

HUDSON, NH BOARD OF SELECTMEN
Minutes of the January 13, 2009 Meeting

1. **CALL TO ORDER** by Chairman Nadeau at 7:01 p.m. in the Selectmen's Meeting Room at Town Hall.

2. **PLEDGE OF ALLEGIANCE** was led by Selectman Jasper.

3. **ATTENDANCE**

Selectmen: Ben Nadeau, Rick Maddox, Shawn Jasper, Ken Massey and Roger Coutu (arrived at 8:30 p.m.)

Staff/Others: Steve Malizia, Town Administrator; Mark Pearson, Assistant Town Administrator; Priscilla Boisvert, Executive Assistant; Shawn Murray, Fire Chief; Bernie Manor, Sewer Utility Committee Chairman; Donna Cormier; Christine Christi; Nicholas Christi; Gina Votour, HLN

4. **PUBLIC INPUT**

There was no one in the audience who wished to address the Board at this time.

5. **NOMINATIONS & APPOINTMENTS**

A. **Conservation Commission** (2 Alternates, Terms to expire 12/31/09 and 12/31/11)

Tim Quinn, 1 Fuller Drive was unable to be present, due to a personal commitment. However, as a former member of the committee for several years, including chairman, the Board was well acquainted with him, his commitment to the conservation effort and his valuable contribution to the commission.

Motion by Selectman Massey, seconded by Selectman Maddox, to waive the Board's normal procedures and appoint Tim Quinn to the Conservation Commission as an alternate, term to expire 12/31/11, carried 4-0.

B. **Sewer Utility Committee** (1 Alternate, Term to expire 12/31/11)

John Parkhurst, 37 Bear Path (a sewer user) was not present.

6. **CONSENT ITEMS**

Selectman Massey removed Item A-2 for separate consideration.

Motion by Selectman Jasper, seconded by Selectman Maddox, to approve the consent items A-1, B, C, D & E, as noted or appropriate, carried 4-0.

A. **Assessing Items**

1) Multiple tax exemptions and credits for 2009 tax year—Veteran Tax Credits (Map 157/Lot 009; Map 237/Lot 008; Map 140/Lot 057); Blind exemption to Map 153/Lot 019), w/recommendation to grant.

2) Land Use Change Tax Penalty (interest), Southern NH Medical Center, Map 109/Lot 10, w/recommendation to approve, IAW BOS action during Attorney-Client session on 12/23/08.

Motion by Selectman Massey, seconded by Selectman Jasper, to approve carried 4-0.

Selectman Massey stated his reason for pulling this item out of the consent agenda was that it was important enough to merit separate action.

B. **Water/Sewer Items**

C. **Licenses & Permits**

1) Scrap Metal License for Granite State Salvage Co., Inc.

2) Tag Day Sale requested by Freedom Women's Football Team at SAM's Club on January 18

D. **Acceptance of Minutes**

Board of Selectmen's Workshop Minutes of January 6, 2009

E. **Calendar**

01/13 7:00 Budget Committee Public Hearing (School Dept.) at Community Center

01/13 7:00 Board of Selectmen in BOS Mtg. Rm.

01/14 7:00 Planning Board in CD Mtg. Rm.

01/14 7:00 Hudson Senior Council on Aging in BOS Mtg. Rm. (changed from the 21st)

01/15 7:30 Budget Committee in BOS Mtg. Rm.

01/15 6:30 Legislative Forum at Anheuser Busch

01/19 Town Hall closed for Martin Luther King Day

01/21 Filing Period for declaration of Candidacy Opens

01/21 5:00 Water Utility in BOS Mtg. Rm.

01/21 7:00 Library Trustees in BOS Mtg. Rm.
~~01/21 7:00 Hudson Senior Council on Aging in CD Mtg. Rm.~~
01/22 7:30 ZBA in CD Mtg. Rm.
01/26 Last Day to post the Town Warrant
01/26 7:00 Green Team in CD Mtg. Rm.
01/27 7:00 Board of Selectmen in BOS Mtg. Rm.
01/28 7:00 Planning Board in CD Mtg. Rm.
01/30 Filing Period for declaration of Candidacy Closes
01/31 9:00 Deliberative Session – School Board @ Community Center
01/31 6:00 Retirement Party at the Castleton for Chief of Police
02/02 6:30 School Board in BOS Mtg. Rm.
02/03 7:00 Board of Selectmen's Workshop in BOS Mtg. Rm.
02/04 7:00 Planning Board in CD Mtg. Rm.
02/07 9:00 Deliberation Session – Town @ Community Center

7. **OLD BUSINESS**

8. **NEW BUSINESS**

A. **After-action Report on the Ice Storm**

Fire Chief Shawn Murray presented the report on the December 11, 2008 ice storm. This 21-page report is available for viewing on the town's web site and was compiled for use by all public safety and emergency management organizations and serves as a source for documentation of response activities, it's an identification of problems/successes during emergency operations, it's an analysis of the effectiveness of the components of the Emergency Management Plan and it describes and defines a plan of action for implementing improvements. The use of after action reports emphasizes the improvement of emergency management at all levels. The report provides a vehicle for documenting system improvements and provides a work plan for implementing improvements.

On December 11 and 12, 2008, Hudson experienced one of the worst weather-related disasters in the town's history. While local weather forecast predicted icy precipitation on Thursday night, the amount was not predicted, nor was the size of the area receiving the precipitation predicted, nor the endurance of the freezing rain. Typically, winter storms with freezing rains in NH are contained in a narrow band, usually 10-20 miles wide, while the majority of the other areas experience snow, sleet or rain. In this storm, the area hit by freezing rain was uncommonly large and it persisted for much longer and in larger amounts, more so than any other storm in NH in a very long time.

This was the largest power outage in NH's history, with PSNH reporting 320,000 customers without power. The report talks about the Fire Department's response and presents an overview of what they did for storm preparedness activities (Page 4), including weather advisories received from State Emergency Management and PSNH. The first 'wires down' call was received at approximately 6:00 on Thursday, December 11, 2008. Over the next 12-day period, the Fire Department responded to over 378 calls for service. Of those calls, 165 were for arcing wires or wires down.

Chief Murray said the report lists after action recommendations. For instance, develop response guidelines for incidents, such as this ice storm, and other incidents that require Fire Department resources to respond to multiple calls for service beyond normal operations. Within these guidelines, define what should be considered a priority. An example of this is a 'wires arcing' call versus a 'wires down,' tree fire or transformer explosion. A clear distinction needs to be made between the two. Another recommendation is to develop staffing models that will require long-term fire station coverage, considering altering all group shift schedules to 12-hour shifts during disaster declarations and unique emergencies, such as this ice storm. And to develop cost estimates for a backup power generator at the Groves Farm water tank site for the radio system and develop cost estimates and proposals for backup power generators at the Marsh Road water tank site. There was no backup power at that site, but they were able to bring in some pumps to maintain the water pressure. It would be a wise investment for the town to look at backup power, which the Town Administrator and Road Agent are currently doing.

Chief Murray said Page 10 talked about emergency management and the Emergency Operations Center Responses. This section detailed the various levels of response that is used in town and the actual levels they went to. The Community Center was used as a very limited warming center. They considered opening an overnight shelter, but Hudson works with the Red Cross and when disasters of a *regional* nature occurs, the Red Cross sets up *regional* shelters, rather than local. If the disaster was in this town only, the circumstances in which the Red Cross would open a local shelter would be different.

Continuing, Chief Murray said they are going to look at communicating the level of emergency plan operations to local officials and the citizens that officials are working under during disaster operations; review and revise guidelines for establishment of warming shelters and train Recreation Department in their role in sheltering; develop a web page for emergency management on the town's web site, which will allow them to provide safety updates, sheltering and storm information, etc; train emergency management staff how to access and utilize the scrolling feature on HCTV, and they've already taken steps to do that, which needs to be formalized in a document so they can train others on its use so they can scroll on the television to give updated information; develop guidelines and partnership with the school district to utilize their telephone notification system to add safety messages for parents when school is

cancelled; and obtain a legal opinion and/or revise State Statutes relative to conducting disaster briefings to the governing body without violating the Right to Know law. The Attorney General's Office believes that under State Statutes in the disaster declaration, the Board can meet to obtain briefings. However, the Right to Know law is a little gray in that area, so Selectman Jasper is going to work with them in that area to look at that law and perhaps make changes so they can have some clarification on it.

The Police and Highway Departments provided a synopsis on what their roles were during the ice storm. Pg. 18 of the report outlines PSNH's response. Given the magnitude of the disaster and the need to bring in crews from across the United States, it's the Chief's opinion that the grade for PSNH's response was good to satisfactory. One of the common criticisms he heard from other communities is that the utility companies do not do a good job of communicating the status of the power outages or restoration efforts. Throughout the storm, he received a 'district circuit screen' notepad that showed the outages for Hudson. The problem with the notepad is it is difficult to read and would require adding up a number of the outages to get an estimate of the total. In addition, when compared with the information received from State Emergency Management, none of the numbers matched. He felt that a comprehensive updating of PSNH's database and reporting methods to communities needs to occur.

Each day at noontime, the State Emergency Management held a briefing with all communities. A member of the PUC also sat in on all of the conferences and they are going to look into the response and communications of PSNH to improve things in the future. The Town of Hudson was one of the hardest hit communities. His ability to communicate directly with PSNH allowed them to get a lot of the priorities up and running fairly quickly. Those include the high risk elderly populations, nursing homes and some of the business areas. When going through a disaster such as this, having a grocery store or a chain store open allows the public to get necessary supplies.

Chief Murray spoke with the Director of Homeland Security this week and offered to participate in any after action critiques or briefings at the state level.

On December 19, 2008, the Chief met with the FEMA representative who was conducting a preliminary damage assessment. He was given a tour of the areas in town and then he and the Chief met with Kevin Burns to do a preliminary damage assessment, which allows the state to go to the federal government after meeting a certain threshold and ask the President to declare a state of emergency, which did occur. When they did their initial assessments, they came up with a cost of approximately \$153,000 that was expended by police, fire and highway during the storm. FEMA will provide a 75% reimbursement rate. At that time, the potential reimbursement would be around \$114,000. However, once the preliminary damage assessment was done and the President signed a disaster declaration, the ice storm was classified as beginning on December 11 and, as of today, still has an open date. Anything past December 19 that is ice storm-related will be added to the damage assessment. There is a question on whether or not individuals and businesses will be reimbursed. He heard a news story tonight that FEMA is looking at businesses that suffered a financial loss, and they are hoping to meet a threshold there. The state has not authorized FEMA to reimburse individual homeowners, but he's keeping a close eye on that. As soon as he hears any definitive information, they will put out a press release on the ability to apply for FEMA funds, or not.

Chief Murray said the town's Emergency Operations Plan and Emergency Management staff establishes a framework for the town to provide assistance in an expeditious manner to save lives and protect property in the event of a disaster. The plan outlines the planning assumptions, policies, concept of operations, organizational structures and specific assignments of responsibility to the town's departments and agencies involved in coordinating the local response activities. The only real quantifiable way to determine the effectiveness of the plan is through the unfortunate experience of a disaster. The town's emergency plan was tested in many elements and they used many of the emergency support functions. He is confident that the all-risk, all-hazard plan that they go by does work and provided them with the information and resources they needed to respond to it. Throughout the disaster, and the most significant and successful element was the response of personnel across the town—firefighters, police officers, highway crew members, and all staff throughout the town pulled together, worked together and communicated effectively, including the School District. They are very fortunate to be able to get through the storm and move into a recovery mode of operation.

There were many acts of kindness throughout the community and local businesses stepped up, like they usually do—Susie's, Wally's, Hannaford's and other food service businesses, who donated food for the emergency workers. Citizens also contributed food to the shelters and fire stations. There was a true spirit of neighbor helping neighbor. He thanked the Board of Selectmen and Town Administrator Steve Malizia for their ongoing support during the ice storm. The Board provided the department heads the support they needed and allowed them to manage the emergency response and recovery efforts in order to provide for the safety of citizens. Continued improvement of the town's Emergency Management Plan will be conducted by implementing the suggestions and recommendations identified in this report. Concluding his presentation, Chief Murray asked if there were any questions.

Selectman Maddox asked where they were in the reverse 9-1-1. It's great to put it up on cable, but if you don't have electricity... this is something that was talked about and he wondered if it was going anywhere. Chief Murray said about three or four years ago, they were going to bring it forward the request to purchase the system to the Board as a budget item, which is very expensive. At around that same time, legislation was filed where the state was going to

implement the system for the entire state. It went to a study committee and he has seen a recent bill bringing that up again. The town chose to wait for the state's 9-1-1 system instead of expending local funds.

Chairman Nadeau said whenever school is cancelled, he gets a call notifying him of that. He asked if the town could piggy-back on that system during disasters, such as the ice storm. Chief Murray said he got a call from the School District Emergency Management coordinator and they want to meet with him to discuss the after action report and he asked them to put on the agenda the ability for the town to get at that system. Chairman Nadeau said he and the Chief have already talked about getting reader boards out at the Fire Station and maybe one of the Town Common to advise citizens about emergency shelters, etc. He thought that was something the Chief should definitely look into because they ended up putting a note on the door at Robinson Road Fire Station, saying to please knock. Putting some reader boards around town would help out. Chief Murray said during the floods a few years ago, they were able to acquire one or two signs from Continental Paving, but he will follow up on that as an action item.

Selectman Jasper said the problem with piggy-backing on to the school's system is that the only people that get calls are those that have kids in the school system, so a huge portion of the population would be left out. It would be helpful to some people, but probably not to most people. Chief Murray said those are some of the challenges.

Selectman Maddox asked the Chief to talk to PSNH about dedicating one crew assigned to the Chief that he could direct to the hot spots in town. That would clear up some of the blocked roads faster. Chief Murray agreed, saying National Grid did just that; they assigned a supervisor with authority to stay with the emergency officials in Salem and it worked out well. The PUC heard about that also, during one of the conference calls. He will follow up on that.

Selectman Maddox said he had his pager on at all hours because he had to get up to put fuel in his generator and he heard that C-1 was on a lot, at all kinds of hours and all kinds of places. He knew that the Chief was out there, involved at all hours of the day and night, and the crews were working all kinds of hours. He just wanted to say he appreciated what the Chief, his staff and the other town employees have done.

Chief Murray said the Police Chief and Road Agent were out there with them. They met a number of times, sometimes for only 10-15 minutes to coordinate activities, which worked out very well. The firefighters, police officer and all town employees, including the Building Inspector and the Acting Town Engineer, and everyone went to work readily, wherever they were needed. It was a true effort by all. Selectman Massey hoped they never see this again, but for this time, job well done.

B. Sale of Town-owned Property, 47 & 49 Ferry Street

Town Administrator Steve Malizia said the Trustees have informed him that they are ready to have these properties sold and gave him the go-ahead to come to the Board to sell the properties, similar to what they did with 8 Pine Road by contracting with St. Jean Auctioneers.

Motion by Selectman Jasper, seconded by Selectman Massey, to contract with James St. Jean Auctioneers for the sale of properties located at 47 and 49 Ferry Street, under the terms and conditions outlined in their proposal dated September 12, 2008.

Chairman Nadeau said he heard the Library people say they didn't need the money from the sale of the houses, that they have the money already covered to move things. If they already have the money, is there any reason to sell the houses? He said they had said that in a couple meetings in the past that they already have the money built in to move all the stuff over to the new library. Are they selling the houses so the library people can do other things with it? Is there any reason the Board has to sell the houses if the library already has their expenses covered?

Selectman Massey said the money can be used for only what the warrant article said, for moving, fit-up and furnishings. If the library has the money to do that, if the properties are sold, the money would go into the general fund. The 49 Ferry Street property was used to keep books to sell, but they are going to be able to do that out of the other library. Regardless of whether or not the library has enough money, he didn't see any reason why they wouldn't go forward with the sale of these properties.

Selectman Jasper didn't know where Selectman Nadeau had heard that and he has been following the minutes of the Building Committee's minutes and the discussions. He has even had discussions with the Clerk of the Works and from everything he has heard, things are very tight and they are talking about reusing furnishings in the building that don't quite match, but they are on a tight budget. He didn't know where the Chairman heard those things, or who said it, but perhaps they meant they had things covered through the sale of the properties. He never heard that they didn't need the money from the sale of these properties to accomplish the project.

Chairman Nadeau said he remembers them saying they had the moving expenses all taken care of, and he thought the sale of these two properties was for that. Selectman Jasper said it may be a matter of semantics. Chairman Nadeau said he didn't have any problem with selling the properties. Mr. Malizia said he wasn't aware of any surplus, of any donation account. From what he can tell, the Library seems to be making adjustments that take them back to where they can manage it with the generous donation from the Rodgers brothers. He's not aware of any pot of money

out there that is going to make up \$450,000 unless they are talking about cobbling something together on a temporary basis.

Selectman Maddox said this is probably a terrible time to sell, but it's not going to get any better for awhile, so to get them back on the tax rolls and provide them with whatever money there is out of this... they've asked for it and he has no problem doing it.

Vote: Motion carried 4-0.

C. Betterment Assessment, 6 Clement Road

Town Administrator Steve Malizia said it appears from correspondence received from the Sewer Utility, there has been some discussion between the owner of 6 Clement Road and the Sewer Utility—and possibly the Planning Board. Some time ago, there was an assessment on this property for an industrial district that was established at Clement Road and there are documents at the Registry that clarify/articulate the terms of which this property would be subject to that betterment assessment. There has been some discussion in front of the Sewer Utility, which has forwarded correspondence to the Board from the property owner.

Donna Cormier of 6 Clement Road said they are the owners of Tip Top Tree Service. They purchased 6 Clement Road for storage of their wood, wood chips, etc., which is a permitted use because it's an industrial zone. They started to split some firewood and process some of the wood chips into bark mulch, about 200 hours a year, on that property, which the town saw as being manufacturing good and asked them to come before the Planning Board for a site plan, which they are doing. They are on the agenda for the end of January. One of the requirements of the Planning Board is to put a porta-potty on the property. They have three employees and own the property across the street, and the employees use that bathroom. When they go out to do a tree job, they aren't allowed to use the customer's bathrooms for liability reasons. She didn't see a problem with putting a porta-potty on the property, but Selectman Massey, who sits on the Planning Board, kept reiterating about the betterment, which she knew was on the property. Because of his intensity, she decided to look into it further and found that if they put a porta-potty on the property, the betterment would become due. Quite frankly, they don't have the money to pay \$50,000 for a porta-potty. It becomes quite an expense. She asked if there was some sort of waiver that could be granted that if a porta-potty is put on the site, that the betterment does not become due. There's no building there, and there's no plan for one. They split about 40 cords of firewood a year and process some bark mulch from January to April, about 200 hours a year. The porta-potty would be used very little, if at all.

Selectman Maddox thought he read in the packet that when the property was sold, it would be dealt with. This is going to go on and on. The Board reduced this from \$75,000 down to \$48,000 because of the interest because this thing has been carrying forth. Now the property has been sold and it will continue at 1.5%. At some point, something needs to be paid towards that. As far as the porta-potty goes, the Planning Board will do what the Planning Board will do. They will be back in 10 years with all of the interest that has accrued. At some point, it needs to be paid down and he thought that selling the property would trip some of this to start to be paid.

Selectman Massey said when the Board talked about reducing the amount owed to \$48,000, it would be figured upon the use of the site for an industrial or commercial use. That's when the betterment tax would become due. Mrs. Cormier said it didn't make much sense to put a porta-potty on the property for only about 200 hours worth of work a year; there isn't a facility on the property. Selectman Jasper said it was an interesting situation and the Selectmen did reduce it to 1.5%. This goes against what they had indicated, which was there would be no type of disposal system and that included porta-potties. It was storage to begin with; it was leased property. They should at least begin to actually receive the 1.5% annual payments and that would cap it at \$48,000. That payment would be about \$700 a year. He would be willing to override the recommendation of the Sewer Utility and grant the waiver, provided that the interest was paid to the utility on an annual basis.

Selectman Massey said the reason why they came to the conclusion to cap the fee at \$48,000 was because it was not being used for either commercial or industrial use. Their assumption they were all working on at the time was there was going to be a house put on that lot because the owner of the lot had subdivided it into two lots and transferred the lot in question to his son. Subsequently, the son cleared the land, but did not build. What they have here is a commercial use of that property, so at the very minimum, the 1.5% interest should be paid on this. From a purely legal perspective, because it's a commercial use, that the entire amount is due. He didn't want to go on the basis of just 1.5% without getting some sense from the attorney that if, in fact, it was a commercial use, the betterment fee is being invoked.

Selectman Jasper questioned where there were any legal ramifications on this at all. This is the Selectmen's betterment district and they have the ability to do whatever they want. There is commercial activity, yes, but he didn't see how that really has a legal bearing. He asked the Town Administrator what he thought. Mr. Malizia said there's two parts to the assessment that was filed. The first part says interest beginning May 9, 2007 shall be calculated at 1.5% per annum, due and payable, should this property be sold or used as commercial/industrial property. The next paragraph said in order not to invoke payment of the assessment, the use of the property shall prohibit a domestic or processed waste water disposal on the property. It's a dual item. It's being used as commercial/industrial, but they

don't have any wastewater. They could get away with just paying the interest. The minute someone comes in and puts a porta-potty on the property, or puts in a septic system, it triggers the assessment. That's at the Registry of Deeds; that's a betterment assessment, filed in 2007. Way back when, this was a betterment district. It was bonded and the bond has long been paid for. That was why the Board made the decision to stop accruing interest at those bond rates. The Board thought, at that time, here's what that would have cost. Because that money is still outstanding, they are going to go at a different interest rate. That's where the 1.5% came from. The only thing they are doing now is identifying the money that the Sewer Utility isn't getting by not having that money in their account. That was the whole intent of that thought process. As a district, it has long been paid off. Selectman Maddox pointed out that money is still owed to the town. At the time, they tried to split the baby and tried to be fair to all. Beginning May 9, 2007, they should have been paying towards that interest, so that need to be corrected. He would not vote to have them hook up if there was a porta-potty there.

Selectman Jasper said when the Cormiers bought the property, they should have been aware there was a liability. Mrs. Cormier said they were aware that there was a betterment against it. They were told they could store their wood and so forth on there without a problem. If they wanted to build a house on there, the betterment would still stand on the property, but not be required to be paid at that time. Selectman Jasper said the problem is interest beginning May 9, 2007 was to be calculated at 1.5% per annum, due and payable, should the property be sold, "or". This became due at the time of the sale. This discussion is really moot. Her attorney should have found that liability in the recording; she owes the town the \$48,000 now. That was a condition. Mr. Malizia said he thought only the interest piece was due, not the rest of it. Selectman Jasper agreed, saying what he suggested was already the case. With the sale, the 1.5% interest was due and given the discussion that was in the minutes, the clear intent of the Board of Selectmen was that even if a porta-potty was to be put on there, that met the definition and triggered the assessment.

Selectman Maddox said he was trying to be fair all the way around, trying to say that they reduced the price down, but they are not using the sewer system to put a porta-potty on there, so he didn't see invoking, calling in the \$48,000 if there's simply a porta-potty on there. It's good practice for those three months they are utilizing it to have it there, but that's something the Planning Board is going to do. He didn't see it being necessarily calling the \$48,000 to be paid because they are not tying in to the sewer system. Chairman Nadeau said but they would have to pay the interest. Selectman Maddox said that was a given, the trade-off of not going up 6% per year, which is where it was headed and had already gone up to 70-whatever and they backed it down. This is one way to keep it at 48, so in 10 years, it will be only \$48,000 and trying to balance their not using the sewer system with a porta-potty. He didn't see the sense in making them pay the other amount.

Chairman Nadeau asked if the Planning Board required them to put a porta-potty on the property. Selectman Maddox said that was a discussion. There was some concern about crossing Clement Road to use the facility at their home. He didn't know where the Planning Board would go with that. They will have to decide if they are going to make that the trigger. Mrs. Cormier said she was just trying to get clarification before her meeting with the Planning Board.

Selectman Massey said if Selectman Maddox were to make that as a motion, he would be persuaded to support it because his thinking was accurate.

Motion by Selectman Maddox to note that on Map 161/Lot 48001, the installation of a porta-potty will not trigger the assessment to be due for the \$48,000, seconded by Selectman Massey.

Selectman Jasper said he was going to vote against this because it is contrary to what was recorded, based on the minutes and the intent and the Attorney's letter dated in May. It is clear that even a porta-potty was thought to be a trigger. It is part of the legal recording, and that is key. To do what the motion suggests would be problematic. Unless they again change the recording, they would have violated for future boards, going back and looking at the intent of the recording. They can't read the minutes and the letters and say the intent did not include porta-potties because of the numerous times it is mentioned. Secondly, they do have a Sewer Utility Committee that has recommended against this. Not that they haven't ever been over-riden, but that recommendation, coupled with the documentation, it's wrong for the Board to take this action without first meeting with them and, perhaps, changing the recording. Moreover, this is something that's under the control of the Planning Board, and the Planning Board doesn't have to require a porta-potty and, frankly, if there was a porta-potty on one side of the road, and there was a nice bathroom on the other side of the road, he'd be crossing the road anyway and not be using the porta-potty, particularly in the summer. This is ridiculous and the Planning Board shouldn't worry about people crossing the road. They are going to be crossing the road numerous times, anyhow, from the primary worksite to the secondary worksite. He's much more at risk going across Old Derry Road to get his mail than these people are on Clement Road. The Selectmen are bending because of something the Planning Board said that might be nice, but they are putting the cart before the horse. It would be best for the Selectmen representative to the Planning Board to explain the situation and work through the planning process instead of violating the recommendation of the Sewer Utility Committee and the Selectmen's intent back in 2007.

Chairman Nadeau agreed with Selectman Jasper, saying this was an unnecessary expense to the business owner. He would also vote against the motion. Hopefully, the Planning Board does not require them to put a porta-potty on the property, but the Cormiers should pay the amount due. That would make everybody OK with this. If the deed has to be re-recorded, so be it, and have the people pay for that.

Selectman Maddox withdrew his motion and said he'd wait to see what the Planning Board does. He thought Mrs. Cormier would be better served waiting to see where the Planning Board goes before the Selectmen goes one way or the other. Mrs. Cormier said she was fine with that. She was just trying to get her ducks in a row before she goes to the Planning Board. Selectman Maddox said he could add and the vote on the motion would be 2-2, and he didn't want to make a motion that wasn't going anywhere. Selectman Massey withdrew his second. Selectman Maddox said she may have to come back to the Selectmen and they may have to rethink this, but this will give them time to get with the Sewer Utility, if that so happens.

Chairman Nadeau wished Mrs. Cormier good luck with the Planning Board.

Selectman Maddox said the Town Administrator should direct whoever to start sending them a bill for the interest. Mr. Malizia said that would be the Sewer Utility. Selectman Maddox asked if Mr. Manor heard that. Mrs. Cormier said they couldn't afford a \$50,000 porta-potty and would end up losing the property. Selectman Jasper said hopefully, Selectman Maddox would help. Selectman Maddox said he thought it was the direction of the Board of Selectmen that that's the vote they'd like him to go for, so he will present that to the Planning Board, but the Planning Board will do what the Planning Board will do. He knows where the Board would like the Planning Board to go.

D. Donation to the Recreation Department from Flash Photo Sports of \$500.

Motion by Selectman Massey, seconded by Selectman Maddox, to accept the donation, carried 4-0.

E. Donation to the town by FairPoint Communications of \$500

Town Administrator Steve Malizia suggested this be deposited in the Town Poor account, given the climate of the economics this year.

Motion to accept the donation, for the Town Poor account, seconded by Selectman Maddox, carried 4-0.

F. Designation of Selectman to post the Town Warrant

Town Administrator Steve Malizia said it has been him and Selectman Massey for years, and he was willing to continue. Selectman Massey volunteered for the duty.

Motion by Selectman Jasper, seconded by Selectman Maddox, to designate Selectman Massey to post the warrant on or before January 26, 2009, carried 4-0.

G. Dedication of Annual Report

Town Administrator Steve Malizia recommended this year's report be dedicated to the late William Arseneault and Peter Goyotte, Jr.

Motion by Selectman Jasper, seconded by Selectman Massey, to dedicate the 2008 Annual Report to the late William Arseneault and Peter Goyotte, Jr., carried 4-0.

9. OTHER BUSINESS/REMARKS BY THE SELECTMEN

Selectman Maddox said after the last meeting, they sent him off with a direction on the Planning Board and the signage in town. After a lot of discussion, at this point, it looks like there will be a number of articles on the warrant for signs. Unfortunately, it is tough to remove something from the warrant, so they are going to be on there, confusing people, but the sign industry wants to work with the Planning Board to bring the regulations up to today's technology, so it will be a little confusing, but they will manage through it.

► Selectman Maddox asked the Board's legislative liaison, Selectman Jasper, to look at doing something to help poor SB-2 towns and the filing of petitioned articles. The Planning Board receives something they've seen once, one person presents and there's nobody on the other side. It's tough to make a recommendation with very little knowledge. There were a number of petitioned warrant articles before the Planning Board that were asking for rezoning or asking for whatever. There's no time to get an answer to questions. That was the night they had to make the decision. He hoped they could move that back so people had to file like a month from where it is right now so there would be the ability to have a public hearing and then a follow-up public hearing, if there were questions. The Planning Board made some decisions that were no, based on they didn't have any facts to go on. He understands that's the statute. Somebody can submit something that day and it just shows up. If Selectman Jasper could work on something that would give them a little more time to be able to make an intelligent decision, they could do a better job.

Selectman Coutu was not present because he was at the Budget Committee as the Selectman member.

Selectman Massey was happy to have heard during the public hearing on the budget that Benson's has officially been transferred to the town. The easy work is done; now, the real work begins. It's incumbent upon this Board to reinvestigate the

Benson's Committee to go down two roads. One road is to revisit the Master Plan and present an updated action plan for the rehab of the Haselton Barn, the Office/Cafeteria and the Train Depot. The second track they need to go down is an operations and maintenance plan for managing the park. He suggested asking the Benson's Committee to come back to the Board within 90 days with an updated plan for both so they can have a clear direction on how they are going to go and the steps by which they will get there. If they don't do it now, as he's said, success has a thousand fathers and failures is an orphan. Everybody's going to be coming out of the woodwork, wanting to get involved in this. They have the plan. It was valid when it was put together and it's obviously got a lot of updates to be done to it because the costs, themselves, have changed and the buildings are going to be different than they were at that point. The Board of Selectmen should ask the Benson's Committee to start looking at the plan and coming back to the Board with an updated plan for renovations and operations and maintenance.

Chairman Nadeau concurred. The Town Administrator has been talking about getting all of the buildings documented.

►The Conservation Commission is in the process of completing the prime wetlands study for the town. They are going to be reviewing the document with VHB at their meeting in February, at which point they will be coming to the Planning Board to share their thoughts. He gave a copy of the document to the Town Administrator to put in the Selectmen's file. There are 23 wetlands that were identified as candidates for prime wetlands. Counter-intuitively to what they may have thought about Musquash or Robinson Pond or Ottarnic Pond, there's a swamp in there that's rated as the highest in terms of its potential for conservation, called Miles Swamp. It has the highest value attached to it. It makes for some interesting reading and the Conservation Commission will continue to move forward.

►Selectman Massey asked who the CTAP representative was and was told it was the Chairman. He said NRPC has sent out a request for grants for open space for the communities and the anticipation is for about \$10,000 per community for a total of \$160,000. The question was whether or not that was the same money that they are going after for the Maddox Madness Parkway. He wanted a clarification if there was a separate grant they went after to get the monies to get NRPC to do an engineering feasibility cost estimate for the two-lane road between Lowell Road and 111. They are going ahead on the basis that it's a separate application and if it is, they wind up with two grants from CTAP. If it isn't, this one would take precedence because they've already for \$15,000 for it and they were looking for another \$10,000 to do the preliminary estimates of what it would cost to build the road. Mr. Malizia said they were looking for \$25,000. He'd like to find out if it's the same money, or if it's two separate pots of money.

Chairman Nadeau said he didn't have the answer to that, but he could look into it.

Selectman Maddox said to that end, they did have a meeting over the last couple of weeks with the DOT, he, John Cashell and a number of people from DOT, to go over the Maddox Madness Parkway, which is the road that was the circumferential from the end of Sagamore at Exit 2, Lowell Road, over to 111. While they are not handing out checks, they are giving some good guidance and are working with NRPC to look at the feasibility of this. They haven't said no or this is insane. A couple of people on various boards said this would be ready for President Obama's wish list, but it's not shovel ready. At least it's moving forward. It isn't going to be next year, but it's something they are moving forward with.

Selectman Jasper said he certainly has some legislative work to do and he will start looking for bills that may be appropriate to add those on to. They don't have as many bills in Concord this year as normal, about 750 versus over 1,000 house bills, so it's not all bad there. When it comes to moneyed bills, there's no money for anything in Concord.

►Next week begins the filing period for town offices. He encourage people to look at particularly the Budget Committee, where he was first trained before he became a Selectman and also served on two other occasions in the interim, as well. He will be filing for re-election to the Board of Selectmen. He hoped and trusted that his other two fellow Selectmen will do the same. This Board has had an excellent working relationship. In years past, they have not had Boards of Selectmen that the town could look to with some pride and while people will not agree with any of them all the time, this Board has conducted itself in a manner that the town can be proud of, and that is something that in years past, whether it has been Council or Board of Selectmen, there have been issues with how members have conducted themselves and this Board has been an excellent board to work with and they have done the People's work well and they've done it with respect for each other and for the citizens of the town.

Selectman Nadeau thanked Selectman Coutu and Selectman Jasper and the Benson's Committee and all the members of the previous boards that have worked very hard in having the town acquire the Benson's property. Selectman Coutu will get the Board the time and date from the Governor. Selectman Jasper said an e-mail today confirmed it was 10:00 on the 23rd at the Governor and Council Chambers in Concord.

►He encouraged people to get involved, running for the Budget Committee, if they are interested. He, too, will be running in the election for the three year seat for Selectman.

Petitioned Warrant Article

Chairman Nadeau said a petitioned article was received at 4:25 today, which contained 25 valid signatures, as determined by the Town Clerk's Office. He read the article aloud: "To direct the Selectmen of the Town of Hudson to cap any increase of their annual budget to any projected increase in revenue above the last annual budget and in no case to increase the annual budget more than the rate of inflation, as defined by the National Consumer Price Index—Urban/Rural (CPI-U/R) as averaged over the 12 months preceding the vote on the new annual budget."

Motion by Selectman Jasper, seconded by Selectman Massey, to forward to the warrant as not recommended.

Selectman Jasper said he told one of the petitioners on Saturday that was another of those, "stop me before I vote again act." The voters ultimately have control over the budget in two places. They are welcome to come to the deliberative session and make amendments to bring the budget into line with their wishes and if their fellow citizens agree with them, that's what will be recommended. They also have the ability to vote no on the budget when they go to the warrant. These type of arbitrary caps, which take into consideration no other factors, don't really serve people well. In this case, this is nothing more than a non-binding recommendation that serves just to muddy the water. If they look at a budget as they should, balancing the needs and the wants, they doing the job they were sworn to do. For his whole career, he has worked to keep the budgets as low as they possibly can be and still provide for the needs of the citizens and Hudson has done an excellent job of doing that, as evidenced by the tax rate overall, both school and town, taking into consideration all the other communities of this size. They are already accomplishing this. Maybe the Town Administrator or Assistant Town Administrator could look at what they what they've actually done in terms of the CPI. Obviously, almost any budget is going to be above the projected revenue because the tax rate almost always moves up and the only way to accomplish this would be if your tax rate is the same and that virtually doesn't happen. It would always fall back to the rate of inflation and they've done an admirable job of keeping their budgets within there, but they probably should have some ammunition for town meeting when this comes up for discussion.

Selectman Maddox said he was always the guy with questions and asked if this was also being submitted to the Library and to the School Board. Mr. Malizia said the Library was part of the town's budget. He didn't know if it had been submitted to the school. Ms. Boisvert indicated one had been submitted to the school. Selectman Maddox said he didn't want them to be the ones supposedly keeping something in line that they can't keep in line. They don't even control what the Library spends, even though they are in the budget. The Selectmen can't say no to them. He was having a hard time saying yes, even though it looks like a great thing to keep it at the cap, but they've done a better job than that for the most part over the last five or six years. He didn't know what this would accomplish, other than make them feel good. If they are spending more money than the taxpayers want to spend, they won't be re-elected. Checks and balances.

Vote: Motion carried 4-0.

10. NONPUBLIC SESSION

Motion by Selectman Massey, seconded by Selectman Maddox, to enter Nonpublic Session under 91-A:3 II (d) Consideration of the acquisition, sale, or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community, carried 4-0 by roll call vote.

Chairman Nadeau said nonpublic session was being entered into at 8:30 p.m., thus ending the televised portion of the meeting. Any votes taken upon entering open session will be listed on the Board's next agenda.

Selectman Coutu arrived at 8:30 p.m.

Nonpublic session was terminated at 8:45 p.m.

Selectman Coutu stated he was going to file for candidacy for the seat of Selectman.

11. ADJOURNMENT

Motion to adjourn at 8:46 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