

HUDSON, NH BOARD OF SELECTMEN
Minutes of the Workshop Meeting of January 6, 2009

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 Representative Bob Haefner.

3. **ATTENDANCE**

Selectmen: Ben Nadeau, Rick Maddox, Shawn Jasper, Ken Massey & Roger Coutu (at 7:30 p.m.)

Staff/Others: Steve Malizia, Town Administrator; Mark Pearson, Assistant Town Administrator; Bob Haefner; Ed and Karen Mercer; Mike Clemens; Gina Votour, HLN

4. **MINUTES**

Board of Selectmen's Minutes of December 23, 2009

Motion by Selectman Massey, seconded by Selectman Jasper, to accept the Minutes, as presented, and refer to file carried 3-0, with one abstention. Selectman Maddox abstained because he was absent at that meeting.

5. **OLD BUSINESS**

Votes taken after Nonpublic Session on December 23, 2008

Motion by Selectman Massey, seconded by Selectman Coutu, to grant the following Police Department personnel merit awards: Executive Secretary Dorothy Carey and Animal Control Supervisor Jana McMillan \$250 each; Captain Don Breault and Lt. Bill Avery \$150 each; and Lt. Robert Tousignant and Lt. Dave Bianchi, \$100 each, as recommended by Police Chief Richard Gendron, carried 4-0.

Motion by Selectman Massey, seconded by Selectman Coutu, to hire Julian Squires as Truck Driver Laborer in the Highway Department at a rate of \$16.33 per hour, Grade VIII, Step Minimum, Effective January 4, 2009, as recommended by the Road Agent, carried 4-0.

Motion by Selectman Jasper, seconded by Selectman Massey, to retain Richard Gendron as Assistant Chief from January 1 through January 31 at his current rate of compensation, carried 4-0.

Motion to adjourn at 9:35 p.m. by Selectman Massey, seconded by Selectman Jasper, carried 4-0.

6. **DISCUSSION ITEMS**

A. **Budget to Actuals** (distributed separately)

Town Administrator Steve Malizia distributed a copy of the budget to actuals through the end of December, which he said he received this afternoon. A couple of significant things happened in December, so there are costs in there which they will request reimbursement for through FEMA—overtime and other costs, due to the severe ice storm. There is also about \$188,000 of earned time payouts and Chief Gendron is retiring, so his retirement is in there, and all of that has skewed the numbers. Traditionally, for the first half of the year, they go to the Trust Fund to get money back, but they will take a look at it and see if they can absorb it. Those two items were a little extraordinary in 2008, as compared to other years. Bottom line, generally speaking, they would be where they would expect to be with some of the expenses. For the trash, they've encumbered the whole contract. They spent \$619,000 through the first six months, so that seems to be pretty reasonable, but it's a big ticket item. The audit has already been done, which is an up-front cost. This year, they are doing very well with legal, spending 29% of it. He is trying to manage that closely. They still don't have a Town Engineer, but he will probably come in very soon with a recommendation to keep that vacant for the first six months. They've done pretty good with the day to day things, with a couple spikes due to large payouts. The reimbursement money for the ice storm was not reflected in this set of budget to actuals.

From a revenue perspective, the two that are probably the most important are the motor vehicle registrations, which dropped off a bit, as expected and the interest on investments. There was a large CD that matured for about \$70k worth of interest, which isn't reflected in this because it just got cashed in. That will probably fall a little short, compared to the estimate--\$100,000 to \$200,000 short. Those are the bigger revenue items they have to keep an eye on. There's not much they can do to force it, just hope the economy gets a little better and people keep registering their cars. Months like April are a little bigger than others, but overall, it's a bit down.

Selectman Jasper said Planning Board fees were zero, which does not seem possible, so that needs to be looked into. Selectman Maddox said they've got a full agenda next week, so they've got to be paying something. Mr. Malizia said maybe somebody stuck it under the wrong code. Selectman Jasper said they've got to find out what's going on there because that's not even possible.

Selectman Massey said they should also look at the zoning applications, because that's way down. Mr. Malizia didn't think they've had a ZBA meeting in he didn't know how long. It has been pretty quiet. There may be one case coming up in January; they'll take a look at it.

Selectman Maddox asked the Town Administrator to look at the bump last year in April because they are down \$400,000 in excise tax, if this continues. Mr. Malizia said it's not really excise tax, it's registrations. They will take a look at it, month to month. Selectman Maddox asked when they would know if they will be reimbursed for how much as part of the ice storm. Mr. Malizia said they were anticipating a 75% reimbursement from FEMA, but they are still finalizing their costs. Kevin Burns is in charge of that; he's done it multiple times in the past. He is coordinating with Chief Gendron and Chief Murray before the final submission to FEMA. Selectman Maddox wanted that information for next month's review of budget to actuals, where those are plugged in to offset some of the overtime or whatever. Mr. Malizia said he could show them the actual application so they can see where money is requested, which would be the easiest way to look at it. Selectman Maddox said he understood there was overtime with the ice storm, but it was a matter of being prepared. They are half-way through the year and some of these are up, and if that's going to offset, fine.

B. Review of Budget Committee Wrap-up Night

Town Administrator Steve Malizia said he put this on the agenda in anticipation of the Budget Committee taking some sort of action. There was one motion made to cut about 6% of labor costs, or about \$855,000. There was a second made for discussion, and the final vote was nine against and only one in favor. This was on the agenda in case the Board wanted to discuss something. The budget has been forwarded to the public hearing, basically untouched by a vote of 7-3.

Selectman Massey said for whatever reason, they didn't do what they've done in the past. They did not have a formal vote on the other warrant articles. They sent them to the public hearing with the votes they took at the very beginning of the cycle. There was some confusion last night as to whether they should or shouldn't.

Selectman Jasper asked when the public hearing was. Mr. Malizia said the School's public hearing is tomorrow at 7:00 at the Community Center and the town's will be Thursday night at 7:00 at the Community Center.

C. Public Hearing to accept grant from NH Department of Environmental Services in the amount of \$13,000 for the Ottarnic Pond Chemical Treatment Program

Town Administrator Steve Malizia said his understanding of the project was for the chemical treatment of milfoil or fanwort for the Ottarnic Pond. They did it a few years ago. There is a grant in the amount of \$13,000 with the balance of 250 from the conservation Fund. It is also his understanding the Conservation Committee approved the expenditure out of their funds for the town's piece, but the Selectmen are the authority to accept grants, which is why it was scheduled for a public hearing.

Chairman Nadeau opened the public hearing at 7:12 and asked if anyone in the audience wished to speak on this.

Ed Mercer, 93 Highland Street, said he was the co-chair of the Advocates for Ottarnic Pond and an alternate on the Conservation Commission, he was thrilled at this opportunity to accept this grant on behalf of the town for the treatment of the fanwort at Ottarnic Pond. They have been battling this ever since they had the milfoil treatment, which was a success. After the treatment of the milfoil and the opening of the waterways, the fanwort that was already infested overcame the pond 100% as of the last survey. The proposed treatment will give them a great advantage and it's scheduled for several treatments, based on the aquatic submission. Going back and forth with DES and with their guidance and leadership many times, this is the best proposal to go forward with this type of treatment to eradicate the problem, which will take some time and will require closing the pond, which they have accepted, and they are hoping for the best. The success rate for the proposed treatment is excellent. This aquatic control service has a great history of success in various ponds throughout New Hampshire and Massachusetts.

Chairman Nadeau asked how long the pond would be closed. Mr. Mercer said for the initial treatment, at least three days. Part of the contract calls for a public hearing, initiated by Aquatic Control, and the advocates would be in attendance for general public information and a discussion. There will be certified letters to the abutters of the pond and legal postings. The boat ramp would be closed for activity, to keep the pond as quiet as possible for the treatment to be most effective.

Selectman Massey said his recollection of that night was, in order to be able to determine the effectiveness of the treatment, it was going to be recommended that the pond be closed for entire summer. It would be easy to ascertain at that point that the treatment would be effective, whereas if the pond was opened up, they wouldn't know it was effective because some additional milfoil was introduced. Mr. Mercer said part of the motion at the Conservation Commission was to close the pond for the summer, and that was part of the recommendation that was forwarded from the Commission. Yes, it would be more beneficial if the pond was allowed to be closed for the summer, in particular to motor boats because of the cross-pollination of transient boats coming in and out from different water bodies. Where Ottarnic Pond is in such a state of infestation, in the height of their condition, as early as mid-July, if a

boat trailer was to pull into Claveau Landing and launch its boat and then have a great day and then come back, when they pull out the boat, it looks like they've been reaping hay for the day. That's how infested it is right now. With their weed watcher program and lake host program, people are there monitoring the boat ramp and cleaning the trails off, as much as possible. To the frustration of boaters, only so much is allowed or can be taken care of. If the minutest part of the plant is transferred to Robinson or the Merrimack River, Lake Sunapee, Lake Winnepesaukee or wherever, it's devastating. If it would be acceptable, it would be beneficial to close the pond for the summer, but it is a lot to ask, and they realize that. For the treatment itself, a week's time would be adequate for the quietness of the pond so the treatment could settle in and actively do the job.

Selectman Massey said if you let power craft go in there and they churn it up, they are liable to disturb the treatment because they are going to be using pellets, not liquid. He recalled DES strongly recommended that if they wanted to be sure the treatment took effect 100%, activity on the water should be restricted. Mr. Mercer said absolutely--the longer they can restrict the use of the pond, the better the effect of the treatment.

Bob Haefner, 1 St. John Street, Chairman of the Conservation Commission, said a motion was made that no motor boats should be allowed on Ottarnic Pond for a year. They specified motor boats, so kayaks could be used. The pond is 100% infested and it has got to be taken care of. DES did a ranking and they can only treat 13 ponds this year. Robinson Pond came in 13th and Ottarnic Pond came in 14th. After a long discussion, the Commission felt that Robinson Pond could wait a year, but Ottarnic Pond can't. Amy from DES said that wouldn't be a problem because Ottarnic was the next one on the list. He believed the recommendation was a year with no motorized boats.

Selectman Maddox asked what the underlying cause was. They just got rid of milfoil, and now they want to treat for this one. He asked if sewerage was seeping into the pond or if there was some cause that was making the pond be infested by a line of things. Mr. Mercer said the milfoil treatment was extremely successful, but there still were some patches, so it wasn't eradicated 100%. After treatment, in as little as a month's time, the pond could be reintroduced. Milfoil and fanwort is transient, so it can come in by the minutest particle from another boat. The transfer from water body to water body is historically 98% from motor craft. That is why they are so active with the lake host program that is funded through the Conservation Commission, as well as Robinson, and to monitor boats coming in and out and every active lake association within the state does have a lake host program—boater education, boater awareness, etc. The problem started many years ago, probably with tankers and ships coming in from overseas, and then being picked up by pleasure crafts. Selectman Maddox said the only thing that seems to make sense is to shut it down to boat traffic, if that's the only thing that's going to make this effective. It makes no sense to spend this much money, no matter where it comes from, and allow it to be reintroduced so quickly. He asked if they'd be coming back with another motion, at some point.

Selectman Massey believed that if they approved the acceptance of the grant, they would have to have another public hearing, at which time it would be to open up the plan to close the pond. Sometime in February or March, they would have to have another public hearing to make the proposal to the town to either close it permanently for that year, or partially, depending on what they decide to be in their best interest. Based on what he heard DES talk about, it makes no sense to spend this money and have the potential with motorboat traffic to reinfest the pond. They wouldn't know if it was the ineffectiveness of the treatment or the boats. Mr. Haefner said three treatments were proposed. Robinson Pond would require only one treatment, but because of the in and out flow through Ottarnic, much faster than Robinson Pond, they'd have to do it three times because it just washes away.

Mike Clemens, 6 Canna Path, said he lives right on the pond. One of the reasons the fanwort grew so fast after the milfoil treatment was because all those bits and pieces were sitting in the bottom. The milfoil was so heavy, it was blocking every bit of sunlight, so the other plants couldn't start to grow. It was like a seed sitting underneath a tarp; it can't grow until it sees the sun. That's why it came up so fast and not because 50 boats came in with the fanwort on it. It was just sitting there, waiting to thrive—which it did, when the milfoil was removed.

There being no further speakers, Chairman Nadeau closed the hearing at 7:25 p.m.

Motion by Selectman Maddox, seconded by Selectman Massey, to accept the grant from the New Hampshire Department of Environmental Services in the amount of \$13,000 for the Ottarnic Pond Chemical Treatment Program, with the balance of \$25,250 for the total cost of \$38,250 for the treatment to come out of the Conservation Fund and to authorize the Chairman of the Board of Selectmen to sign the certificate from DES for the treatment process, carried 4-0.

7. OTHER BUSINESS/REMARKS BY THE SELECTMEN

Selectman Jasper said he was in a quandary because Selectman Coutu was not present and, at the last meeting, Selectman Jasper had asked him to bring back some specific information on the teachers' contract. He asked if they should proceed with the information they had, or see if he's available (from the Budget Committee meeting in another part of the building).

Selectman Maddox apologized for missing the last meeting and thanked everyone for their concern. He missed one meeting in five years and got three phone calls. He was just working for a living.

Selectman Massey said he didn't have anything.

Selectman Nadeau said he didn't have anything, either, so he called for a brief recess, waiting for Selectman Coutu. He called the meeting back to order at 7:34 p.m.

Selectman Jasper asked Selectman Coutu to reiterate the information on the teachers' contract. Selectman Coutu said he was attending the Budget Committee meeting now and Superintendent Bell provided them with documents that clearly point out that the last warrant articles that were recommended by the School Committee and by the Budget Committee, which were submitted to the voters, the last teachers' contract, gave the teachers approximately 4.3% raise and overall, between \$1,600 and \$1,700 per teacher is the step increase cost for an overall increase of approximately 6.8%. Selectman Jasper said that was in the previous contract and asked what the proposed contract provided for. Selectman Coutu said approximately the same. Selectman Jasper said that cost was approximately \$750,000 per year for the two years. Selectman Coutu said it appeared that's what it would be.

Motion by Selectman Jasper, seconded by Selectman Maddox, that the Board of Selectmen instructs their representative to the Budget Committee to vote to not recommend the teachers' contract to the voters.

Selectman Jasper said in this economy, to have a budget that is over 6% on average, per employee, impacting \$750,000 a year, which is a huge increase in the budget—he understands the School Board worked very hard to keep their total budget down, but this number is huge and it carries on year after year after year in coming up to nearly \$1.5 million in two years. He's particularly concerned by the number of steps, which increased in this contract by two to 18 steps, and they are not performance-based steps; they are simply based on longevity, and it doesn't even skip a year. It's an automatic increase, which is a way of getting around the COLA's. Under the new state statute that, if this contract were approved, and in two years, a contract was not approved, these steps would stay in place and have to be funded. He finds that to be a real problem, so it is not prudent for the Board of Selectmen to support this contract, unfortunately. There are many hard-working teachers, but on the way home from Concord tonight, he heard about two companies that were laying off nationwide another 24,000 people. They just saw that Stratford County has laid off 40 people, so it's already hitting municipalities and there are a number of unfilled positions that they've already eliminated. The total number of county employees Stratford County is laying off is in excess of 60—60 positions that are not being filled, and their taxes are still going up by 2.8% because of lack of funding and increased cost. With this economy, he didn't think this was a prudent way to go at this time.

Selectman Maddox said he hadn't been following the Budget Committee. He didn't disagree but was looking for Selectman Coutu to give him... he'd hate to just on no paper, no nothing, vote to not support this. The argument was good, but he wanted to know the other side. Selectman Coutu said Superintendent Bell thought that the teachers have fallen behind in pay raises when compared to municipalities of similar size in the state and when times were really tough, approximately 10 years ago, they had cut back considerably on recommendations for raises for the teachers. Now, times are tough and although there are fiscal constraints, they need to catch up. Unfortunately, it's a tough time, but they just need to catch up and this is what they want to do—establish parity with other municipalities for all of the teachers.

Vote: Motion carried 4-0, with one abstention. Selectman Maddox abstained.

Selectman Coutu said, in response to a previously asked question, some of the members of the School Committee have relatives that work for the School Department; there are two, and both did not vote on the teachers' contract. Selectman Jasper said probably more accurately, there are three that have relatives that work for the School Department, two who are affected by this contract and one who is not. Selectman Coutu said Selectman Jasper was right.

Selectman Maddox asked if the Board had any input for the representative of the Planning Board in regards to tomorrow night's public hearing in regards to signs. Selectman Coutu said he knows where he stands. Selectman Maddox said there were a couple of potential warrant articles for electronic changing signs. The Planning Board has worked with the ZBA to try to come up with a new, improved part of the ordinances, as it affects the electronic changing signs, as well as there are some petitioned warrant articles to allow for electronic changing signs. It's going to get convoluted the way it's presently going, but if one passes and the other one doesn't, it's going to get really confusing. The one that says allow changing signs doesn't give any dimensions. Is it going to get as big as the one on 101-A? Unfortunately, it's last minute legislation, so he was just wondering if any of the Board members heard from anybody, if they had any input to guide where they go tomorrow night at the Planning Board.

Selectman Coutu said there was one Planning Board/ZBA-proposed change which would ban all LED signs in town. They already have that rule in the town, but this would more clearly define what LED is. Selectman Maddox said it would redefine, but is not sure the word clearly... Selectman Coutu said the other articles are petitioned. One is to allow time and temperature signs. One is to allow LED changeable signs, but they can only be changed once per hour. Those would be the warrant articles—two by petition and one supported by ZBA. Those are the changes Mary Ellen Davis worked on. From his perspective, he has mixed feelings. He strongly feels that the sign like the one on Lowell Road/Sunoco or even better, the one that's further up on 102 which doesn't have the lumens that the one down here has. One of the petitioned articles to allow LED signs has controlled lumen language built into it. They are going to have to define how much lumen they can show. The brightness will be affected by it. He supports allowing people, in the business district only, to have those types of signs. With regards to the language as finite as allowing them to change once an hour, he thought maybe saying they could change it twice a day was sufficient. They can get into a debate of what difference it would make, once an hour or twice a day. He thought it was primarily for people like him, who want to change the price of a cigarette once a month, or a gas station might

change his price maybe twice a week. At one point, it was every hour. If he was voting on those warrant articles today, he'd probably not support, as a businessman, the ZBA-Planning Board proposed article, but he would support, rather than have nothing, the one that allows them to change a sign once an hour; time and temperature, how many of those do you want in town, flashing all over the place, if everybody decides to put one up? There'll be flashing up and down all over the street. He couldn't see people spending money on time and temperature signs.

Selectman Massey said Selectman Maddox knows his views on this. The Zoning Board/Planning Board amendment doesn't change the fact that the current ordinance doesn't permit these types of signs. The language in this proposed amendment doesn't really cover all the ground. The problem they will wind up with is if that warrant article fails, and the petitioned warrant article passes, or vice versa, they are going to have a problem like they had at the corner of Executive Drive and Lowell Road when the tire company was being proposed. There was a petitioned article and a zoning article and the results were opposite. Because of the peculiarities, the town's attorney ruled that the petitioned article prevailed. The types of LED signs they are talking about are the wave of the future. They are more energy efficient and they are not that obtrusive, if you do the things they are talking about—limited in the amount of time they can be changed and they are not flashing, they are not animated, etc. The petitioned articles were going down the right track; the others weren't. He would vote not to send the Zoning/Planning article to the warrant. That's his input. Chairman Nadeau said that would be his vote, also.

Selectman Maddox said he made that very motion. He thinks they should have worked with the sign companies to try to make one that made sense for both sides. He was just concerned they are going to end up with one passes, three fails and they are going to be in complete confusion.

Selectman Coutu said he wanted to express his appreciation to Selectman Maddox for his input in that direction, to want to defer this until such time as they were able to sit down with the sign companies and work out something that made a lot more sense. They are just rushing into this and will be in a log jam if the warrant article passes and there is an existing article that bans them. They are going to end up in court and the sign companies are prepared to fight this. How much money is the town willing to spend to fight something that should have been done the way Selectman Maddox recommended it be done?

Selectman Coutu said he received a phone call yesterday from the Governor's Office. They've apologized, but because of the ice storm and related emergencies, and now the budgets, they're having a difficult time scheduling the ceremony for the transfer of the deed. Someone interjected that they already cashed the check. Selectman Coutu said the attorney felt that, by now, the deed should have been recorded. Mr. Malizia said he hasn't seen it yet. Selectman Coutu said until it's in the Town Administrator's hands, he won't believe it. The Governor is going to reschedule and they will call him as soon as his appointment secretary is able to sit down with him and schedule it. They had a meeting yesterday morning and they called him right after and they may ask the town to go to Concord. They are still working on trying to get people to come down here to do it in Hudson, which is what he'd prefer, but the Governor is the boss and they will do what he decides.

8. ADJOURNMENT

Motion by Selectman Maddox, seconded by Selectman Coutu, to adjourn at 7:50 p.m. carried 4-1. Selectman Massey voted in opposition.

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