

HUDSON, NH BOARD OF SELECTMEN
Minutes of the September 8, 2008 Meeting

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

2. **PLEDGE OF ALLEGIANCE** was led by Priscilla Boisvert, Executive Assistant.

Chairman Nadeau, on behalf of the Board of Selectmen, offered sincere condolences to the family of Representative Peter Goyette, who passed away unexpectedly Friday night. He then called for a moment of silence. The funeral is Wednesday at 10:00 a.m. at St. Kathryn's Church in Hudson. Calling hours are tomorrow at the McKenna-Ouellette Funeral Home in Lowell, MA from 2 to 4 and 7 to 9 p.m.

3. **ATTENDANCE**

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

Staff/Others: Steve Malizia, Town Administrator; Priscilla Boisvert, Executive Assistant; Richard Gendron, Chief of Police; Bob Haefner; Gina Votour, HLN; John Collins, SUN

4. **PUBLIC INPUT**

There was no one in the audience except two members of the press.

5. **CONSENT ITEMS**

Motion by Selectman Jasper, seconded by Selectman Massey, to approve the consent items carried 5-0.

A. **Licenses & Permits**

- 1) Request by Hudson Kiwanis to conduct fundraising activities at SAM's Club on September 20, 2008.
- 2) Request by Campbell High School to conduct fundraising activities at SAM's Club on September 27, 2008.

B. **Calendar**

09/09 Primary--Voting at Community Ctr, 7am- 8 pm	09/18 7:30 Budget Committee in BOS Mtg. Rm.
09/10 7:00 Planning Board in CD Mtg. Rm.	09/22 6:30 School Board in BOS Mtg. Rm.
09/11 6:30 9/11 Memorial Observance at Library Park	09/22 7:00 Green Team in CD Mtg. Rm.
09/11 5:30 Sewer Utility in BOS Mtg. Rm.	09/23 noon-7:00 p.m. Blood Drive Community Center
09/11 7:30 ZBA in CD Mtg. Rm.	09/23 7:00 Board of Selectmen in BOS Mtg. Rm.
09/15 7:00 Conservation Commission in CD Mtg. Rm.	09/24 7:00 Planning Board in CD Mtg. Rm.
09/16 7:00 Cable Committee in BOS Mtg. Rm.	09/25 1:00 Trustees of Trust Funds in CD Mtg. Rm.
09/17 5:00 Water Utility in BOS Mtg. Rm.	09/25 7:30 ZBA in CD Mtg. Rm.
09/17 7:00 Library Trustees in BOS Mtg. Rm.	09/29 7:00 Recycling Committee in BOS Mtg. Rm.
09/17 7:00 Hudson Seniors in CD Mtg. Rm.	

6. **OLD BUSINESS**

A. **Votes taken after Nonpublic Session on Nonpublic Session on September 2, 2008**

- 1) Motion by Selectman Jasper, seconded by Selectman Massey, to seal the minutes carried 5-0.
- 2) Motion by Selectman Maddox, seconded by Selectman Massey, that after reviewing information prepared by the Town Administrator for the Board regarding a reorganization of Town Hall operations dated September 2, 2008, the Board adopt the new organization structure to
 1. Delete the Community Development Director position,
 2. Create the Assistant Town Administrator position,
 3. Community Development functions will report to the Assistant Town Administrator,
 4. Hire a Zoning Administrator, who would also be responsible for Code Enforcement, and
 5. Realign the Engineering Department to report to the Assistant Town Administrator,carried, 5-0.
- 3) Motion by Selectman Massey, seconded by Selectman Coutu, to approve the Assistant Town Administrator job description carried 5-0.
- 4) Motion by Selectman Massey, seconded by Selectman Coutu, to post the Assistant Town Administrator position, carried 5-0.
- 5) Motion by Selectman Massey, seconded by Selectman Jasper, to direct the Town Administrator to update the Zoning Administrator job description for the Board's review and approval carried 5-0.
- 6) Motion to adjourn by Selectman Massey, seconded by Selectman Jasper, at 9:35 p.m. carried 5-0.

B. **Budget to Actuals**

Town Administrator Steve Malizia said they were two months into the fiscal year, so this was for July and August, which is approximately 17% of the year, but because they cut PO's for certain things in advance, like the trash contract and paving in the summertime, some of the number look a little higher than they would if there was a straight linear percentage. Overall, most of

the departments look reasonable, based on that criteria. Certain expenses are paid up front, at the beginning of the year, and they've made an interest payment for the water utility. Two months into the year, they've accounted for the gas and diesel, as they spoke about at a previous meeting. Those monies have been allocated, transferred out, so the Selectmen have the ability later in the year to cover any gas and diesel over-expenditures. Right now, the price of gas and diesel is lower than he had prepared on the worksheet, so they're seeing some benefit and are catching a break right now. The money has been transferred, so they are covered, should the prices go back up. It's early in the year and they've just come through the audit. The Finance Director will come in, probably at the end of October, to talk about the tax rate for the upcoming year and will talk about the surplus. They ended the year positive; all of the money allocated was not spent, so they should have added something to surplus. It's the beginning of a new fiscal year, but they're already starting to work on next fiscal year.

Selectman Massey said the sewer fund is 27% of budget and the water ops and maintenance is 34% of the budget. He thought those numbers seemed skewed, so it's something he will look into. Selectman Maddox asked why the Cable Committee was at 57%. Mr. Malizia said because at the beginning of the year, \$97,000 was allocated for their capital reserve fund and was paid over to the Trustees. They are required to do that at the beginning of the fiscal year. Selectman Jasper said since their money comes in quarterly, not from taxes, why do they pay out that much money when the first quarter check is less than \$50,000. Mr. Malizia said they don't have their own fund; they are part of the general fund, so it's coming from the general fund and the monies that are recovered go into the general fund.

7. **NEW BUSINESS**

A. **Acceptance of a \$1,000 donation to the Recreation Department from Southern NH Radio Control Club**

Motion by Selectman Jasper, seconded by Selectman Coutu, to accept the donation, with the Board's thanks and appreciation, carried 5-0.

B. **Acceptance of a \$1,400 donation to the Police Department from Sam's Club**

Motion by Selectman Jasper, seconded by Selectman Massey, to accept the donation, with the Board's thanks and appreciation, carried 4-1. Selectman Maddox voted in opposition.

C. **Request by the Police Department to hold a Blood Drive on Tuesday, March 17, 2009 at the Community Center**

Motion to approve the request by Selectman Massey, seconded by Selectman Jasper, carried 5-0.

D. **Discussion of a Highway Safety Issue regarding Rear-end Collisions**

Selectman Maddox said the Hudson police cruisers have a new bumper sticker they've been using that says, "If you can see my tires, you're a good driver." The intent is to make people aware that they are tailgating. If you can see the tires of the car in front of you, you're far enough back to be able to react. This is an effort to make the citizens aware of the safety concerns and it makes sense from an insurance standpoint and accident rate. Selectman Massey said that is a key suggestion that is taught in AARP's 55 and Alive program. In addition to being able to react in an emergency situation, if you're at a stop sign and someone rear-ends you, you won't hit the person in front of you.

Chief of Police Richard Gendron said the bumper stickers are on the police cruisers but, hopefully, all of the town vehicles will have them. At a Highway Safety Committee meeting they talked about the number of collisions they are seeing on Lowell Road, 102 and 111, many of which could be prevented if people didn't follow so closely, both when traveling and when stopped. It only takes one individual who is not paying attention to run into a vehicle that then runs into the second vehicle. In 06, 29% of the accidents were rear end collisions; in 07, 31% and this year, to date, it is 27%, and that will probably rise when snow falls. They tried different approaches, such as placing cruisers out there at certain times to warn the public and to act as a deterrent, but that didn't have the desired effect. They decided to get back to the basics to educate the public on safe distance driving, which is what is taught in Driver's Ed and in the AARP class they teach. If you can see the rear tires of the vehicle in front of you, that's a safe distance and the chance of getting rear-ended and pushed into the vehicle in front of you is dramatically reduced. They tried using the bumper stickers for two weeks on the police cruisers and it's amazing how people back away from them. The bumper stickers have been printed and the Road Agent, Fire Chief and other department heads have agreed to try this on an experimental basis to see what happens. This idea came out of Las Vegas. The strip was experiencing a lot of collisions, so they tried this and saw a reduction in collisions. If it can work in Vegas, it should work on 102, 3-A and 111.

8. **OTHER BUSINESS/REMARKS BY THE SELECTMEN**

Benson's Selectman Jasper said that he, the Town Administrator, Selectman Coutu and Attorney Jay Hodes met with representatives from the Department of Transportation on Thursday, and it was a productive meeting. However, the state admitted it dropped the ball on two things. One is there is a new attorney who has been assigned to this document from the AG's Office, so nobody has touched base with the AG's office to make sure that the document Hudson sent up is good to go – but they think it is. The second, and more important thing, was the fact that they admitted they dropped the ball on getting the survey done of delineating the areas that the town needs to stay out of. This has been promised for at least two years. Now they are saying they're going to get somebody right on it. The valuation issue, while they did have it revalued, looking at it without the restrictions, he has a feeling that the Governor has become more involved in this because they said the one thing they didn't look at was the valuation with all the restrictions still in place and they are very confident that once that gets done and that's supposed to be done this week, that that number would be more or less the \$188,000. Based on the demeanor of the

participants a couple of months ago and last week, there has definitely been some pressure brought to bear from the Governor's Office to make this happen. The materials should be out of there by the end of the month, so they are hopeful that they are going to be able to close on this in October, if they get the survey done, because they said once the survey was done, they should be all set. The town impressed upon them the important of getting this done quickly because of the deteriorating conditions of roofs out there and he stressed that he didn't feel there would be three votes to put any more money into the roofs on those buildings until the town actually owned them. He thought it would be wise for them to start having some quotes prepared on what it would take to take care of that area of the Haselton Barn where the shingles are coming off and to look at the train station. The state is supposed to let the town know what the acceptable materials are. He noted that the train station in Salem, which has recently been rehabbed, has got a slate-looking roof on it. He didn't know if it was fake slate or real slate. That may be subject to a condition of the grant. The roof on the office building needs to be replaced, too. They really do need to start. They need to get somebody to follow up on that, get some people to look at that to be ready to go, if this transfer does happen in October. They need to be ready to award bids to take care of the roofs so the buildings don't deteriorate beyond the point they are at.

Selectman Coutu said the state told them there might be grant monies the town could apply for for some of the rehab they want to do. He feels confident they will have a signed deed before the end of October and will take control of that property. He is looking forward to it. He asked the Town Administrator to find somebody to start the process of picture taking of the buildings so they can have a complete record of the condition of the buildings, as they exist today, in the event that becomes a problem down the road. Mr. Malizia asked if he was talking about a vendor or someone on staff. Selectman Coutu said someone at Town Hall. Mr. Malizia didn't know who was qualified. Selectman Jasper said Dave Morin might be a good possibility. He's always taking pictures. Selectman Coutu said as long as they have some sort of photographic documentation. In the event that this becomes a problem down the road, Atty. Hodes recommended that this be documented by photographs. Selectman Massey said given that they would be using that as a legal basis for whatever they do, it would behoove them to have a professional photographer document it with time and date stamped on all of them. There is enough money in the Benson's account to pay for it out of that. It's critical to have professional documentation of the condition. Selectman Coutu said that wasn't a bad idea. Selectman Jasper said they should wait until the transfer actually takes place – in case something falls off between now and then.

Selectman Massey said he was experiencing déjà vous. Two years ago, he sat in the DOT Commissioner's office and was told the deed had not been handled for the last two years because nobody had told the DOT that a new attorney had been assigned. He sincerely hoped that they are finally seeing the light at the end of the tunnel because the state has dropped the ball too many times during the past five years.

Selectman Maddox said he wasn't as enthusiastic as the two Selectmen who went to the DOT because he knew that NHDOT stands for Never Having Done on Time. The state has told so many stories, they could write a book. He wouldn't race to get a photographer and he wouldn't race to get a contractor to fix buildings that are beyond repair. They need to have a serious discussion on how much money they want to spend out there. They should let it go to benign neglect that the state has given them over these last many years. He's hopeful it will happen, but he's not holding his breath waiting for DOT to finally do something.

Stop & Shop Selectman Jasper didn't think there was any real movement by the state in this area. They said the town could send them another letter to ask them to look at it again, but at this point, they've strung Stop & Shop along long enough. The town ought to keep the \$25,000 and cut Stop & Shop a check for the balance and be done with it. They could continue to fight, but he didn't think there was any hope. This has been going on way too long and, at this point, it's not fair to ask Stop & Shop to wait any longer.

Selectman Coutu said he and Selectman Jasper discussed this and they felt it was time to take Stop & Shop off the hook and reach some sort of an agreement with them. However, in the interim, he's asked the Recreation Department to look at town-owned land at Ayers Pond Road to see if that would be a viable piece of property to be developed into a recreational facility or field for the south end of town and they could probably utilize some of the funds that are available through Stop & Shop. They may want to consider appealing to Stop & Shop's generosity to help put in the field beyond the \$25,000 but that's another issue.

Selectman Maddox agreed with Selectman Coutu, that they should at least approach Stop & Shop, rather than having it in their back yard, they'd like to have a Stop & Shop field in the south end of town. It's an area that hasn't got much recreation facilities and it'd be something that, with their new advertising campaign that they are pushing, might be something they can roll into their advertising budget. He hoped they would see something good out of that.

Condolences to the Goyette Family Selectman Jasper thanked the Chairman for holding a moment of silence upon the death of Representative Goyette and extended his condolences to the Goyette family. He hoped as many people as possible would be able to share their condolences personally. He had the pleasure of serving in the House with Pete for the past six years and he's had some ups and downs, health-wise, but you could always count on Pete for a good laugh sometime during the day. He always had a joke and a smile, but he took things very seriously. Sometimes, at the price of his own health. There were issues he cared about deeply, particularly in the area of Fish and Game and gun owners rights, and those issues did affect him. He will be missed by the Hudson delegation and entire New Hampshire House of Representatives.

Selectman Coutu echoed the remarks made by Selectman Jasper with regards to the passing of Pete Goyette. His prayers and his heart goes out to Terry and the children and the family. Pete was a very generous man. He could be counted on to help individuals who were in need, without question. He's going to be sadly missed by the community and he will be in Selectman Coutu's prayers for some time.

Primary Day Selectman Jasper reminded everyone that tomorrow is Primary Day and hopes Hudson has a good turnout. They have the rare occasion of having a member of the community running for the United States Congress and someone who is running for Register of Deeds. Hopefully, between that and the fact there is a contested primary for the NH House of Representatives on the Republican side, there will be enough interest to get people out to vote. If they don't, they have no right to complain about the outcome. The weather is supposed to be good, at least early in the day, and there will be plenty of ballots.

Selectman Massey said for the Independents who were watching, they are able to vote in the Primary. When you show up, you decide which party's ballot you wish to take. After you cast your vote, on the way out, you stop at the Supervisor of the Checklist and re-register for an Independent. You don't have to end up being a declared party after you finish voting. He encouraged everyone to come out and vote because there are some very important races this year.

Selectman Maddox hoped to see many of the people who were watching them on television at tomorrow's election day. Chairman Nadeau agreed. The polls at the Community Center open at 7:00 a.m. and close at 8:00 p.m..

Dracut and Sherburne Road Intersection Selectman Maddox said there was a memo many years ago that the Chief started with the Highway Safety Committee. They were going to put up an island at Dracut and Sherburne and a bigger sign and many things were going to happen. That was at least two years ago, and still not there. There are other things to look at; it's a big state. So, as Selectmen, they should put up a chevron, a reflective marker across from the end of that road. At certain times of the day, the sun seems to catch it just right. At night, sometimes when you're coming up there, you don't know it's coming. The Selectmen should put something there to protect drivers that are just driving down Dracut Road, not knowing someone is about to T-bone them, as has happened in the past.

Motion by Selectman Maddox, seconded by Selectman Massey, that the Highway Department install a reflective chevron, much like at the end of Greeley, at Old Derry, or like a couple in town, that would protect people to show that that road ends.

Selectman Jasper said the problem is that's state right of way, not town right of way, so the Board would need to request permission from the state to place that sign within the state right of way. Selectman Maddox said they should just do it, and when they get around to doing the paperwork on it in 20 years, they'll worry about it then. Does someone else have to be injured or killed because the state has not kept their promise that they were going to do something well over two years ago? Selectman said he didn't disagree, but he can't advocate going out and doing this any more than he can say they'd be happy if someone did something in the town's right of way. Just a quick letter, explaining they were looking for a quick turnaround. He didn't think it would take that much time to get a response. If they didn't get a response, they could follow up on that rather quickly.

Chief Gendron thought it was an excellent idea to put the chevrons there, but there is a long history with this intersection. The resident that lives at that street did not want that in front of his house. He's pretty sure DOT would put it up there; the town should at least ask. What they had been asking DOT to do was install flashing lights, as a warning. They did some work, but when they get into doing the traffic island and flashing light, because of the floods, they ran out of money and their budget is tight. Out of courtesy, the town should at least ask the state to put up the chevrons and see if they will pay for it. If not, if the town offered, he's sure they would say yes. The Board needs to understand, however, that that resident is going to come in to complain about it because they tried to deal with that before. Chevrons is an excellent idea because when you're coming down that road at night, and because of what the resident across the street did—widened his driveway and aligned it with Sherburne—that when you come down there, it looks like it's an extension of the road. If you're not familiar with it, you'll go right across. They've had some intoxicated individuals drive through there. It's worth asking. If the Board wants him to, he can call them tomorrow.

Selectman Coutu said he remembers clearly the request that was made with regards to putting the chevron on Dracut Road, facing Sherburne. So there's no mistake, that's where they want it placed. He remembers that the resident did not want it there. That was following a serious accident, a fatality, caused by a drunk driver on Halloween evening. It's imperative that they do something. He'd be willing to ask the state for permission to do it, but if they are going to do with this what they did to the town with Benson's to arrive at a decision, and this is going to take a couple of years, he would declare an emergency and he would put it up there, regardless. He'd give them 30 days to respond and if they don't respond within 30 days, or they don't take action, the Board has to consider the life and safety of the residents and for those who travel down Sherburne Road. That's a very bad intersection. The other day, he sat there for about a half an hour and every other car goes right through that stop sign on Sherburne, right on to Dracut Road without even looking. A lot of people travel that road regularly and are familiar with that road. The stop sign is about 40' short of the intersection, so they go right by it, if they're not paying attention. Those who know it's there don't really care and they get to that intersection and look quickly to the left and if there's nothing coming, they just boot it right out on to Dracut Road. It's just a matter of time before they have another fatality at that intersection. He agrees with Selectman Jasper and the Chief, but he wouldn't wait more than 30 days beyond the time of their request for them to take action, or the town just declares an emergency and put it up anyway. He would not object to two letters, one from the Chief of Police and followed by a phone call, perhaps, to the regional director for this area from DOT, as well as a letter from the Chairman of the Board of Selectmen to DOT, requesting the chevron at that intersection.

Selectman Massey asked if there was a reason why they couldn't place a "stop sign ahead" sign 100' in front of the intersection and make it a big one. Chief Gendron's understanding was that there was a warning of a stop sign ahead. They painted a double-wide stop line and installed an extra-large stop sign and requested to reduce the speed limit prior to the intersection, which was denied, and a traffic island and a solar-powered flashing amber and red light was taken under consideration. Those were cost-associated items and the state did not have the money budgeted for it. They had said if money was available, they'd do it, but that has been put on a back burner. Selectman Massey suggested doing just the "stop sign ahead" and chevron. Chief Gendron said there was one there at one time and he'd go out there personally tomorrow to make sure that sign was still there, unless someone removed it.

Amendment by Selectman Jasper, seconded by Selectman Massey, to authorize a letter, or two letters, as appropriate, be sent by the Administration, requesting that a chevron be placed on Dracut Road, facing Sherburne, within 30 days and if that request cannot be granted, request permission for the town to place the chevron, carried 4-1. Selectman Maddox voted in opposition.

Chairman Nadeau asked for a vote on the motion to send a letter from the Chief and one from the Board of Selectmen, with the 30 days.

Vote: Motion carried 5-0.

Planning Board Selectman Maddox said there are those that sit there and say the Hudson Planning Board... sometimes the town is anti-business. Sometimes deservedly, sometimes not. There's any number of occasions where there may be somebody trapped up in the mechanism, which is town government, which is innocent; more often than not, that's not the case. This is going to fall under the heading of No Good Deed Goes Unpunished. A couple of years ago, they were told a parcel on Windham Road was going to have apartments on it because there was a great need for apartments. Hudson didn't have enough apartment units to satisfy the needs. Lo and behold, he sees signs out that say they're now being sold as condominiums. So, somehow or another, that got through and they wonder why their land use boards, the volunteers, sometimes get cynical. The good intention was to put rental units on the market in Hudson and, for whatever reason, it turned over, went somewhere else, whatever, and now they're going to have condominiums on those parcels. Sometimes, over time, you do become cynical to what ends up happening, so it's not always good people going bad. Sometimes, it's bad people bringing in stuff.

Budget Schedule Town Administrator Steve Malizia handed out a budget meeting schedule that had been drafted by the Finance Director for the Board to consider, probably at their next meeting. The Budget Committee may choose to switch theirs around a little bit, but this basically follows their format. The hope is to get the books to the Budget Committee by November 20. Selectman Maddox said since they are basically doing zero, he couldn't see why they couldn't combine that Friday night and spread them over the other three nights. Mr. Malizia said they have Fire, Police and Highway which may have other items the Board might want to deliberate. In the past, they've tended to give them each a night, plus other minor ones, but if the Board wants to condense them, that's something they can look at.

Selectman Coutu said he'd like to watch his grandson play football his last year at Lowell High on Friday nights. Selectman Jasper said he didn't have any problem eliminating Friday, but thought they should schedule another day, either October 29th or 30th and keep Monday as carry-over. He didn't want to see them cut themselves back too much. Right now, they don't have a clue what things are going to look like. Chairman Nadeau asked if the consensus of the Board was to eliminate Friday night, keep Monday, the 3rd and schedule another night. Selectman Maddox said that wasn't his preference. Selectman Jasper said Monday was just a carry-over, so those items could be done in the condensed schedule. Ms. Boisvert said the 3rd is a regular meeting of the Board. Selectman Maddox said there were four nights, plus the carry-over; they've always done it in three. Selectman Jasper said that was when one of those days was a Saturday—not three nights.

Selectman Massey said the first three years he did this, they had three nights and last year, he asked to add the additional night to give them that time to ponder and make adjustments, but now they are talking about five. He knows from experience that Fire, Police and Highway take up a good portion of time. If they are going to eliminate Friday, they should schedule a Saturday, and asked if that would include the community agencies. Mr. Malizia said yes, if someone was going to speak to the Board. Selectman Massey said every time they do these, they wind up giving all the other ones short shrift. Selectmen Coutu, Jasper and Nadeau were fine with that. Selectman Massey said they shouldn't go past noon on Saturday, so he'd change Friday, October 24 to Saturday, the 25th at 9:00 a.m. Mr. Malizia said he may have a conflict on that Saturday because he's coaching two soccer teams, but the Finance Director would be present.

9. NONPUBLIC SESSION

Motion by Selectman Jasper, seconded by Selectman Coutu, to enter Nonpublic Session under RSA 91-A:3 II (b) The hiring of any person as a public employee, following a brief recess, carried 5-0 by roll call vote.

Nonpublic session is being entered into at 8:00 p.m., thus ending the televised portion of the meeting. Any votes taken upon entering open session will be on the Board's next agenda. Open session was entered at 8:05 p.m.

Motion by Selectman Massey, seconded by Selectman Coutu, to hire Derek Stephen Lloyd and Kevin Patrick Ducie as Police Officers in the Hudson Police Department, effective September 28, 2008 at \$20.37 per hour, in accordance with Police Union Local 3657 contract, as recommended by the Chief of Police, carried 4-1. Selectman Maddox voted in opposition.

10. ADJOURNMENT

Motion to adjourn by Selectman Massey, seconded by Selectman Jasper at 8:09 p.m. carried 5-0.

Recorded by HGTV; transcribed by Priscilla Boisvert, Executive Assistant

HUDSON BOARD OF SELECTMEN

Benjamin J. Nadeau, Chairman

Richard J. Maddox, Vice-Chairman

Kenneth J. Massey, Selectman

Shawn N. Jasper, Selectman

Roger E. Coutu, Selectman