facilitator Contract, Paragraph IV, Term, §Early Termination, the Facilitator is hereby terminated with a 60-day notice. Upon certification by the Facilitator that all Town equipment in his possession has been returned, all keys to Town property in his possession have been returned and all his personal items have been removed form Town property, payment for the 60 days (90 hours) shall be rendered to the Facilitator with notification that his services are no longer needed, carried 5-0.

Motion by Selectman Jasper, seconded by Selectman Maddox, to hire Jimmy MacIntosh as a Senior Camera Operator at \$14 per hour, effective immediately, carried 5-0.

9. **ADJOURNMENT**

Motion to adjourn at 10:03 p.m. by Selectman Massey, seconded by Selectman Maddox, carried 5-0.

Recorded by HGTV and transcribed by Priscilla Boisvert, Executive Assistant.

HUDSON BOARD OF SELECTMEN

Benjamin J. Nadeau, Chairman

Richard J. Maddox, Vice-Chairman

Shawn N. Jasper, Selectman

Kenneth J. Massey, Selectman

Roger E. Coutu, Selectman