

HUDSON, NH BOARD OF SELECTMEN
Minutes of the January 10, 2017 Meeting

1. CALL TO ORDER - by Chairman Luszey the meeting of January 10, 2017 at 7:01 p.m. in the Selectmen's Meeting Room at Town Hall.
2. PLEDGE OF ALLEGIANCE - led by Selectman Routsis.
3. ATTENDANCE

Board of Selectmen: Ted Luszey, Marilyn McGrath, Roger Coutu, Pat Nichols, Angela Routsis

Staff/Others: Steve Malizia, Town Administrator; Donna Graham, Executive Assistant; Elvis Dhima, Engineer; Fire Chief Rob Buxton; Jim Michaud, Assistant Assessor

4. PUBLIC INPUT

Chairman Luszey asked does anyone in the audience wish to address the Board on any issue which the Board has control of at this time. If so, please come on up and state your name and address for the record.

My name is Steve Trefethen. I'm a property owner in Hudson - a couple of properties, and a commercial real estate business owner in Hudson, and I reside in Windham. Chairman Luszey questioned his residency in Windham. Mr. Trefethen noted if I reside in Windham - I've been through this before in a couple of towns. The State legislature - if you are a citizen of the State of New Hampshire, you can speak at any public meeting that is open to the public.

Steve Trefethen said I see you have a very ambitious schedule tonight so I'll read from a prepared text and hopefully it will only take about 3 ½ minutes of your time. This is my first public meeting I have been to in Hudson. I came here tonight to shed a little light on many issues I see negatively affecting Hudson's tax base and growth. The word in the commercial real estate business is that the Town of Hudson is not an easy place to invest or start a small business. Restrictive zoning, the approval process make it expensive for small businesses and investors. It is economically unfeasible for myself and many of my colleagues to bring a positive tax base to Hudson. In short, many of us bring our business and buyers to other towns where it's quicker, cheaper, more profitable, and our clients and our own businesses are easier to relocate. Many buyers have come here have too many restrictions on their properties to utilize them to their potential. In some cases many owners are losing money on a regular basis. An over restricted property such as 122 Lowell Road is the perfect example. That one has been empty for about three years. In any other town in this economy, that property would be full. I recently had a request from a client to bring a very large business to Hudson where another town was collecting \$50,000 a year in fees. The perfect building in Hudson became available because two long-time Hudson companies were failing. I recommended that my client who would need a variance from Hudson go elsewhere. I took them to Nashua, worked with the Mayor, the Zoning Administrator, and in a short time we had them operating in Nashua. They're excited to get the \$50,000 in fees a year. Nashua also allowed him early access in occupying \$50,000 square feet in their city. Hudson had no way to make an administrative decision on that business. That's just one example. I could name many.

Mr. Trefethen indicated Londonderry is also beginning to streamline their site plan and internal approvals on another property I'm working on. They're actually doing that without a site plan review going through their administration. I also own a property in Hudson that I began trying to fill three years ago. I have sent many businesses to the Town over those three years but they were all told that they would need to go through a lengthy ZBA process. None of them applied and I lost them all. I recently worked with the ZBA on a variance in hopes of filling my building which remains 60 percent empty. The ZBA meeting I attended in Hudson on my own property was the most unprofessional meeting I've ever attended in any town over my 20 years in New Hampshire. The ZBA asked me questions on everything for most of the meeting that had nothing to do with the ZBA approval. The Chairman here tonight and the Zoning Administrator tried to get them back on track but the ZBA went down a road that was at best unlawful.

Mr. Trefethen stated the Town of Hudson has a lot of opportunities to develop their tax base. I'm here tonight because the buck stops here. My recommendation is that the counsel not just approve members on critical boards but have them attend council meetings and answer the tough questions. The ZBA members need to better understand their own rule book. Finally, allow your administration to streamline the approval process for a quicker and more affordable process for small businesses. I am very involved in other towns in the economic development. I believe Hudson can over time change a lot of procedure and take advantage of the positive growth that many of the towns are experiencing now. Thank you. If anybody has questions for me, I would be glad to answer them.

Selectman McGrath said you indicated that you were before the Zoning Board lately and you were unsuccessful. Did you appeal the decision? Steve Trefethen said I have not. I have applied for a motion to rehear that decision and that's ongoing. That was just a couple of weeks ago. Selectman McGrath asked did you apply within the 30 day period. Mr. Trefethen noted I did. The 30 day period it's kind of a - there's a lot of things that go on in the rule book. I don't know if they read or not. I pulled the State legislative book and read it. It took me 3 or 4 hours. I understood it completely. It's not a big deal. I think they all need to read it. I was originally told and it was mistaken and I was told that the town rules were a little bit different. I was told I had 20 days. I know it's a 30 day period. I know from some existing court cases its 30 days from the decision but when is the decision given to us in writing. When do we really have a decision? Also

when do the minutes come out? The Town in Hudson really needs to start researching some of this stuff. I see so many issues that could cost, and my town too because I'm paying taxes here, cost our town money. Is it 30 days from when they decide? Is it 30 days when we get the decision from the Zoning Board because my decision didn't come until two weeks later. Selectman McGrath said its 30 days from the decision and it's clear in the By-Laws. Usually they state that when a decision has been made that's contrary to what you're looking for. They tell you exactly how many days you have to apply for a rehearing.

Mr. Trefethen said I don't think they stated that that night. I do know that. Maybe the average Joe would not know that. They did not state that that night. Nevertheless, I got a decision say two weeks later and then I get the minutes almost right before the 30 days. Well I've been in court cases involved in zoning where the court sees it a little bit differently. When do we get the full record? You can't expect me to comply with the 30 day rule if you don't give me the full record to comply on. That is an argument and the court has sided with that argument many times. All I'm saying is I'm just trying to get to the point where if they're going to do a decision, I don't see why somebody should have to wait two weeks for a written decision to come to their home, or their business, or their lawyer, or whoever. I think that decision should be - you've already done it. They've written the paperwork. I have the decision that night. I have to tell you. I asked for this today. The Zoning Board in my opinion is very unprofessional. They're not even lawful here. I'm trying to be nice about it but I got a decision of 5 to nothing vote against me. So today I had this e-mailed to me because it just became available. This is three weeks after or whatever it is. Of course I was denied for everything. When you read their paperwork, many of them approved me on their paperwork. I don't even think they know their own paperwork. Where I have yeses all the way down the line here, I guess I was approved. I don't know. It's not just on one. It's on several. It's either a no or yes. Now all of them spoke. I went to a meeting that took about an hour and ten minutes. The Chairman could attest to this. For 15 minutes I spoke about a building that was built in 1850 and they wanted me to tell them the history of the building. The Zoning Administrator - and I watched the last Zoning Administrator's frustration with the Zoning Board - the Zoning Administrator tried to explain to them. This is not about what was in the past. This is about what's going ahead with the application in front of them. Now they didn't get it. I spent 50 minutes defending a building I really don't know anything about other than the past say ten years about what it was in 1950. I was asked what it was in 1850. I was asked all these questions. The Chairman was nice enough and polite enough to bring to their attention that they did need to stay to the RSA and the zoning requirements on that. Again, this is what I got tonight. I guess a lot of them voted for me. Now there are some people who voted no on everything because they decided to put no but yet they didn't have an issue with four of the necessities I had to meet out of five.

Selectman McGrath asked were you seeking a variance. Steve Trefethen agreed. Selectman McGrath noted on a variance if you meet some of the criteria, they can cite it on their forms. However if you don't meet of the criteria, then they're not obligated to the variance. Mr. Trefethen understood but that's not the issue. What I'm saying is the record. Now I'm going to approach the motion to rehear and I'm going to say I guess you voted for me because you wrote "yes" on your form. Now this is kindergarten 101 on zoning. You should know how to fill out your own form. I don't know how else to put it. Did you vote yes or did you vote no? When I asked for the motion to rehear, I need to ask for it properly.

Chairman Luszey stated I think everybody gets it. We're not here...Steve Trefethen understood you're not her to hear that. I guess my biggest thing with the meeting I'm here with tonight really is you guys I know are working hard. You're doing a good job. Really everything we do is kind of a community service after all. We're trying to put something back in the community. I get it. I watched and some towns are beginning to change now where everything becomes an appointment by stamp without any questions. I brought some things here that when you vote for somebody going to the Zoning Board, you're stuck with them for three years. I watched Bill prior to this Zoning Board. The last time I was there - and I'll spend just 30 seconds if you'll give it to me. The last time I was there one of the members voted against me because he didn't want people to die in the building because of fire. He went crazy over it. I remember Mr. Oleksak he said to them that has nothing to do with zoning. That's fire. Bill just hung his head down and looked and like I don't know what to do. I also watched this with Mr. Buttrick the other night. I see a very disrespectful sometime or our administration and even Mr. Luszey that I think when we put people there for three years - and we are stuck with them because there's nothing you can do. We can recommend. Legal counsel. I think we really have to come up with a procedure that vets them a little bit that's all. They're probably all good people too. I'm not saying they're bad people. I'm just saying. I think it's very important because how you develop your town and how I feel about bringing people here - and I bring in other towns I bring 30 percent of the commercial business in a hard tax base. How you bring them here and how you make them feel welcome is how we can bring them here in the future. That's all I'm saying.

Chairman Luszey asked is there anyone else in the public that wishes to - seeing none, we'll move onto nominations and appointments.

5. NOMINATIONS AND APPOINTMENTS

- a) Conservation Commission - (5 vacancies - 2 member terms to expire 12/31/19; 1 alternate term to expire 12/31/17; 1 alternate term to expire 12/31/18; 1 alternate term to expire 12/31/19)

Elliott Veloso

Selectman McGrath had a question. This applicant was before us at the last meeting and he applied for each of the boards as you recall. I believe that he said that his real interest was conservation. However did we hear back from him about whether or not he had - I thought he was going to walk away and take a look at the meetings and come up with a decision?

Donna Graham stated I did not hear from him but I know that when he left the meeting he also said he was going to leave it up to the Board to decide what was the better fit.

Selectman McGrath asked Donna Graham do you recall that Donna at the last meeting that he stayed at the Conservation. Chairman Luszey said its Planning and Zoning. Selectman McGrath said we talked about Planning or Zoning but I believe that he stated that Conservation was his real interest. Chairman Luszey noted it's up to the Board's will. Selectman McGrath added I indicated to you the other day that when I went to the Planning Board meeting last time, Glenn Della-Monica the Chair of the Planning Board indicated that he would like this applicant to be placed on the Planning Board. I can't add any more than that.

Selectman Routsis believed he wasn't able to do some of them because he worked late until 8 o'clock. Was it on Tuesdays? He worked in Lowell.

Selectman McGrath believed Conservation meets on Mondays. Planning meets on Wednesday. Zoning on Thursday.

Chairman Luszey asked what would the will of the Board be on Mr. Veloso for Conservation yay or nay. Selectman McGrath stated if no one else remembers that comment, I'm fairly...Steve Malizia was looking through the minutes for it. Donna Graham noted the first one it says that he works late on Tuesday night so any meetings on Tuesday nights he can't do. He goes on to say "given my skill set that I work with the law, probably my skill set would best be suited for those that deal with municipal laws and regulations. For example the Planning or the Zoning Board. He does have an interest in environmental issues as well but if the Board of Selectmen feel that there is a need for my services in that, I can also volunteer that aspect as well however the Board of Selectmen see fit. In terms of my preference, probably Planning Board and Zoning Board of Appeals most works with my skill set however I am open to anything that the Board wishes is appropriate."

Selectman McGrath commented because I was here and we talked to him and got his background. Because Glenn has indicated that he would like him to serve on the Planning Board, I can see the value of that for Mr. Veloso even in spite of his law background, learning Planning first and what goes into Planning and the plans that come before that Board, and then ultimately going to Zoning if he decided that that wasn't his fit. I think that I'd prefer at this point to put him on Planning and let him see how that fits with his background and if he can add anything to the Planning Board or if the Planning Board can add to his skill set. That would be my preference.

Chairman Luszey asked would you be making a motion to defer any appointments to Conservation until next month. Selectman McGrath said I would at this point.

Motion by Selectman McGrath, seconded by Selectman Routsis, to defer appointing Elliott Veloso to the Conservation Commission, carried 4-0-1. Selectman Coutu abstained.

- b) Planning Board - (3 vacancies - 1 member term to expire 12/31/2018; 1 alternate term to expire 12/31/17; 1 alternate term to expire 12/31/19)

Dillon Dumont (incumbent alternate to member position)

Motion by Selectman McGrath, seconded by Selectman Nichols, to suspend the rules and nominate and appoint Dillon Dumont as a member to the Planning Board with a term to expire 12/31/18.

Selectman McGrath commented if we had an abundance of applicants and an abundance of applicants that had a long period of experience, I might not be so inclined to appoint Mr. Dumont to the full position but we don't have that. He hasn't served on the Planning Board for very long in the alternate's position but he's got good tutors on that Board. I can't see him doing any real damage being in a full position.

Vote: Motion carried 4-0-1. Selectman Coutu abstained.

Elliott Veloso

Motion by Selectman McGrath, seconded by Selectman Routsis, to suspend the rules and nominate and appoint Elliott Veloso as an alternate to the Planning Board with a term to expire 12/31/17.

Selectman McGrath noted, again, Mr. Veloso has indicated that he would be willing to serve on either Planning or Zoning or even Conservation. We have openings on the Planning Board and this would give him a one year opportunity

to work with the Planning Board, get some history and background, and if he decided that he wanted to either continue on that board or move to Zoning, then it would give him that opportunity.

Chairman Luszey asked if there were any other comments. If not, I'll actually speak to it. I will not vote in favor of that. I would prefer to see him on the Zoning Board. I'll tell you why. He is a licensed attorney and the Zoning Board is a quasi-judicial board. I think they need some help in understanding how those types of boards work. I don't necessarily see a correlation between Planning and Zoning. Planning is just that. The folks on the Planning have to take a 50,000 view of the Town of Hudson and figure out where we should be going in relationship to our Master Plan.

Zoning on the other hand, Chairman Luszey indicated the ZBA, they're there to basically make a decision as to whether or not our Zoning Administrator made the right call in terms of the current case laws that relate to our zoning code and the current code on the books. I would feel that his skill set would best serve the town on the Zoning Board of Adjustment.

Just to counter that, Selectman McGrath said when he was before us I questioned him about his background and he had talked about going to the Land Court - I believe that's what he called it in Massachusetts. He hadn't presented any cases in New Hampshire. It was mostly to do with housing court and not with zoning or planning. They have a different way of dealing with zoning and planning issues in Massachusetts. So that's the support from my putting him on Planning as opposed to Zoning.

Chairman Luszey countered saying from my personal experiences, an attorney has a set of skills that are acquired and how to interpret laws. I don't care if its child court law, divorce court, criminal court, civil court, land use court. It's the discipline and how to go about looking at testimony, and evidence, and how to make decisions based on that. I believe there is really no experience required from being on a New Hampshire zoning board versus a Massachusetts zoning board to make good decisions when it comes to how to interpret zoning code in the State of New Hampshire and the Town of Hudson.

Selectman Routsis questioned why he couldn't be an alternate on Zoning also because part of being the alternate on Planning is so he learns it and we should give him that same opportunity on the Zoning. We have other people that are on both.

Selectman McGrath added the reason why we can't do that is because we have Charlie Brackett who's a member of the Planning Board and also a member of the Zoning Board and you can only do that with one person. That's why.

Vote: Motion carried 4-0-1. Selectman Coutu abstained and said I would have voted no but I knew the vote was going to go the other way just to give support.

Just to restate, Selectman McGrath said the term is to expire 12/31/17. So it's a one-year term.

- c) Zoning Board of Adjustment - (4 vacancies, 1 member term to expire 12/31/19; 1 alternate term to expire 12/31/17; 2 alternate terms to expire 12/31/2019)

Maryellen Davis (incumbent)

Motion by Selectman McGrath, seconded by Selectman Nichols, to suspend the rules and nominate and appoint Maryellen Davis as a member to the Zoning Board of Adjustment with a term to expire 12/31/19.

Maryellen has been an exception member of the Zoning Board. She's taken over as Chair since the death of Brad Seabury and she's done I think she's done a fantastic job. I think that this is an appropriate position to put her in.

Chairman Luszey said one and that is I think when Mr. Seabury ran the Board there was a lot of knowledge that he had pertaining to prior cases that he brought to the Board. That only comes through time on boards but we also did is he had a unique ability to keep the Board on task. Whether or not Maryellen Davis is the next Chair or whoever, I believe this Board should be sitting down with whoever that person is and have a discussion about the way that Board needs to stay within the bounds of what it was established to do.

Selectman McGrath noted you and I had this conversation the other day and I had suggested and I've suggested it before and I think it's appropriate that we have a joint meeting between the Board of Selectmen, Zoning Board, our Town Attorney, and the staff - Zoning Administrator, Code Enforcement, and the supervisory positions to have those discussions because I don't really feel that it's appropriate here. I sat on the Zoning Board. I sat on the Zoning Board under Brad. We've got to realize that these are volunteer positions. Again I say to you we're not being overrun with applicants. So I think at some point in the not too distant future we should have that meeting where we have our Town Attorney come in and we can have those questions answered about whether their acting appropriately or not and whether or not we expect too much from our Code Enforcement Officer or not and go from there. I don't think that we should be having that discussion tonight.

Chairman Luszey said I don't necessarily disagree with that. I'm just making a statement that I'm recognizing the previous speaker during the public input that we have some issues. Again like I told I think all this Board is not the first one. We are the ones that own that problem. I think tonight it actually started before tonight timing was coincidental that this assignment is coming up but we would be discussing how that Board is operating, whether we were voting on assignments tonight or not.

Selectman Coutu stated I took to heart the statements that were made previously. I know there's not an enormous list of candidates applying to serve on various boards and for various reasons. I've had people tell me that they feel that boards are overwhelmed and slant in one direction or another and they don't want to be a part of it and I've had others that said they have no interest in serving on the board. For whatever reason, that's not unique to Hudson. It's rampant throughout most municipalities whether you look at Massachusetts or New Hampshire, they're having a difficult time filling. I appreciate the fact that people are willing to serve.

As it relates to this particular nomination, Selectman Coutu said the following. I will be supporting Maryellen Davis to be reappointed to the Zoning Board of Adjustment. I think she, too, brings with her a lot of knowledge, a dedication, and a sincerity to want to serve her community. I don't always agree with Maryellen. We probably never will for whatever reason but I will say this. I watched the last two ZBA meetings and it was very difficult to discern who was speaking many times. People speak over the Chairman. They show total disrespect to the Chairman and this is not just the ZBA. It happens on various boards. I watched the meetings that was discussed and you were at. You were there. You saw was taking place. You and I have not had a discussion about that. I was observant and I tried to keep myself abreast of what's going on in town. All boards are very important but the two that I really enjoy watching are the ZBA and the Planning Board because they have a direct impact on which direction our community is going to go in. I think that all boards need to have a chairperson who controls the meeting and dictates the direction of the meeting and keeps people on focus to the topic matter at hand, not going off on history and histrionics and geography, or whatever they want to talk about. They need to address the issue which is the reason why there's an application and what the application is for.

The other thing Selectman Coutu finds fault with is that when somebody recuses themselves, I take that very seriously. I expect that if I were to recuse myself from this Board for hearing whether it was in nonpublic or here it is because I have a slanted bias. That's the reason for a recusal. At that time, I wouldn't expect that the person who recused themselves then appears before the microphone and starts talking about what is being said before whatever board or commission it is and that has happened on the ZBA. I find fault with that. I think it's inappropriate and I think it could affect the decision of other members on the board. As there is with this board or any other board, friendships are formed. It's a little bit of a brotherhood. I would like to think that everybody things independently and acts independently. Once you recuse yourself, you should not be speaking on a matter. You should sit back and let the board listen to whatever testimony is being presented. I will be supporting her because I think that she is dedicated and committed for what she feels is in the best interests of our community.

Selectman McGrath stated I watched the last meeting as well after the fact. I don't remember watching what I would term a circus act. There may have been episodes where people talked over each other but I didn't find it to be - and that's something that I pay attention to and I don't recall that at all. I thought that the meeting was held with decorum and in a professional manner. I found that to be the case all of the time. Now are there occasions when someone might speak up and they get a little carried away and forget that there's other people speaking? Certainly. That's happened here. It's happened at other meetings. People are human and that happens. I think that those meetings are held professionally and in a dignified manner. I think that the applicants are treated that way as well. I'm going to watch that meeting again and I'm also going to watch the meeting that this gentleman talked about because I haven't had that opportunity.

Vote: Motion carried 5-0

Donna Graham asked the Chairman is it a consensus of the Board to have the boards meet with the Board of Selectmen at a workshop in the future or do we have a certain date. Chairman Luszey indicated I would be bringing that up later unless you want to set it now. I think there's some logistics that need to take place before we make that decision. You know what I'm saying. My personal preference is I think the entire board should be here - both boards. We need to work out some logistics and we've got a bunch of stuff to get through tonight.

6. CONSENT ITEMS

Chairman Luszey asked does any Board member wish to remove any item for separate consideration at this time.

Selectman Coutu asked for a separate vote on Item E - the acceptance of the minutes. I'd like to have that separate. I also have a question. On A. Assessing Items - 1) supplemental bill. If you look at the reverse page, the net supplemental tax bill it says \$420.67 but there's a minus in front of it. If that minus is just for divisional purposes, it should be a colon so that there's no inference that it's a negative number as opposed to a positive. I'm going to ask is it a negative number or a positive number?

Good evening. Jim Michaud indicated it's a scrivener's error. It's a supplemental bill so it's a positive number.

Selectman Coutu said that's what I thought. I have no objection.

Motion by Selectman Coutu, seconded by Selectman McGrath, to approve consent items A, B, C, E and F as noted or appropriate, carried 5-0.

A. Assessing Items

- 1) 2016 Supplemental Bill - Map 178, Lot 13-13 - 13 Loop Road, w/recommendation to approve
- 2) 2016 Tax Abatement - Map 217, Lot 34-2 - 5B Mark Street, w/recommendation to approve
- 3) Veteran's Tax Credit - Map 136, Lot 034 - 23 Bockes Road; Map 240, Lot 008 - 9 Eagle Drive; Map 185, Lot 068 - 39 Bear Path Lane, w/recommendation to grant
- 4) Current Use Lien Release - Map 115, Lot 3-8 - 7 Senter Farm Road, w/recommendation to approve

B. Water/Sewer Items - None

C. Licenses & Permits

- 1) Hawker/Peddler/Itinerant Vendor's License - The Blushing Rose
- 2) Hawker/Peddler/Itinerant Vendor's License - Spring Hill Catering

D. Donations

- 1) Boys Scout Troop 252 - \$1,000 deposited into the Senior Center Donation Account
- 2) Digital Federal Credit Union - \$3,500 deposited into the Fire Department's General Donation Account

E. Acceptance of Minutes

- 1) Minutes of the December 13, 2016 meeting

Motion by Selectman McGrath, seconded by Selectman Nichols, to approve Consent Item E, carried 4-0-1. Selectman Coutu abstained.

F. Calendar

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| 01/11 | 7:00 | Planning Brd - Buxton CD Meeting Room |
| 01/11 | 7:00 | Public Hearing - Community Center |
| 01/12 | 7:30 | Zoning Brd of Adjustment - Buxton CD Meeting Room |
| 01/16 | | MARTIN LUTHER KING JR. DAY - TOWN HALL CLOSED |
| 01/17 | 7:00 | Cable Utility Cte - HCTV Ctr. |
| 01/17 | 7:00 | Municipal Utility Cte - BOS Meeting Room |
| 01/18 | 7:00 | Planning Brd - Buxton CD Meeting Room |
| 01/19 | 7:00 | Benson Park Cte - HCTV Meeting Room |
| 01/19 | 7:00 | Budget Cte - Buxton CD Meeting Room |
| 01/23 | 7:00 | Sustainability Cte - Buxton CD Meeting Room |
| 01/24 | 7:00 | Board of Selectmen - BOS Meeting Room |
| 01/25 | 7:00 | Planning Brd - Buxton CD Meeting Room |
| 01/26 | 7:30 | Zoning Brd of Adjustment - Buxton CD Meeting Room |

Motion by Selectman McGrath, seconded by Selectman Nichols, to approve Consent Item F, carried 4-0-1. Selectman Coutu abstained.

7. OLD BUSINESS

A. Votes taken after Nonpublic Session on December 13, 2016

- 1) *Motion by Selectman McGrath, seconded by Selectman Routsis, to hire Ryan Bianchi as the Alvirne High School Student Maintenance Assistant at the Police Department at the rate of \$10.00 per hour, with an average of 15 hours per week, effective January 8, 2017, carried 4-0.*
- 2) *Motion by Selectman McGrath, seconded by Selectman Nichols, to hire Haley Magee and James Curran as Part-Time Telecommunication Technicians with a starting salary of \$18.20 per hour, in*

accordance with the Hudson Police Employee Association Contract, with an average of 16 hours per week each, effective January 8, 2017, carried 4-0.

- 3) *Motion by Selectman McGrath, seconded by Selectman Nichols, to hire David Bryce for the position of Dispatcher in the Fire Department at the contracted starting salary of \$16.53 per hour (step 1) effective January 8, 2017. This assignment will be a non-exempt position in accordance with the International Association of Firefighters Local #3154 Contract, carried 4-0.*
- 4) *Motion by Selectman Routsis, seconded by Selectman McGrath, to hire Peter Manzelli for the position of Part-Time Inspector in the Fire Department at the hourly rate of \$23.58 per hour effective January 8, 2017 with an average of 16 hours per week, carried 4-0.*
- 5) *Motion by Selectman Nichols, seconded by Selectman Routsis, to hire Donald Bohnwagner, Jr. for the position of Part-Time IT Technician at the rate of \$21.00 per hour, not to exceed 29 hours per week, effective December 22, 2016, carried 4-0.*
- 6) *Motion to adjourn at 8:33 p.m. by Selectman McGrath, seconded by Selectman Routsis, carried 4-0.*

8. NEW BUSINESS

A. NH House Bills - HB#254, HB#323, and HB#324

Chairman Luszey recognized Assistant Assessor Jim Michaud.

Good evening Board members. Jim Michaud stated the first one in front of you today is House Bill #254. This was scheduled last Thursday morning and the hearing on this was today. House Bill #254 takes the Assessing Standards Board - a board that I've served on as a municipal assessing official, a board that Selectman Coutu has served on as a municipal official and it fundamentally changes the board. It's a 15 member board currently. The Bill would take it down to 13. There's currently four - called the Assessing Standards Board. It has to do with assessing standards. It takes the four assessor slots and cuts it down to two. It makes it so that any community 10,000 population or above that is not a city such as Hudson would not be able to have a municipal assessing official on this board. This also changes the municipal official's slot. It says one slot would go to a city official and one slot would go to a town less than 10,000. So a town like Hudson - 18 of us that are 10,000 and above that are towns would not be able to have a municipal official on this board. Beyond that currently there's three public members. There would still be three public members but it would install a litmus test. One has to be a residential property taxpayer. To my knowledge, currently all 15 members of the Assessing Standards Board are residential property taxpayers. The second public member slot and says that needs to be a commercial property taxpayer. Currently there is one on there that is a commercial property taxpayer. The third would make that public member slot a public utility company representative. I can only imagine why - I don't have to imagine why. All three Bills in front of you are part of a trilogy of bills that are being pushed forward - pushing forward a certain agenda. We can only deal with the bills one at a time.

Jim Michaud indicated it is my recommendation for the Board to ask the committee to vote this bill inexpedient to legislate. It's in front of the executive departments and administration. We do not have any Hudson district or in our voting district we don't have any Hudson Reps. on there. Just today Gene Chandler who serves I believe as Assistant Speaker of the House submitted a letter on House of Representative letterhead asking the committee to vote it inexpedient to legislate. There was at least five select boards that also submitted letters at today's meeting asking the committee to vote it inexpedient to legislate. There was stated reasons from the prime sponsor of the bill Representative Patrick Abrami. He was a person that promoted first of all the re-exemption of poles and conduits four years ago. Then what came out of all of that was a recommendation legislation that poles and conduits are going to be valued by the Department of Revenue starting for the 2017 year and we're going to take those values and just use them based on our pole count and conduit lengths. He's the prime sponsor and he's concerned that there is an imbalance on the board. His words. That this board with its current makeup - municipal officials, assessing officials, department of revenue, public members, two State Senators, two members of the House of Representatives with this diversity of the Board that there's an imbalance. He had some pointed questioning from the committee and the committee had to break. There was over 60 people attending this meeting. They had to move it out of the session room that they were in and put them in a bigger room.

Mr. Michaud stated I could go on. I just think it's not a bill that should be ready to fly. It certainly does a disservice to communities 10,000 and above like Hudson. That alone is a good reason to oppose the bill. Let's take the electricians board or electricians one public member. Can you imagine if they said let's make this one electrician and four public members and they're going to regulate electricians, or the Fire Standards Board, or any of these boards. I did a survey. I looked at 46 boards. The average industry representation on those boards is 73 percent. Currently the average industry representation - take assessing as an industry - is 27 percent but that's not good enough. They want to cut it down to 15 percent. I just don't get it. I don't get it. Maybe there will be a compromise on the bill but as written, I would ask this Board to ask the committee to vote inexpedient to legislate. If they pass it, the sun will come up tomorrow. We're here on public policy. I would hope that they would listen to municipalities.

Selectman Coutu commented the sun will not only come up, it's going to be warmer tomorrow Mr. Chairman. It was my distinct pleasure and honor to have been appointed by former Governor Lynch to serve with Mr. Michaud. I think every one of us including those of us who have served for a few years now on the Board of Selectmen have come to know Jim Michaud as a very eloquent speaker, a dedicated assessor for our community, and one with a vast degree of knowledge about assessing. Beyond the municipality of Hudson, Jim takes an interest in how decisions are made that affect municipalities throughout the State despite regardless of their size or location whether its Coos County or our own county - Hillsborough County and he does so effectively. I've attended a few meetings where Mr. Michaud has steered conversation about topic matter that's before the Assessing Standards Board to make sure that the conversation relevant to the business at hand. I always appreciated that. Jim I understand full well what's taking place. I read all three amendments - the other two bills as well as 254. It appears to me that its government intervention. It appears that the State legislature would like to have control of this Board for whatever reason. In order to be able to do it, they have to change the makeup of the committee and they feel that legislation that restricts the number of assessing officials and limits the number of municipalities who can participate especially those of 10,000 or more for whatever reason they think it has an adverse impact on some of the recommendations that your board makes. You don't write law. You strictly meet, discuss a topic of interest for whatever community or whatever county, and those are referred to the legislature for consideration. If they feel it appropriate to enact a rules change or introduce new legislation, they do so.

In this case as you said for whatever reason, Selectman Coutu noted the reason is they want control of the Board. It's obvious by what the new makeup would be and I resent the government intervention. The issues that are discussed at the Assessing Standards Board are those that affect primarily the State as a whole. As goes one municipality, so others follow. You have to be very careful when you're assessing what the matter that's beforehand how it might affect other municipalities as a result of one town or one city making some sort of a change. I appreciate the fact that you've come before this board to ask us to send a letter objecting to the House Bills that are being proposed in that without a doubt it will have an adverse effect on Hudson, New Hampshire. Thank you Mr. Michaud for presenting that to us.

Selectman McGrath had a question and I know that we're dealing with House Bill 254 at the moment but it really kind of goes hand in hand with the other two bills that are being proposed as well. That would have not only an adverse effect on us as far as representation but it also would have an adverse effect on us as far as collecting fees for telephone poles and whatever else that they would control. I think without a doubt this is something that we should be opposing and we should be writing a letter that's in the strongest terms that we oppose it and we understand that not only would it affect our representation but that it goes hand in hand with the financial aspects that would adversely affect our town. Thank you for bringing this to us.

Jim Michaud added because this came up in the discussions today. No one is opposed to having a residential taxpayer, a commercial taxpayer, and if absolutely necessary somebody representing the public utility industry but not at the expense. So I agree to balance and yes it's a big State - well a small State but has a lot of people in it and a lot of interest. It's good to have somebody representing not just residential, and not just commercial, not just public, not just municipal. If either ITL great but if they have an acceptable compromise then that's okay too. As it stands right now if nobody was there today, that committee was going to vote it.

Chairman Luszey commented when Mr. Michaud made me aware of these, I asked him to be here tonight to explain it because I am in opposition of these. Last night I had an opportunity to speak to a number of the Pelham State Reps. and I made them aware of these Bills. I asked them to oppose them. I put a call into our Speaker of the House and made the same thing. I am in agreement that I believe we should have the Town Administrator write a letter to the committee chairs and...Steve Malizia stated I'll actually have you sign it because it's more heft. We got it. We already have it written. Chairman Luszey asked do we have a consensus of the Board on all three. Selectman McGrath said yes to all three. Selectman Coutu said absolutely.

Jim Michaud asked so you're good. I don't need to talk about 323...Chairman Luszey said no because all three are related. They get worse as they go on. Just so the voters know, that one there will have an impact of about I think you said around \$.45 per thousand on your tax rate.

Selectman McGrath asked isn't it \$116 per average homeowner.

Chairman Luszey stated it's another mechanism that Concord is using to push the cost of doing business down to the local level.

Jim Michaud said it fits a theme. So 10, 15 years ago excavation properties with gravel pits. Assessors started using what's called "discounted cash flow analysis" which is actually a proper way to value these - one of the proper ways. Well that didn't increase assessment. So the aggregate industry fixed that. So we can't assess those properties at their highest and best use. We can't assess them in that manner. That's kind of a slice off the tax base. Low income housing tax credit. They were being assessed apparently those properties were being assessed for too many dollars so the legislature fixed that. The poles and conduits. So legislature fixed that. This one - public utilities. You want to take about grabbing tax base. Yeah we'll still have the tax base. It's just going to be at a fraction of where we are today - \$70 million less tax base. The ASB stuff, it's all part of a theme. Its three bills apart. Thank you.

Motion by Selectman Coutu, seconded by Selectman McGrath, that the Board of Selectmen authorize the Town Administrator to send a letter to the House Committee recommending that the Committee vote "ITL" Inexpedient to Legislate on House Bills #254, #323, and #324, carried 5-0.

B. Kimball Hill Road - Route 111 -Greeley Street Project Update

Chairman Luszey recognized Town Engineer Elvis Dhima.

Good evening Mr. Chairman and members of the Board and happy New Year. Elvis Dhima stated basically in October of 2016 this Board voted in favor of moving forward the project with intersection improvements at this location. As I started looking into this, it became evident that we needed to make a decision regarding how we're going to move forward with this project. What I've prepared for you tonight is two options. Option A is an LPA - also Federal, State procedure. It kind of goes along the same lines as what we went through as a town with Benson train station relocation studies and long and painful process while in the end we got reimbursed 80 percent. Another option doing this ourselves just like we did the Central Street but in this case we used corridor money and not taxpayer's money. With that said, I'll take any questions you may have. On the memo, you have pros and cons against it for both scenarios and I'm here to answer any questions you have regarding those.

Selectman Coutu said I just heard you say there are cost analysis associated with both projects. Mr. Dhima said I can provide a recommendation. The Board asked me to basically we were going over the two options. There's no cost analysis right now. It's just simply pros and cons regarding each option we have available. Selectman Coutu asked you're asking us to make a decision without knowing what the cost would be. Elvis Dhima said we know that the cost when we do federal is usually two to three times more than when we do it ourselves. We also know that it takes five to seven years doing something like this when we can get this done ourselves in one to two years. What I can tell you is based on the most recent experience that we had, it seems like the cost for Benson train station relocation was approximately 125/130 and by the time that the town was done and the project was over half a million. I can also tell you that the Central Street looking at the State correspondence was going to be \$400,000 to \$500,000 with today's dollars and not 2018 or 2019 when the project was going to get done. We got that done for \$185,000. It seems that when we do a quick cost analysis between what we get when we do it using State and Federal versus what we can get it ourselves. It seems like we might be saving maybe 10 percent over a period of 5 to 10 years. It's not that much savings over there. If there's a project \$100,000 and we pay \$100,000 for it and we have the State come in and they say okay it's \$500,000 or \$400,000, we still have to pay 80 percent of that. Twenty percent or the \$400,000 is \$80,000. So we can either do it for \$100,000 in one to two years or we can do it for \$80,000 and saving \$20,000 over a period of five years.

Elvis Dhima explained we do not have a cost Selectman Coutu for this project right now. What I can tell you is that we have \$400,000 available in the corridor fund for this and I believe we can get a lot done for that versus going with the State. If we have control over the design and control over the costs when we go with the State those things could change.

Selectman Coutu commented it's a long answer to a simple question. All I'm getting is the run around. The simple question is why isn't there a cost analysis with both of these. It has not been provided. We didn't ask for it. What we asked for on this here if you remember is for Mr. Dhima to come back with what's in the account and the count is there - \$403,119.36 in this corridor account. Given that what could we use it for because there was a couple of different things. One of them was this intersection. So tonight he came back and he's asking us which of these two options would you like him to go and pursue now. We have an option of putting \$403,000 of our money up and ask DOT to add to that and then meet their requirements for a roundabout and all that or do you want to proceed through basically a scope of projects that in Option B that says it's about a three year project and there's three phases to it and we'd come back with a detailed cost analysis of what that three phases would be if we want to pursue that. It could be more or less than this \$400,000. We have to make a decision as to are we going to use these corridor monies. There's only a couple of places and this is the major one. That's what is being asked tonight.

Selectman Coutu asked to continue. Again we are being asked to make a decision on which of two approaches should we have the Town Engineer work on to make improvements to the Kimball Hill Road, Route 111, and Greeley Street intersection. We're being told that the first recommendation will result in an 80 percent reimbursement for the NH Department of Transportation and we were told based on this document that there is \$403,119.36 available to do it on our own under Option B. Without knowing an estimate of the cost to do it - if we start this project and spend \$100,000 on engineering fees and someone comes back and says it's going to cost \$1.5 million to do it under Option B, we only have \$400,000. We just threw away \$100,000 on engineering fees. Based on what I saw up here just up the road the renovations they just made to Library Street, engineers are wasting an awful lot of time and money on that particular project. I feel very uncomfortable voting for Option A or Option B without knowing what the cost impact is going to be. Why are we going to take \$403,000 and commit it under Option B if after \$100,000, or \$150,000, or even \$200,000 is spent on engineers to have them come back and say the project is \$1 million? A roundabout which looks like that's the direction everybody wants to go in. I'm certainly not necessarily in favor of a roundabout over there could have a significant cost impact and they're also talking about widening the roads. That's a very expensive proposition - new curbing and the like - but we have no cost estimates. I don't think this is ready for prime time at all.

Chairman Luszey noted absolutely it's not ready for prime time. What he's asking is do you want to expend resources on doing a full blown cost estimate for A when we know what the outcome is and that is we'll never know until it's done, i.e. the train because we're now dealing with DOT or do you want to have him put a full project plan with cost estimates against item B which is we the town will absorb the full cost knowing that we have \$400,000 in the bank somewhere that we can use. That's the question on the table right now.

Selectman Coutu stated but we have no cost estimates Mr. Chairman A or B. You know we have \$400,000 but that doesn't mean it's going to cost \$400,000. It could conceivably come in at \$1.5 to \$2 million. Chairman Luszey said absolutely and then we don't do it. Selectman Coutu asked how much money are we going to have to spend. We're going to spend the money out of the corridor account to find out how much it's going to cost to do it. More than likely, Steve Malizia said that's where the engineering evaluation money is just from my experience. We've done two projects that I'm aware of that we've had LPA funding. One was this Library Street this whole project and the other one was the train depot. As you recall from your experience and my experience, they took years. They probably tripled in cost and you're required to do certain things. Under these two scenarios - the first scenario, we have to evaluate a roundabout. DOT they're going to make us do it. Whether we like it or not, we're going to have to at least evaluate it and it's going to be on the table. The second option - Option B - when we control it, it's our money. We don't have to look at a roundabout. We determine the course of action we take. That's what we're trying to say. My recommendation is don't do the LPA again because the LPA adds a tremendous burden in time and resources and you may have a choice you do not like at the end. When the result spits out, that's what you're dealing with. That's my opinion based on what I've seen with the LPA program before.

Chairman Luszey noted there's actually an Option C here and that was to do nothing and we let the \$400,000 lapse and give it back to whoever we give it back to.

Don't get me wrong. Selectman Coutu said I'm not against it. I'm for it. I want to see something done but I don't want the Town Engineer to go off on Option B without knowing and estimate of costs. It's simple math. Chairman Luszey said it's not simple math. We have to engage with DOT on Option A. Selectman Coutu didn't ask about Option A. I just said on Option B. I don't want to go into a project knowing we have \$403,000 and then finding out it's a \$1.5 to \$2 million.

Elvis Dhima added to put Selectman Coutu at ease. We would not be spending money on engineering if we pursue Option B. The way we're going to get this done or the way I want to get this done is through a design build. So we're going to out for a request to bid for design build. Whenever we get that design and the contractor cost is going to be involved too. When we get different options of what can be done - it's not like we're going to have someone design it for us and another one go in and do it for us, we're going to have the whole thing built into one for a design build. I'm going to go in front of you and ask you for a second approval of this if you want to move forward with proceeding with the work. You don't have to worry about spending \$100,000 or \$200,000. You will have to worry about though if we go with Option A because that's what is required under Option A. Option B we have total control of that. We can go out to bid and say we want someone to design it and build it for us and give us a cost for it. We will have that number. If that number is more than \$400,000 then we can move forward. If that's less and you like one option better than the other, we'll proceed forward.

Selectman Coutu told Mr. Chairman if Mr. Dhima can assure me that he can proceed with Option B, which is my choice, without having to expend any amount of money out of the \$403,000 corridor account to go out to bid with a design build plan and then at that time when we get the costs associated with your opinion B exceeds significantly the \$403,000 that's available then at that time, we can pull the plug. If it's going to come in at \$403,000 or less with engineering and construction fees, then obviously we'd be fools not to pursue it. Is that what you're assuring me is that you're not going to spend any portion of the \$403,000 to get a design build. Mr. Dhima said I've worked here long enough to know exactly what the Board wants. That would be the approach so that way we don't get tangled into spending money on engineering and then finding out that we can't do it. We need to know for a fact whether it can be done.

Selectman Coutu asked to put a close to my remarks. That's what I wanted to hear. I trust that he would do that and on the basis of that certainly support Option B. It makes more sense for our community than Option A based on our experience with never having done on time. Thank you Mr. Chairman.

Selectman Routsis had a question because I don't recall if we discussed it or not and it's really just for my own curiosity. Are we going to do on Kimball Hill and Greeley left and right turns just cuz it doesn't show it on the diagram? Elvis Dhima said this is just to give you an idea to what can be done. Basically we are looking to maybe add another lane on 111. Instead of having a left straight and right, we're looking to get a left, straight, straight, right and have another lane that they can merge further down. Also on Kimball Hill instead of having Greeley and Kimball kind of having the green light at the same time, we were thinking maybe put a second lane on Kimball and have them just have their own sequence so they can turn on green they can turn either left or go straight and then allow Greeley to do their own thing versus right now we're kind of playing chicken as you get in there. Those will be the options.

Steve Malizia indicated they have to be evaluated but when you look at what design you find most appropriate for this. What we're trying to avoid is a roundabout. Unfortunately when you look at the DOT and the LPA and the requirements and what they will require, you're more than likely - you're going to have at least evaluate and if it pops up in their mind to the top, that's what you're going to be doing.

Elvis Dhima said the same thing then it would have to be sidewalks. They'll have to be bike lanes and all that. The whole thing is taken into consideration. So it goes from just improvements to the big dig. I'm glad we're going to Option B.

Selectman McGrath commented whatever comes in we're going to add sufficient contingency so that if there's any overages that it's taken into account that we've got the funding for it.

Chairman Luszey noted you're ahead of yourselves. All right.

Motion by Selectman Coutu, seconded by Selectman Nichols, to proceed with Kimball Hill Road - Route 111 - Greeley Street project pursuing Option B of the Town Engineer's Memo dated January 2, 2017 providing the Board with a design build estimate by 4/25/17 using Corridor Account 2070-000-086.

Steve Malizia asked if that was doable. Chairman Luszey noted it's the last meeting of April which is when the new Board is constituted. Mr. Dhima wanted to provide enough time...Chairman Luszey wanted to give him enough time to get it done. Mr. Dhima said we can try to go out to bid soon. It's going to take a week to two weeks to advertise and I want to provide 4 to 6 weeks for the consultants and contractors to go out there and be able to see exactly what they are getting themselves into. Chairman Luszey said the first meeting of June is realistically what we're talking. Mr. Dhima agreed. If we don't provide enough time for them to look at it and assess the situation, they might not be able to put the bids together. Chairman Luszey said I'll amend that to 6/13/17.

Motion by Selectman Coutu, seconded by Selectman Nichols, to proceed with Kimball Hill Road - Route 111 - Greeley Street project pursuing Option B of the Town Engineer's Memo dated January 2, 2017 providing the Board with a design build estimate by 6/13/17 using Corridor Account 2070-000-086, carried 5-0.

Selectman Coutu said I was asked the other day and I want to make sure I'm giving a correct answer. Pelham Road - what is the status on the light? Elvis Dhima thought that was an excellent question. Thank you for asking. Right now we're assessing to see if we meet warrant if a light is justified there using the DOT regs. I should have an answer for the Board within a week or two. We're having one of our consultants look into it and we want to make sure that if we're going to spend a lot of money, we want to make sure that its justified. At the end of the day because we had the final say, we can put it in even if we don't need one but I just want to make sure that there's enough backup there to justify a signal or a traffic light there. We are moving forward. We're assessing it. As soon as I get an official answer, I'll bring that to the Board's attention.

Selectman Coutu told the Chairman based on my experience going down Lowell Road and stopping because I feel bad for people trying to come out on Pelham Road and hearing the people behind me beep horns gives me the impetus to want to stay to every car is out. You talk to the people who live in that neighborhood, that light is desperately needed at that intersection. It's horrible. Even though it's only a three-way, it's horrible for people trying to come out from Pelham onto Lowell Road. Right turn is easy. Chairman Luszey noted it's horrible to try to go from Lowell Road onto Pelham. Selectman Coutu didn't think we need too many studies about whether or not a light is needed. It's needed. It's a question of I'm telling people that it's going to happen and then I said I think I may have spoken out of turn. The study is not complete yet and we're waiting for a DOT study? Mr. Dhima said no. We just want to make sure that there is a guideline. There is a checklist if you meet the criteria or not. We are going through that process right now. There's a lot of money involved with this light and I want to make sure we had the proper justification for this. I want to make sure that there's a third party looking into this and making sure that yes you do need a light. Even if they say they don't, we still can look into it but I just wanted to get a third opinion on this.

Chairman Luszey asked can you move the light from the little mall down. Elvis Dhima said yeah it's almost like that should have been further down versus at the mall. You're talking about the plaza at Valentino's. I totally agree. The other thing we have to keep in mind too is if we do look into maybe adding this and now we're looking maybe to another light. If the fire station goes through, then now we're turning it into Manhattan over there on Lowell Road. We want to make sure we don't start putting lights every other stop. That could be dangerous too as well.

Selectman Routsis said that was going to be part of what my question is is it safer the Pelham Road one or any of the other ones that we may have along that corridor. We'll just use Pelham Road as a for instance. Are we able to see when the heaviest traffic times are based on your study and have it be a light functioning at that time and at other times have it potentially a blinking light? Mr. Dhima said we could do that depending on the traffic count. So basically we're doing a traffic monitoring of the 12 hours to see if the traffic coming out of Pelham is justified or not. They also look at the incidents. They also look at any fatalities any of that sort and kind of combine that altogether and they see if they meet that threshold. Yes that can be done.

Chairman Luszey asked let's try to design that right now. Mr. Dhima said we are working on that Selectman Coutu and I should have something shortly. Chairman Luszey asked when will you have an answer on that. Mr. Dhima said by the end of the month.

C. Windham Booster Station Update

Chairman Luszey recognized Town Engineer Elvis Dhima. Before the Town Engineer gets into this, I just want to say a couple of things. Approximately in the May timeframe is when I became aware of the issues with this particular booster station and that's because we had like a microburst go through town cause some significant damage and that station went out. We then started seeing low water pressure through the summer with the drought. Having looked into it, this issue is a 20 something year old issue. The solution is not an overnight issue. I understand residents' frustration when they lose water during a drought because that is something I believe we could have done a little more about like restricting outside water usage. During power outages being on town water doesn't necessarily guarantee water. Being someone that does not have town water and the majority of Hudson is not on town water, when there are power outages we lose water and everything else. I do appreciate the frustration they go through but I also believe that we as a Board need to be careful we don't over react to certain situations which brought us here this evening on this. Again I would remind the Board that this was a multi-phase project that started well before I was elected to this Board. It's just coming through completion and I think with that intro I'll turn it over to Mr. Dhima.

Thank you Mr. Chairman. Elvis Dhima said basically last year we started working on Phase I as stated on the memo which pretty much consisted of the replacement of three domestic pumps which had the capability of 750 gallons per minute. Those were replaced with five domestic pumps equivalent to over 1,700 gallons per minute. Doing an overhaul update to the electrical, communication and the programming of the station as promised this work Phase I was completed last year and on budget. This year we're planning for Phase II which consists of the removal on the existing natural gas pump which is not a generator. It's just simply a water pump that runs on gas in case of a power outage. We want to replace with an electrical fire pump and we might also want to build a generator that can power the entire system in case of a power outage.

Mr. Dhima was hoping that with a budget passing in March we can start work in July and we can complete this by the end of this year. Selectman Coutu asked for a detailed report of that. I believe - I hope that I provided with enough information to you and the Board regarding this. Basically we are aware that it's old equipment. We have plans for it. We're hoping that the budget goes through and we'll get this done this year. With that said, I'm here to take any questions you have.

As you know Mr. Chairman, Selectman Coutu said I had requested that this item be put on the agenda. There are an awful lot of e-mails going back and forth between residents that were adversely affected as a result of the outage. I know Mr. Dhima that you were immersed in having to answer a lot of these e-mails. It's very difficult as an elected official who represents the entire populous of the town to have at our fingertips all of the answers all of the time. It's not necessarily so. We depend on our department heads to provide that information. I felt that you were initially anyway - I felt that you were providing adequate answers. You were keeping us abreast. We were made aware of the situation and that work was ongoing and this would be resolved in December. Well here we are in January. People are still frustrated. They feel they're getting the runaround. I have received personal e-mails aside from those that have gone public that we're all subjected to receiving because that's the way they sent them out. I've also received some private e-mails voicing and expressing their frustration with you and with the town on how we've handled this. That's the reason why I requested it. I wanted to give you an opportunity to tell me what was aside from - I like to use the term "shuffling of some paper around" what specifically hands on activity you were involved with. By hands on I don't mean installing the pump. We pay professional people to do that. I mean being there, looking at the problem, assessing the problem with other people with as much if not more knowledge than you. I don't expect that you're an expert on all of these things - water pumps and what not is a field unto itself. I wanted to be able to discuss openly and frankly with our populous the reasons why it was not completed in December...

Chairman Luszey interrupted and told Selectman Coutu it was. Phase I was completed and that's...Selectman Coutu said apparently it's not working. Chairman Luszey said it is working and that was my whole purpose of the introduction that the pumps were installed. The generator which goes to the voters in March hasn't been replaced and that's what failed. It's only by a matter of choice we have a standby generator on those pumps at all. Again if we chose not to put a generator there, any power outage will result in no water on that loop.

Selectman Coutu asked how much money is involved in the generator Mr. Chairman. Steve Malizia answered \$450,000. Mr. Dhima said the Board has approved \$450,000 that's born on the water budget and you approved it. So we're putting aside \$450,000 to put a building adjacent to the existing booster station to replace this standby gas motor. Right now there's no generator there. There's just a standby gas motor. What has happened in the past is during the power outage sometimes a standby gas motor works and sometimes it doesn't. Sometimes it gets fired up and something melts during the time it's operating and unfortunately on December 29th around 9:30 it just simply did not start. As the pressure was dropping in the system, an alarm was triggered. I got a phone call from one of the businesses that depends on water in that area so I was aware of it. Right after that the second phone call was from the operator letting me know that there's a pressure drop. They called their supervisor. Their supervisor sent a crew out there to

assess it. Within a half an hour to 45 minutes during the snowstorm, they showed up at the site. The power was back on. They made sure everything was okay. The next day we out there and diagnosed that it was just a faulty switch that simply did not get triggered when the pressure dropped. We fixed that. We tested it three times. Everything seems to be back to normal now. That was pretty much what happened that day when there was the power outage for half an hour to 45 minutes.

Selectman McGrath added I only received one e-mail from one individual and I responded to it. When I got the e-mail, when I saw it, it was at 9 o'clock in the morning on the following day but she had sent out an e-mail the previous night that I didn't get until the next morning. She sent it I think it was as 10:30 I believe and Elvis responded to that e-mail at just before 11 o'clock that night. When I saw the tracking of it, I thought to myself how lucky are we to have an employee that doesn't live in town but responds that quickly to a resident filing a complaint. It turned out I called Elvis that day when I saw the e-mails to follow up on exactly what was going on because by then she had sent a second e-mail. It turned out that because of the power outage not only did the power go out to that station and to that motor and it didn't turn on but also Town Hall lost power and the IT Department power so they weren't able to send out e-mails. I think it's fair to say that we had an employee that responded when he was at home probably getting ready to go to bed for the night and responded to one of our residents that filed a complaint. I think that that goes above and beyond. He doesn't work for the Police Department. He doesn't work for the Fire Department. He works in Engineering.

Elvis Dhima wanted to every thank you Selectman McGrath. I just want to state that when there's a power failure on something that's on standby, I usually get the call or Highway gets a call but there's always a respond team for that. The Fire Department is made aware of that. The Road Agent is aware of that. So there's always someone to respond. We are aware of everything at all times. The way we're setting things up too is if we can't get it from someone, we get it from the residents. That particular resident had my e-mail or my phone number sometimes depending on certain things. When we were testing things out last year, I wanted to make sure that they were okay during the long weekends. So the system is set up so whatever happens we get the information that something might be wrong and we respond to that right away. I don't think all municipalities out there have the same setup we do but we do respond. We're not perfect but we're pretty close to that. Unfortunately for this particular station, it's one of those stations that we inherited as such and we need to deal with it and we have.

Mr. Dhima noted it's also worth mentioning that our water customers only pay \$50,000 out of the \$367,000 that this Phase I cost us. The rest was done by the State and Pennichuck. Phase II which is the generator its being done this year as long as the budget passes. There are certain thresholds. I cannot go to Mr. Malizia and ask for half a million dollars because we need a generator. The voters voted for it. It gets put aside and it becomes July 1st. So there is certain steps that we need to take.

Chairman Luszey wanted to make sure though and it gets back to Selectman Coutu's thinking about what we were committing to the residents up there by the end of this year - December which has come and gone. It was the Phase I portion - all new pumps. They're there. The unfortunate piece though is there's no generator there to make them work if they lose power. The standby if you will is a gas pump. That's what the voters are going to vote on in March.

Selectman Coutu asked what is the contingency plan if the voters say no. Elvis Dhima said the contingency plan would be to either look into option which is on the memo to look at maybe a short term standby generator - a rental which is thousands of dollars. Selectman Coutu said for one year to wait until the next election. Mr. Dhima said yes it will be March to next July 2018. It is crucial that we get that passed.

Selectman McGrath stated you have that listed as \$70,500 and that's for 11 months. Elvis Dhima said if it doesn't pass, then we need to try again next year. That brings us back to July 2018 which means two years.

Selectman Coutu asked where's the \$70,000 going to come from for the contingency plan. Steve Malizia said out of the water utility budget. More than likely from the unplanned maintenance account which...Selectman Coutu asked why can't we spend \$470,000 out of that budget and put it in. They have \$5 million. Mr. Malizia explained we don't have enough money in the appropriation column to do that. We can't spend without an appropriation. Our intention is to take it out of a capital reserve fund. That's what we've proposed to the voters so there will be no impact to anybody from a rate perspective. Obviously this Board approved it and the Budget Committee unanimously approved it. We anticipate if our budget passes we will expend it that way. Again it's simply we have to have an appropriation. It's something we are planning to do. To that size, to that kind of expense, I don't think we can just spend it. We would blow right through the appropriation total.

As you know, Selectman Coutu said water and sewer allocations and expenditures are not born by all of the taxpayers of the Town of Hudson. They are born by the users. Mr. Malizia agreed but they are still voted on by all the users. Selectman Coutu said in the past we have history where the voters have said no to water and sewer. Steve Malizia said I'm not sure because I know several years back all the monies were lumped together under the one budget. We've separated them out the last couple of years. I don't recall them voting no. Selectman Coutu thought two years ago they voted and they stayed with the...Mr. Malizia said in a totality for the new budget but these were not separated. Now they are all separate articles. Selectman Coutu noted those who go to the polls - and there is a certain percentage who go every single election and they are of the no mentality regardless of the impact on the tax rate. No. No. No. No.

They just keep going down no. We could say would you like \$10 million for your house on the ballot and they're going to vote no because they have the no mentality. I'm concerned that these people were told that it was going to be corrected and it hasn't been corrected. It has to a degree but they expect more. In some cases they're not getting that. Steve Malizia said that's our goal. Our goal is to provide them with...Selectman Coutu wanted them to know that you as the Administrator and Town Engineer are being diligent not knowing the impact that it has on the people that are being affected but knowing what the impact is and trying to do due diligence to resolve the issue. It's very difficult as I said initially when I mentioned this for me to respond to an e-mail not knowing what all of the facts are and relying on you and then I see that your twins kept you up at 11 o'clock at night and you have the e-mail. You had nothing better to do than rock them and look at your e-mails. I'm sure you've received a phone call. I know how the system works. I just want these people to know that though it may sound lip service give us a little bit of a chance to keep working on it. Certainly if you want to get the backup generator, you need to support the warrant article. We hope you support all our warrant articles this year but for those people adversely affected and for those in town with any kind of a heart if this were in your backyard, you'd want a generator. So please consider that. With that I am satisfied. Whatever the voters want. Thank you Mr. Chairman.

D. Sale of Tax Deeded Property - 38R Boyd Road

Chairman Luszey recognized Town Administrator Steve Malizia.

Back on the 22nd of November, Steve Malizia explained the Board approved the sale of town owned tax deeded property that was located at 38R Boyd Road by sealed bid. This was a property that I believe we had a valuation of \$6,200 on it I believe if I'm not mistaken. It's basically land locked. It's under power lines. It's an unattractive piece of land. We did have an interested abutter come in and inquire. We took the opportunity to mail this out to 11 abutting property owners. We mailed directly. We also advertised it in the HLN, on HCTV, and the web page. This one we got two bids. We had some competition for this. The winning bid actually doubled the assessed value. My recommendation is to sell this tax deeded property to the high bidder, Lynwood Gilcreast of 38 Boyd Road for \$12,400.

Motion by Selectman McGrath, seconded by Selectman Nichols, to sell Town owned tax deeded property located at 38R Boyd Road, Map 102, Lot 011, to the high bidder, Lynwood Gilcreast of 38 Boyd Road, Hudson, NH, for \$12,400.

Selectman Coutu said to Mr. Gilcreast as he said in his bid application that his intention is to keep the land as it now exists as open and natural space and I think that's commendable. I hope he does. Steve Malizia noted he asserted that at the bid opening. He attended the bid opening as did the other bidder. Selectman Coutu said the benefit to all of this is the property will now go on the tax rolls as miniscule as that will be. Mr. Malizia said it's not going to cut your taxes tremendously but nonetheless it comes onto the rolls.

Vote: Motion carried 5-0.

E. Sale of Tax Deeded Property - David Drive

Chairman Luszey recognized Town Administrator Steve Malizia.

Steve Malizia said again this was on August 23rd. The only difference with this one was we had taken it recently so there was a required 90 day notification to the former owner who did not express any interest in redeeming this property. This was a \$600 parcel of just a slice of land. Somebody when they did a plan way back when probably didn't match something up. So this became an orphan. The former owner obviously determined it wasn't of any value to his interest so he let it go for taxes. Again an abutter expressed an interest so we mailed it out and we actually look like we've got an offer that's \$150 greater than the valuation on the books. Chairman Luszey thought that's good for about first base don't you think. Selectman Coutu said it's a piece a land that if you put a trailer on it when you walk out the door, you're on the other guy's property. Steve Malizia assumed it was from an old plan that maybe somebody didn't match up properly.

Motion by Selectman Coutu, seconded by Selectman Nichols, to sell Town owned tax deeded property located at David Drive, Map 118, Lot 051, to the sole bidder, Scott Sherman and Jackie Smith of 60 Griffin Road, Hudson, NH, for \$750, carried 5-0.

F. Municipal Regulations of Door-to-Door Advertising

Chairman Luszey recognized Town Administrator Steve Malizia.

Steve Malizia explained at their meeting on the 22nd, the Board asked for a couple of things. They asked that I contact Attorney Lefevre to have him re-review his previous correspondence to the Board regarding advertising material, circulars, flyers, whatever you want to call them that are being thrown onto people's lawns, walkways, driveways, whatever you call it - materials. I also was directed and I did send a letter to the Publisher of The Telegraph who I believed called and got your information. I don't know if he contacted you but he did respond. In my very brief conversation was you know I said basically towns are looking for The Telegraph to cease and desist throwing what

appeared to be advertising circulars. There does not appear to be any editorial content or any other free speech for lack of a better word but apparently advertising circulars are free speech. I bring this to you because I was asked to do something. I did it. I got to be honest with you. I'm not sure I've seen any circulars lately. I don't know if they've stopped. I haven't heard of anybody getting any. I don't know if you had any correspondence with them. There are options but they are going to be expensive to defend as typical because when you are perceived to be impeding someone's rights, they generally fight back.

Selectman McGrath said if the letter that they received caused them to rethink putting that in people's lawns and driveways, then we don't need to do anything. I haven't seen anything in my yard in about a month or so maybe since I've seen something.

Steve Malizia said they did take notice I will say that. Usually you don't get any kind of response. I got a phone call. I gave your information. Chairman Luszey said they sent me an e-mail.

Selectman Coutu added that I have received, again, a couple of e-mails. There's some comments made on the Hudson Facebook page about it. I've advised people both privately and on the Facebook page that if it continues that they need to flood The Telegraph with phone calls, demand to speak to the Publisher, and express their opinions. I agree with Attorney LeFevre's assessment that it will be very costly. This has gone to the Supreme Court and it is protected under the First Amendment the right of free speech. I don't know what would prohibit Proctor and Gamble from going around town to town and start throwing flyers about all their soap products and just throwing them on your lawn on the basis of that decision. However, that was the ruling and as someone said today who is being nominated for Attorney General, I will apply the laws of the land and that law has been interpreted for people as such. I would hope that The Nashua Telegraph considers itself a community newspaper and that they will do the right thing for our community and in response to those people who have requested time and again that their lawns not be littered with their advertising material and I went so far as to suggest to a lot of them that if some of the advertisers are local, call them and tell them you're not going to support their business. By local I mean in the Telegraph circulation area. Say I'm not going to support your business as long as they're throwing junk about you on my front lawn. Put pressure on them. You hit the pocketbook it hurts.

Selectman Routsis agreed with everything that's in the letter. The only thing I can say and I've said it before and I'll say it again is the first time I got one on my property I called and said do not mail, do not solicit and it stops for another four years. It's roughly a four year cycle. Selectman Coutu said you're one of the lucky ones. Some people it's only last two weeks. Selectman McGrath indicated I've called and it's done.

Chairman Luszey asked are we going to take any action. I'm hearing we're not. Selectman Coutu said there was not much we can do. I'll wait and see what they do.

G. Petitioned Warrant Articles

Chairman Luszey recognized Town Administrator Steve Malizia.

Steve Malizia indicated we received none. They were due today. We didn't receive any therefore this is no action necessary.

H. Fiscal Year 2018 Town Warrant and Warrant Article Speaker Designation

Chairman Luszey recognized Town Administrator Steve Malizia.

Steve Malizia noted Item H pertains to the current warrant articles and the speaker designation. What I've taken the liberty of doing is trying to arrange the warrant in some sort of coherent fashion. Obviously as you are well aware, zoning articles by law proceed any money warrant articles. From a money warrant article perspective, we would start at article #6. In this case, it's not required to be at the beginning but I've put the fire station at the beginning because I recognize that this has been a Board of Selectmen priority. There's not a bond obviously. We are coming up with an innovative and different way to finance it. Should it get buried further into the warrant, it might not get the attention it deserved. I took the liberty at this point of putting it ahead of the three operating budgets. The three operating budgets being the general, the sewer, and the water. After that basically I took the practice we've done in the past which has been union contracts and then wage and benefit increases, I believe equipment types of capital reserve like ambulance, funding capital reserves, and then at the end the last article is the establishment of Benson user fees which is a non monied article but will probably draw the most discussion at Deliberative Session. That's why it's at the end. This is my attempt to put it in order. I am certainly at your pleasure what you'd like to do.

Steve Malizia noted if you look at the second page of the packet, I followed the liaison assignments for who would speak. I think there are a couple that were probably up in the balance so I had Selectman Routsis so you could participate in the meeting. You get a couple of the articles that are sort of generic. I basically followed the liaison assignment I believe is what the practice has been. If the Board is comfortable with the motion to approve - just as a side note, we'll have a public hearing tomorrow with the Budget Committee at the Community Center I believe. It starts

at 7. I think the school is first and we're second. They did vote. They took a vote last week. Chairman Luszey was there. The majority certainly all of our items were unanimous. Some of the library items I think they had a few dissenting opinions. Generally we got a very favorable recommendation on I believe all of our articles.

Selectman Coutu stated I'd like to be there tomorrow night but I'm closing the store because I feel very strongly that I'd like to appear before the Budget Committee and asked them to remove \$19,000 from a particular line item - New Hampshire Regional Planning Commission. Again there's been no response from them. We're still sitting here waiting. That's a waste of taxpayer money. I feel very strongly they should remove that from the budget.

Steve Malizia asked is everybody okay with this order.

Selectman McGrath commented about item #1 that's listed the construction of the new fire station. As you know I don't approve of that and it won't get my vote when I go into the ballot box. I will not get up and speak against it. Just as an FYI. That's as a courtesy to fellow board members. I just wanted to make that known.

Chairman Luszey understood. Selectman Coutu if you would like at tomorrow's public hearing if you give me a paragraph, I will make sure the Chairman gets that about that particular statement about your...Selectman Coutu said I can e-mail it to him directly. We are friends. Chairman Luszey said if you do that, let me know and I'll make sure I query them on it. There were no discussions on that at all. Selectman McGrath said that would be contrary to the majority vote of this Board. Selectman Coutu said I'm still entitled to an opinion. As a citizen, Chairman Luszey said he's entitled to that. Selectman McGrath noted just as I'm entitled to speak against the fire station and I won't because I don't think it's appropriate to do so.

Selectman Coutu thought it was very appropriate as a citizen of this town that I can speak on anything I want to in a public forum and that's exactly what that is. I feel very strongly about throwing away almost \$20,000 every year. That's my opinion and I'm entitled to it. I'm entitled to express it. I'm not doing this to be contrary. I'm doing it because I think I'm going to save the taxpayers \$20,000. Selectman McGrath was not suggesting otherwise Selectman Coutu. Selectman Coutu said I got that impression and if I did and that's not your intent then I apologize. Selectman McGrath said I'm making that comment for myself so that it's clear the Fire Chief is in the audience. I wanted him to know that and I wanted this Board to know that. Also that vote that we took about the \$19,000 or \$20,000 for the Regional Planning Commission is a majority vote. Selectman Coutu stated it was a majority to remove it the week prior to your coming here.

Selectman Routsis said kind of on that subject. We had voted to put it back in on the basis of the things we would lose by removing it. Have we done anything to see what it would cost to replace those items that we would lose? Chairman Luszey didn't know if there's any one but I have and I think I could make a strong argument that we would lose a lot more than \$20,000 worth of service. If you add up everything that they had to provided us this past year and if they continue to do that then I believe we're getting a reasonable value for money but I am still of the opinion that we are not getting the support we need in working the biggest issue that we have and that is our traffic issues. I attended both the last commissioner's meeting and I'm actually getting ahead but I'll put that here where the City of Nashua is going ahead with their project of the roundabout and development on the other side of Taylor Falls. The original scope of that said that the impact was to take a look up to the intersection of Route 102. It's not a big change but it's a very slight change on the wording and that is to the bridge. Now they don't need to take into consideration - Nashua I'm talking about - what happens on the Hudson side of that bridge. DOT will help them build whatever they're going to build. I will say that there was a lot of support from the administrative side of NRPC and NRPC did write a letter that was attached to that application stating Hudson's objections and why and they articulated it very nicely. Did that go to everybody? I don't know. I'm not sure if he just sent it to me at my home address or not. I'll get it to everybody so you can see it. Again I think what we're paying for we're getting adequate service yet I think we're still being cut short if you will on one of the biggest issues that we have and that is the Lowell Road traffic. That's my two cents on NRPC.

Steve Malizia asked if everyone was good with the order. I'm sorry. Tomorrow we have to prepare documentation for the hearing so if this is not acceptable we need to fix it tonight. Selectman Routsis was ok with the order.

Motion by Selectman Coutu, seconded by Selectman McGrath, to approve the order of the Fiscal Year 2018 Town Warrant, carried 5-0.

- I. Designation of a Selectman to Post the Town Warrant

Chairman Luszey recognized Town Administrator Steve Malizia.

Steve Malizia indicated the last day to post the warrant and budget at the polling place which is the Community Center and other public locations is Monday, January 30th. Typically one of the Selectmen goes and does it. I believe last year Selectman Nichols did it. Maybe even the year before that. I tend to go with you if you want to but we need to designate one of the Selectmen...Selectman Coutu asked can I do it on a Monday. Mr. Malizia indicated that's the last day you can do it. You can certainly do it on the Friday or any other day before that Monday but the last day is Monday the 30th it has to be posted. Selectman Coutu asked could we do it a week before Monday. Mr. Malizia said if it's ready yes we

could. Selectman Routsis asked when do you think you can have it prepared by. Steve Malizia said the Budget Committee has to sign off on it and I'm not sure. I believe within the next week or so the Budget Committee will sign. Selectman Coutu noted I would gladly do it if we do it on a Monday. Selectman Routsis stated I can do it Monday through Thursday before 11.

Motion by Selectman McGrath, seconded by Selectman Coutu, to designate Selectman Routsis to post the Fiscal Year 2018 Town Warrant and Budget on or before January 30, 2017, carried 5-0.

J. Revenues and Expenses

Chairman Luszey recognized Town Administrator Steve Malizia.

Steve Malizia noted we are half way through the year. If you obviously figure through the end of December that's 50 percent. Again no major concerns to report. Legal looks pretty good. Again we encumber the contract and the same with the trash contract. Again at this point in time you'll see some things are even a little bit more than 50 percent but that's because we do contractual items. We put them on the books and/or we've done the bulk of the paving we did in the summer time. He spends the lion's share of that money.

From a revenue perspective, Mr. Malizia said we look pretty good there too. We took in five percent more than or we're at 55 percent for car registrations. It doesn't seem to be slowing down a heck of a lot. An ambulance I think in this case two months behind. There's a couple more months of ambulance that still has to get booked. We've done well at the sale of town property as you can see. That money there's a warrant article to divvy that up for the three pots that we've put it in the past. That money is there and again that also helps us with the fire station funding that we were looking at from the surplus. Even interest is doing a little bit better than expected. We're still not making a lot of money but we're not losing money. We're actually in the black which is good. So half way through the year I don't see any major issues but again its right into the winter time now. Hopefully our crews don't have to go out all the time on overtime. I hate the sound of the trucks on a Saturday. During the weekday its okay but the weekend is tough.

Selectman Coutu asked might we recommend that the people who are investing our money take over the State Retirement Board instead of them getting one percent. Maybe they might realize ours is based on our projects is 218 percent above. Steve Malizia noted that's not the rate of return. That's greater than...Selectman Coutu said it's 218 percent more than what we projected but we did certainly project more than one percent. Mr. Malizia stated in this revenue, this is the Treasurer. So the Trustees do their monies but this is the general fund. This is the monies that were entrusted to the Treasurer and they've done pretty well. Selectman Coutu commented outstanding comparing it with State Retirement Board.

Chairman Luszey asked if there are no other questions, we will now go onto item 9.

9. OTHER BUSINESS/REMARKS BY THE SELECTMEN

Selectman Coutu - I don't have much. I wasn't here the last meeting. I had a medical issue and nothing major. I wanted to wish everybody a very happy New Year especially you my colleagues on the Board. The year is starting off great for me and I hope it is for everybody else as well.

Selectman Coutu wanted to remind everybody when is our next meeting - the 24th. That particular week I believe because I received two messages last night and one again today asking me about two things. One when can people file to run for public office and that would be the week of the filing and I advised them that they should get a hold of the Town Clerk to let them know that they're interested and then they can give them the exact dates. They have to file by 5 o'clock the Friday of that week. In order to be a candidate all you need to do is go to the Town Clerk's office and notify her that you're interested and sign the document which is attesting to your residency. You have to be 18 years of age and the other question that was asked of me is when can I officially campaign. You can officially campaign anytime you want. You can start campaigning now. You can't put signs up. Signs can only be put up after that 5 p.m. deadline. Signs have to be taken down I believe within two weeks of the election afterwards. The Town has been very good at that. I encourage people to run for public office. There will be several seats open. I'm going to run one campaign that I've committed to for School Committee. I've already committed to managing a campaign and I will actively participate in that and do some TV commercials with that individual and a couple of other people. I'm encouraging people to run for public office and give it a shot and try to help your government as best you can.

Chairman Luszey asked was your commercial approved by the candidate. Selectman Coutu said we haven't done the commercial yet. The candidate has been after me. I didn't mention the candidate. The candidate has asked me to direct the campaign and that's one of the things we're going to do. When I'm actively on television and I actively announce my endorsement, we'll see where it goes. It is the School Committee. I'll probably stay out of the Selectmen's race. I don't know if Mrs. Nichol's hasn't announced so we'll wait and see. With that I'm done.

Selectman McGrath - I have just a couple of things. Happy New Year to everyone - all of the residents and all of the Board members and I hope it's a good year for everyone - health wise, prosperity wise, and anything that brings you happiness.

The other thing Selectman McGrath wanted to mention and I don't have the name of this correctly because I didn't write it down and I should have. Yesterday was national recognition of the police. I just wanted to mention that. They've been under siege for this last year and it's been a horrible time for those who protect us and do what they can to aide our fellow residents. We had a letter in our in box upstairs the general read from a resident suggesting that we tie blue ribbons around telephone poles. I don't know that that's - I understand the sentiment and would be supportive of that but that would be a difficult thing for us to manage but anybody that feels compelled to do that, I think that that would be a nice thing for them to do. I just didn't want to go without recognizing that letter. I don't remember who it was from. It was from a lady that felt much the same that I do that the police need recognition and support. Thank you.

Selectman Nichols - I have nothing at the moment. I just want to wish everybody a happy New Year and a healthy, wealthy, etc.

Selectman Routsis - As with everyone else, I just want to wish everyone a happy New Year. I have nothing else.

Selectman Luszey - Again I will extend everyone a Happy New Year and a very safe New Year and prosperous.

Chairman Luszey had one item and that is a resident and past member of this Board Mr. Cole sent out an e-mail. I believe he sent it out to the entire Board talking about his review of a couple meetings where we were talking about the issues of traffic on Lowell Road. I did commit to get back to him back in the November time frame during the elections however life happened and I haven't done that. He reminded me that I promised to get back to him. I will make sure I make good on that promise and commitment. However I do want some input from this Board. One of his suggestions is that we ask for volunteers from the community about five - all civilians, no town employees be involved - to meet and brainstorm and come up with a proposal of how to solve the traffic problems on Lowell Road. I have no issue with that however I would say that there is one caveat that would go along with that assignment and that is like us it can't cost anything. We don't have the funds to make any major changes to solve that problem. What's the will of the Board?

Selectman McGrath said I received the e-mails as well and I haven't responded either. Again as you stated, life happens and I've had quite a busy time over the last couple of months. When I read the e-mail initially and I've re-read it a couple of times since, I certainly don't have a problem with trying to form a committee that would look at that. As I said earlier tonight, we can't get applicants for the boards. We're really at a very low number of people that want to participate and I don't know that we would be successful in finding 5 or 6 people that would serve on a committee to look at traffic especially where the conditions that he put on it that they not be town employees. They not be engineers. They had to be without any kind of bias or expertise in traffic. I think we'll have a difficult time forming that committee. I guess the other question that I would have is that a committee that he wants to lead and participate in or is it just for us to go out and try to find 5 or 6 people that are willing to serve and look at traffic.

Chairman Luszey stated my response would be that he was on this board and there was a saying that the board that he was on "you propose, you dispose". I would say great if this Board wishes that he take that upon himself to go and recruit those people and manage that and report back to us with his findings.

Selectman Coutu said I read his e-mails. This one is presenting a challenge to us. We know it's an issue. We talk about it every election. Every election I can remember I run in it's a top priority but it appears that the corridor is dead. It's never going to happen. As a matter of fact some of the houses they bought aren't even rented now so one is going to be taken off the tax rolls because we can't tax the State for an unrented piece of property. They own several pieces of property along the corridor the State bought and now apparently they're going to leave them vacant and God knows that's going to become of the buildings if they don't rent them. They're homes. That's number one.

Number two, Selectman Coutu noted we know what the problem is. The problem is traffic congestion on Lowell Road at certain times of the day. The resolution - one of two. The corridor which is not going to happen. The widening of Lowell Road which is not going to happen. We'd have to take too many properties. There's no affordable avenue for us to be able to do that. Consequently we're stuck with the problem until there's some serious accidents like Dracut, River Road, and Lowell Road that intersection. It took several accidents and eventually a death to occur for the State to respond. We don't own all of Lowell Road which is another problem. We own pieces of Lowell Road. It behooves us to pressure the State to help us solve the problem. It behooves NRPC to get off their collective butts and to come down and take a serious look at Lowell Road during peak hours, which they claim they have done but they have no response and they've offered us no challenge or approach to helping to resolve the issue. Having an independent citizen's commission of 4 or 5 people to come and tell us what we already know I think is an absolute waste of time. If you remember in his e-mail, he's asking for the availability of staff. I believe its office supplies or whatever is necessary for them to accomplish their task and then what. It's an advisory board. They do all this work. They bring it back into us. The tie of the Engineer. They tie up the Town Administrator and then they come back; they give it to us; we read it and say yup we already knew that thank you. I think it's just a waste of time. We know what the problem is. We know

what the resolution needs to be. It's almost impossible to correct. I'll support whatever way the Board wants to go. I'm not going to be a contrarian on this issue.

Chairman Luszey said that's okay if you are. My response would be back if agreeable to this Board is if he wants to pull together a group of people - all citizens - to propose a solution that we haven't thought of great. There would be some conditions and the conditions are he doesn't have access to town staff. This is a pure citizens group that is out there to "think outside the box" to possibly come in with a solution that we have not thought of or given consideration to because we're too close to the problem. Sometimes you need to be stepping back from a problem to see a possible solution. I'm okay with that but I am not okay with giving access to staff and town resources to a citizens group given what we know of the situation and what needs to happen to begin to resolve that. It really is a State issue that we need help with. That's kind of where I'm at.

Again Mr. Chairman, Selectman Coutu said he doesn't need our permission to form a citizens group. Chairman Luszey agreed. I'm with you. Selectman Coutu said he could do it independently. He doesn't need our permission. He can just go do it and then come in and say hey we had meetings with these 5 people and here's the solution. Again Chairman Luszey said he was kind enough to take his time and write to us. We owe him a response. Selectman Coutu didn't disagree. I just feel that - whatever.

Chairman Luszey asked are you all okay with my response. Selectman Coutu didn't know what it's going to be. Chairman Luszey said I'll send it to you before I...Selectman Coutu said if you're going to suggest if he wants to put together - I think he wants us to talk to the people and appoint them. I'm all for him going about it. I would support the idea of him going about it and if he wants to solicit and see if he can get people on the board. I understand he doesn't want to make it look like he's got a special group of people that he handpicked. I'm sure he wants us to advertise and get people to apply to be on this board which is another expense because we usually advertise in the Hudson/Litchfield News and the Nashua Telegraph. Steve Malizia responded just Hudson/Litchfield News and or local media on TV and the web page.

Selectman McGrath asked why couldn't we do this. If we wanted to try to get a committee together and advertise just on the HCTV as opposed to spending any money by advertising in the Hudson/Litchfield News. Just put it on HCTV and see if there's 5 or 6 residents that would be interested in forming a committee with Mr. Cole and looking at the traffic problems that are inherent on Lowell Road and trying to come up with a solution. That way it wouldn't cost us anything. It would be supportive of what he's trying to do.

Chairman Luszey asked well when you say come up with a solution, it has to be qualified. It can't require funding because every solution that I can possibly conceive - again - that's where somebody else needs to look at it. That's serious money. Selectman McGrath said that's a thing too where if we had a group of people that were looking at the problem came up with some ideas and then they could present that to Nashua Regional Planning or our Planner could present that to Nashua Regional Planning and say take a look at this. Does this make sense? Is this something that the town should be looking as a possible solution for traffic remediation then we could go from there? At least it would get the ball started and it would give Mr. Cole if he wants to head that up, certainly not something that I can do. That's doing something but it's not costing anything having HCTV put some ads on that run a few times a week. Get in touch with him first and find out if that's something that he wants to do and then if they come up with anything, present it to NRPC and see what they think.

Selectman Coutu stated the thing is Mr. chairman if we're going to run these on TV, it would be something he would have to do because we're not going to be the appointing authorities to that board so they would have to contact him and indicate their interest to him. I don't know that I'm so keen on that. I think he requested that we be the appointing authority and we sanction it. We are sanctioning it by letting you send a letter out to him saying that it's okay to do but do it on your own. We're technically sanctioning it. So we spend \$150 for a newspaper ad and have him come and apply to us. What difference does it make if it facilitates it for him at this point? Do you know what I'm saying? He does a lot of overseas traveling. I don't know if he's going to have the time to be interviewing people where we do. We can call them in on a Tuesday night. See what the response is. There may be no response. If two people say they want to serve at the board and we're not going to know when the meetings are going to be, how many meetings he plans on having. You'd have to find all that out. People are going to ask I'll join the board but when are they meeting? How many times are they going to meet? How long is it going to be? Chairman Luszey noted he said a couple of things. Are we the appointing board or are we commissioning him to go off and do this? Selectman Coutu said that's what needs to be answered.

From Chairman Luszey's perspective if he wants to take this task on great. I'm all for letting him go off and do it and come back with recommendations. I don't think we need another board to manage. That's not going to result in something that we can take action on.

Selectman Routsis was of the thought that based on what Selectman Coutu said where we've already figured out that there's nothing we can essentially do. You've backed it up that if it's something that he would like to do, let him be the person that runs with it.

Selectman Nichols didn't think we should have another board. We're having enough problems trying to handle what we're doing. We've done that corridor forever since I've been here. So far we've come up with no solution. If he wants to do it on his own without any help or any support from us, then fine. I can't see us...

Chairman Luszey indicated that's where I'm at. It's almost like a citizen's action committee. Let him form it and come back to us. Is that a consensus? Selectman McGrath noted I've given you my two cents. We could assist with that by again putting it on HCTV. Chairman Luszey asked when you say "we", he can contact them and have that put up. We would not but for us to make that, I'm not there. That's probably the slight distinction. Okay. That's it.

10. NONPUBLIC SESSION

*Motion by Selectman Routsis, seconded by Selectman McGrath to enter Nonpublic Session pursuant to **RSA 91-A:2 (a)** Strategy or negotiations with respect to collective bargaining; **RSA 91-A:3 II (a)** The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, unless the employee affected (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted; **(b)** The hiring of any person as a public employee; and **(c)** Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the public body itself, unless such person requests an open meeting. This exemption shall extend to any application for assistance or tax abatement or waiver of a fee, fine, or other levy, if based on inability to pay or poverty of the applicant, carried 5-0 by roll call.*

Chairman Luszey entered Nonpublic Session at 9:22 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. The public is asked to leave the room.

Chairman Luszey entered open session at 10:02 p.m.

Motion by Selectman McGrath, seconded by Selectman Nichols, to deny the Step 2 Grievance filed by the Hudson Police Employees Association for the Misapplication of Flex Pay, carried 4-0-1. Selectman Routsis abstained.

Motion by Selectman McGrath, seconded by Selectman Nichols, to deny the Step 2 Grievance filed by the Hudson Police Employees Association for the Unlawful Denial of Educational Incentive Payment, carried 4-0-1. Selectman Routsis abstained.

Motion by Selectman Coutu, seconded by Selectman McGrath, to hire Jeffrey Ogiba for the position of Firefighter/AEMT in the Fire Department at the contracted starting salary of \$19.36 per hour (step 1) effective February 5, 2017. This assignment will be a non-exempt position in accordance with the International Association of Firefighters Local #3154 as per the union contract, carried 5-0.

Motion by Selectman Coutu, seconded by Selectman Routsis, to promote Firefighter Kevin Blinn to the position of Lieutenant/Medic, a non-exempt position, in accordance with IAFF Local 3154, Step 1, with an hourly rate of \$25.96 effective January 29, 2017, as recommended by the Fire Chief, carried 5-0.

Motion by Selectman Coutu, seconded by Selectman Routsis, to promote Firefighter Dennis Haerinck to the position of Lieutenant/AEMT, a non-exempt position, in accordance with IAFF Local 3154, Step 1, with an hourly rate of \$24.75 effective January 29, 2017 as recommended by the Fire Chief, carried 5-0.

Motion by Selectman Coutu to promote Jeffrey Sands to the position of Lieutenant/Medic, a non-exempt position, in accordance with IAFF Local 3154, Step 1, with an hourly rate of \$25.96 effective January 29, 2017, failed - no seconder.

Motion by Selectman McGrath, seconded by Selectman Nichols, to promote Todd Berube to the position of Lieutenant/Medic, a non-exempt position, in accordance with IAFF Local 3154, Step 1, with an hourly rate of \$25.96 effective January 29, 2017 as recommended by the Fire Chief, carried 4-0-1. Selectman Coutu abstained.

Motion by Selectman McGrath, seconded by Selectman Routsis, to authorize the Fire Department to work with Attorney LeFevre regarding the code enforcement case located at 108 Derry Street, Map 156, Lot 059-000, carried 5-0.

11. ATTORNEY-CLIENT SESSION, PURSUANT TO RSA 91-A:2 I (not open to the public - entered 10:09 p.m.)

Chairman Luszey entered open session at 11:11 p.m.

12. ADJOURNMENT

Motion to adjourn at 11:11 p.m. by Selectman Routsis, seconded by Selectman McGrath, carried 5-0.

Recorded by HCTV and transcribed by Donna Graham, Recorder.

Ted Luszey, Chairman

Marilyn E. McGrath, Vice-Chairman

Roger E. Coutu, Selectman

Pat Nichols, Selectman

Angela Routsis, Selectman