

HUDSON, NH BOARD OF SELECTMEN  
Minutes of the May 9, 2017 Meeting

1. CALL TO ORDER - by Chairman Luszey the meeting of May 9, 2017 at 7:00 p.m. in the Selectmen's Meeting Room at Town Hall.
2. PLEDGE OF ALLEGIANCE - led by Selectman McGrath.
3. ATTENDANCE

Board of Selectmen: Ted Luszey, Marilyn McGrath, Roger Coutu, Angela Routsis, David Morin

Staff/Others: Steve Malizia, Town Administrator; Donna Graham, Executive Assistant; Elvis Dhima, Town Engineer; Paul Inderbitzen, Moderator

4. PUBLIC INPUT

Chairman Luszey asked if anyone in the audience wished to address the Board on any issue which the Board has control of at this time. Seeing none.

5. NOMINATIONS AND APPOINTMENTS

A. Interviews

- 1) Benson Park Committee - (1 vacancy - 1 alternate term to expire 4/30/20)

Benjamin Nadeau

Selectman Coutu explained due to an illness, Ben is not able to attend this evening. I would like to bring to the Board's attention that back when we first acquired the park, you might recollect and God rest his soul, Jerry Desrosiers, Ben Nadeau, myself, and several people formed a Ben and Jerry show. Every Saturday we brought together a group of core volunteers and I can remember Ben and Jerry every weekend begging every pizza parlor in this town to donate food to help when we put together a core group of volunteers. Ben has invested a lot of time and a lot of energy at Benson Park. I was very pleased to work with him. I found him to be well organized. Though we may not have always agreed on a lot of things as far as Benson Park, it's near and dear to his heart. I know he would love to come back to Benson Park and serve on the committee. I think he would be an asset to the committee because of his knowledge and history of the community and the park. I would like to make a motion.

*Motion by Selectman Coutu, seconded by Selectman McGrath, to suspend the rules and nominate and appoint Benjamin Nadeau as an alternate to the Benson Park Committee with a term to expire 4/30/2020*

Before we vote, Chairman Luszey wanted to say a few words too. I agree with this nomination. Ben has put a lot of time into that park. I know it's near and dear to his heart and I think he still has a lot to offer when it comes to what that park can be, and how to maintain it, and get the fishing derbies rolling. Something the kids always love. I would hope that you support this.

*Vote: Motion carried 5-0.*

- 2) Recreation Committee - (1 vacancy - 1 member term to expire 4/30/20)

Grace Kennedy - My name is Grace Kennedy. My address is 30 Glen Drive, Hudson, NH. I'm interested in this committee as my youngest son is graduating this Saturday and he's a proud member of the Hudson community. He's gone from kindergarten all the way through high school. My other son has gone from 5<sup>th</sup> grade through high school. They were participated with the Rec. program in the summer and did team sports. My older son did soccer. My younger son did basketball. I have a lot of experience with recreation as I put on this little worksheet that I have here. I was a lifeguard, dance instructor, gymnastic instructor for Kathy Rigby the gymnast at a summer camp when I was very young. I've been an outing leader for the Sierra Club. I've started outing groups in two different states. I worked for the San Diego unified school district. They had a 6<sup>th</sup> grade camp program that ran the school year. I lead hikes, did outdoor things for that. I've continued. This is not something that I'm new to with recreation. I've taught at the YMCA. I've been a camp director in Pennsylvania for the YMCA and recently I've worked at the Boys and Girls Club in Greater Nashua and have been a kindergarten teacher and a group leader for the kids club which is ages 5 to 9. I have a lot of experience and now that I've been retired for a year and my youngest is going off to college, I'm going to get empty nest syndrome so I'd like to use the experiences that I have to benefit the Recreation Committee and fill that void.

Selectman Morin thought your application and the sheet she just handed out answers all the questions that she's got good qualifications for the position and could probably bring a lot to the Rec. Committee.

Chairman Luszey said the only comment I would see is in your vision. I would love to see your funding plan on how you would go forward in doing that. Ms. Kennedy said you'd be surprised. I used to live in San Diego and I worked with a council member there. We started out with visions that this many years later its fun to go back - I was just back there at Christmas seeing my brothers. They now have a trolley. They now have a downtown redevelopment center. They have a gas lamp district. They have a seaport village. Those are all things did at the age of 19 as a volunteer for a city council member. That Mayor at that time, Pete Wilson, later became the Senator for the State of California. Later became a two-term Governor. I know what you can do and they were had some foresight that they had a student advisory committee. We did things like when they have problems with concerts. We decided a location that would work for crowd control and not bother people and everything else. The student advisory committee came out with that and the oldest member was 22. The youngest was 15 ½ I think. I've had a lot of experience. I know about funding. I've gotten funding before for different things. It takes a little while but the main thing is let people know what you want, how much it's going to cost, and do it in stages if you have to and it will get done. It's like Benson's. When my son who's graduating from college was in 8<sup>th</sup> grade, we went out there and we were chopping Bittersweet vines on that trail that goes right by where the 9/11 Memorial is. We did things like that. I could see the vision. I remember Mr. Coutu and many other people out there helping us chopping up stuff, picking up glass out of the elephant barn, and things like that. They said oh no, no, no we can't have an 8<sup>th</sup> grader doing that. Go out and chop weeds.

Motion by Selectman Coutu, seconded by Selectman Morin, to suspend the rules and nominate and appoint Grace Kennedy as a member to the Recreation Committee with a term to expire 4/30/2020, carried 5-0.

- 3) Senior Affairs Committee - 3 vacancies - 3 member terms to expire 4/30/20)

Nancie Caron (incumbent member)

Chairman Luszey asked if this Board is agreeable, I would like to have this committee brought up on our next agenda to talk about do we still need it given where we are with the senior center, where it is underneath the Recreation, and maybe do something a little different with the folks here, or we can continue on as we are.

Selectman Coutu said I feel as you do. I truly believe that we need to take a look at the viability of this committee and look at whether or not it's compatible with what's going on at the senior center if its self-sufficient, if there is truly a need for the committee.

Motion by Selectman Coutu, seconded by Selectman Routsis, to defer this nomination until such time as we've had an opportunity to discuss the senior center and the Senior Affairs Committee, carried 5-0.

- 4) Sustainability Committee - 5 vacancies - 2 member terms to expire 4/30/19; 2 member terms to expire 4/30/20; 1 alternate term to expire 4/30/20)

Debra Putnam (incumbent member)

Selectman Coutu stated I don't know if all of the Board members remember Deb Putnam. Deb Putnam - God love her - I think I talk too much but she has tremendous input and she's a dedicated and sincere volunteer. If there would be no objection, I would make a motion on the basis of her involvement and she handles all of the communications for the committee. She's just a tremendous addition to the Sustainability Committee. She motivates a lot of people.

Motion by Selectman Coutu, seconded by Selectman McGrath, to suspend the rules and nominate and appoint Debra Putnam as a member to the Sustainability Committee with a term to expire 4/30/2020

Selectman McGrath agreed wholeheartedly. I don't attend very many meetings of the Sustainability Committee. I've probably only gone to one or two over the last year. She's a very active member, very involved, wants to continue, and I think that this is an appropriate motion.

Vote: Motion carried 5-0.

## 6. CONSENT ITEMS

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

Selectman McGrath questioned the application that we had on the table before us is that going to be included in the consent items or is that something separate. Steve Malizia indicated it's included in the consent. The Police Chief just finally signed off in it. It's already in there so that will replace what's in here. Selectman McGrath indicated I'd like to remove that for consideration with a brief conversation about it - 6. C. 2.

Motion by Selectman Routsis, seconded by Selectman McGrath, to approve consent items A, B, C 1. 3., D, E and F as noted or appropriate, carried 5-0.

A. Assessing Items

- 1) Solar Exemption - Map 157, Lot 015 - 6 Wende Drive; Map 248, Lot 023 - 4 Sanders Road, w/recommendation to grant
- 2) Veteran Tax Credits - Map 198, Lot 128 - 11 Belknap Terrace; Map 148, Lot 028 - 18 Cardinal Drive; Map 165, Lot 065 - 18 Federal Street, w/recommendation to grant
- 3) Institutional Exemptions: Charitable Exemptions - Map 183, Lot 100 and Map 190, Lot 015 - Kiwanis Club of Hudson, Inc.; Map 242, Lot 058 - The PLUS Company; Map 147, Lot 027 - Alvirne School (Chapel); Map 109, Lot 010 - Southern NH Medical Center; Map 106, Lot 006 and Map 190, Lot 085 - Area Agency Properties, Inc.; Map 222, Lot 041-001 - Goodwill of Northern New England; Veterans Organization Exemptions - Map 182, Lot 022 and Lot 030 - American Legion Post #43; Map 136, Lot 036 - Hudson Memorial VFW Post #5791; Religious Exemptions - Map 140, Lot 047 - Hudson Congregation of Jehovah's Witnesses; Map 228, Lot 054 - New Life Christian Church; Map 166, Lot 001 - St. Patrick's Cemetery; Map 166, Lots 011 and 017 - St. Casimir's Church and Cemetery; Map 182, Lot 129 - St. John the Evangelist Church; Map 235, Lot 009 - St. Kathryn Church; Map 210, Lot 010 - Sisters of the Presentation of Mary; Map 176, Lot 034 - First Baptist Church; Map 156, Lot 035 - United Pentecostal Church/Parsonage; Map 182, Lot 049 - Community Church of Hudson; Map 105, Lot 007 - Lighthouse Baptist Church, w/recommendation to grant
- 4) Charitable Exemptions - Map 237, Lot 57 - 30 Richman Drive, w/recommendation to deny
- 5) Elderly Exemptions - Map 174, Lot 026 - 4 Cummings Street; Map 211, Lot 056 - 15 Glen Drive; Map 174, Lot 111 - 56 Highland Street; Map 241, Lot 067 - 54 Dracut Road; Map 111, Lot 024 - 139 Robinson Road; Map 162, Lot 028, Sub 002 - 35B Lund Drive, w/recommendation to grant
- 6) All Veterans Tax Credit - Map 246, Lot 080 - 1 Philbrick Street; Map 171, Lot 049 - 5 Greenfield Drive; Map 211, Lot 059 - 9 Glen Drive; Map 175, Lot 127 - 11 Travers Street; Map 124, Lot 080 - 24 Stoney Lane; Map 228, Lot 048 - 7 Rena Avenue; Map 184, Lot 032, Sub 053 - 121 Brody Lane; Map 199, Lot 009 - 60 Pelham Road; Map 186, Lot 003 - 29 Bear Path Lane, w/recommendation to grant
- 7) Regualification of Elderly Exemptions - Map 174, Lot 185 - 88 Ferry Street; Map 171, Lot 040 - 2 Greenfield Drive; Map 246, Lot 002 - 53 River Road; Map 197, Lot 088 - 22 Winnhaven Drive; Map 191, Lot 180 - 16 Nevens Street; Map 148, Lot 040, Sub 059 - 24 Riviera Road; Map 191, Lot 040 - 20 B Street; Map 190, Lot 054 - 12 Porter Avenue; Map 147, Lot 017, Sub 033 - 48 Lexington Court; Map 165, Lot 063 - 12 Federal Street; Map 187, Lot 024 - 14 Karas Crossing Drive, w/recommendation to re-qualify
- 8) Disabled Exemptions - Map 198, Lot 128 - 11 Belknap Terrace; Map 162, Lot 047, Sub 001 - 52A Lund Drive; Map 247, Lot 054 - 10 Walnut Street; Map 247, Lot 004 - 12 Pine Road, w/recommendation to grant
- 9) Elderly Exemption Denial - Map 125, Lot 11 - 59 Hazelwood Road, w/recommendation to deny

B. Water/Sewer Items - None

C. Licenses & Permits

- 1) Raffle Permit - Hudson Fish & Game
- 2) Brox Night Trucking Permits

Selectman McGrath stated I have a concern about the hours that they might be traveling. These are heavy trucks, make a lot of noise, and are they suggesting all hours of the evening and through the night or have they...Steve Malizia indicated in the past they've come in on a monthly or as needed basis. When they come in, they typically pick a week or a couple of days depending on what job they're doing and what they're transporting out of the Brox plant on Greeley Street. Typically it's overnight. It's somewhere between 7 at night and 7 in the morning. That's why they're getting special night trucking permits. As part of that, they're required to notify the residents in that area as well as the police, highway, fire so we're all on board with what they're doing. Basically they have 8 permits. There will be up to 8 trucks transporting material but they still have to give us notice. They still have to tell us when they're doing it. They still have to notify the residents so that folks know that that's what they're doing. This isn't all unlimited hours of the day. This is very specific. Once they use those permits I believe for that 30 day period, they'd have to come and reapply.

Selectman McGrath asked do we need to include all of that in the motion to approve. Steve Malizia said you didn't last year. You did exactly the same thing last year. You went to this method of just saying here's a window of a year. They still have to follow the process. Selectman McGrath said that was my only concern because it's a residential area.

*Motion by Selectman Coutu, seconded by Selectman Morin, to approve Consent Item 6. C. 2., carried 5-0.*

- 3) Hudson Speedway 2017 Permit

D. Donations - None

E. Acceptance of Minutes

1) Minutes of the April 25, 2017 meeting

F. Calendar

05/11 7:30 Zoning Brd of Adjustment - Buxton CD Meeting Room  
05/16 7:00 Cable Utility Cte - HCTV Ctr.  
05/16 7:00 Municipal Utility Cte - BOS Meeting Room  
05/17 7:00 Planning Brd - Buxton CD Meeting Room  
05/18 7:00 Benson Park Cte - HCTV Meeting Room  
05/22 7:00 Sustainability Cte - Buxton CD Meeting Room  
05/23 7:00 Board of Selectmen - BOS Meeting Room  
05/25 7:30 Zoning Brd of Adjustment - Buxton CD Meeting Room  
05/29 MEMORIAL DAY - TOWN HALL CLOSED

7. OLD BUSINESS

A. Votes taken after Nonpublic Session on April 25, 2017

- 1) *Motion by Selectman Coutu, seconded by Selectman McGrath, to sell Town owned, tax deeded property located at 4 Bridle Bridge Road to Flying Crusher, LLC, in the amount of \$407,000 and to exclude #16 item #2, carried 5-0.*
- 2) *Motion by Selectman Coutu that the May 2, 2017 "workshop" be held in an open forum for the general public, failed due to lack of seconder.*
- 3) *Motion to adjourn at 9:42 p.m. by Selectman Routsis, seconded by Selectman Morin, carried 4-0.*

B. Public Hearing - Legalize, Ratify, and Confirm Town Meeting Vote

Chairman Luszey recognized Town Administrator Steve Malizia.

Steve Malizia stated at your last meeting you scheduled a public hearing for this evening. The legislature has given the town the opportunity to ratify, legalize and confirm the Town Meeting vote that was postponed from March 14<sup>th</sup> to March 16<sup>th</sup>. However as a requirement, you're required to have a public hearing where you obviously open it to the public for comment. There are two parts. The first part was the legislature has already legalized all the elected officers. If you are an elected official, the legislature has already legalized that. What this is is the warrant articles from zoning all the way through the end of the warrant. Basically what it days is before you as a Board vote to legalize, ratify, and confirm that vote, you're required to have a public hearing. Quite simply put, I don't believe you're deliberating every article but you are here to take input and listen to what the public has to say. After which time, you may vote to again ratify, legalize, and confirm the Town Meeting that we held that was postponed on March 16.

Selectman Coutu asked what happens if we vote no. Steve Malizia presumed the voter default. None of the warrants will pass and you won't have any labor contracts. That's if you vote no.

Chairman Luszey opened the public hearing at 7:19 p.m. Does anyone in the audience wish to speak on this item? If so, please come to the front of the room and state your name and address for the record.

My name is Timothy Sundstrom, 84 Sullivan Road, Hudson, New Hampshire. I'm very confused by all this and I'm just here to find out is any of this legal. Based upon what you just said, you said that they had to make a new law to legalize this. Prior to this, the cancellation and the rescheduling of the vote was illegal? Do I understand that correctly? Chairman Luszey said not entirely. There are two RSAs that talk to and if you want to sit back, I'll actually bring up the Moderator of the Town and he can talk to the process he went to and the RSAs he used along with our attorney that gave us direction on how to postpone the election. We and I think 69 other communities did exactly that. The legislature decided that that wasn't quite the right interpretation of those two RSAs and hence in order to make all of the elections that occurred after March 14<sup>th</sup> legal and it only became an issue where there were bonding issues. The bonding agency - can correct me if I'm wrong on this - said that they're not sure if the vote is truly valid based on the two RSAs. In order to legitimize those towns that had bonds on their warrants, the legislature wrote a bill and passed it into law. The way it is written - and oh by the way if they do legitimize the election period, then all officials that were elected on that postponed election would not be able to sit here tonight. The legislature said all people that were elected are valid. Spending they want every town to go and ratify the results of the election and do that through a public hearing.

Timothy Sundstrom indicated I have to look at this in steps of how we went through this. What I'm trying to get an answer on is basically what we did by postponing that and the manner we did was not legal. Chairman Luszey stated I would ask the Town Moderator because we had our attorney and we were on the phone with the Governor, and the State Attorney, and Secretary of State prior to the postponement. There were conflicting views at that time. Our attorney gave us an opinion that based on his research in reading of the RSAs that the Moderator had the authority to postpone the election for 72 hours and that's exactly what we did. We had people at the Community Center that they could do an absentee ballot on the 14<sup>th</sup> and they could pick one up on Wednesday, and then we had the postponed election held on that Thursday. We posted it according to the rules and regulations on how to post a meeting. We followed all the correct rules.

Mr. Sundstrom said I'm just looking for a straight answer. Was postponing that election legal at that time or is not legal...Chairman Luszey said yes. You got the answer - yes it was legal. Mr. Sundstrom said it's not a fact that it's legal now because of the new RSAs. Chairman Luszey said if you read the new bill, HB329, we don't have to do this. It's a recommendation of the bill that was passed to do this so that it doesn't cause the town any financial hardship in the future should there be any type of significant spending. Bonding - we don't have any of those. We don't have any bonds on this past warrant but I think there were labor contracts. To make sure that those cannot be challenged at a future date, we are recommended to ratify the election results.

Mr. Sundstrom indicated you five are going to ratify this based upon what you want to do with it and not what we want to...Chairman Luszey said we will ratify it based on the outcome of the election results. Mr. Sundstrom said now I have an answer that postponing that election was legal, had nothing to do with the changing of laws, and everything all legalities were met. The problem that I'm getting from a lot people because I've been here forever is that we've never had this happen before. A lot of the people that went there to vote of course voting is closed. Chairman Luszey challenged that. When you said a lot of people went there because that gentleman over there was at the Community Center handing out absentee ballots on Tuesday. How many ballots did you turn out? Paul Inderbitzen stated I don't have the exact number. We had some show up. Some took the absentee ballot and some said oh I'll come back Thursday. Timothy Sundstrom said not everybody took the absentee ballot.

Selectman Coutu stated we shouldn't allow this. Point of order Mr. Chairman. Mr. Sundstrom I'm sure he'd be more than willing to come up because he is our Moderator. I think that if he was allowed to come up and speak and he will give us an explanation of how we got to where we got to and all the intricacies of that decision and how we're backing out of it and meeting the new requirement that we ratify this election. I think rather than have a discourse back and forth and remember we're live on camera, the gentleman running the cameras and the speakers can't pick up the Moderator if he's sitting back there. Mr. Chairman I would suggest that he allows him to make his full presentation.

Thank you. Paul Inderbitzen thought the confusion came from the State government because different divisions of the State government couldn't agree on whether we could postpone or not. The Secretary of State said no. The Attorney General said yes. There was no definitive declaration from the State saying you couldn't postpone or that you could because there are conflicting areas of the RSAs. I'll start mine if that's okay with you Mr. Chairman.

First of all, Mr. Inderbitzen thanked the Board, the Town Clerk, the Town Administrator for all their support for my decisions to postpone the March elections from March 14<sup>th</sup> to March 16<sup>th</sup> due to the severe weather that occurred on March 14<sup>th</sup>. It was not an easy decision to make but the safety of the voters of Hudson and the election workers was my primary concern. I firmly believe that the RSA 40:4 II gave me the authority to react to severe weather conditions that were predicted for March 14<sup>th</sup>. This opinion was held by many of my fellow moderators, many municipal attorneys, the NH Municipal Association, and even the State Attorney General at that time. Hudson voters were notified of the postponement through posted notices at the Community Center, on the town and school websites, as well as on radio and TV.

Mr. Inderbitzen stated voters who were not able to vote on the 16<sup>th</sup> were given a chance to obtain an absentee ballot at the Clerk's office all day on Wednesday the 15<sup>th</sup>. The Town Clerk Mrs. Barry and I spent part of Tuesday at the Community Center in case anyone not aware of the postponement showed up to vote. There were some and they were given the opportunity to fill out an absentee ballot and turn it into the Clerk. A few did but some said they would come back Thursday. There weren't more than a dozen people that showed up including some that drove up, saw the notice, and left.

During voting on the 16<sup>th</sup>, Paul Inderbitzen mention many voters thanked us for not holding the election during the storm and indicated that they would not have come out in that weather. Once again, I believe we made the prudent and safe decision to postpone the town election. I appreciate their support and the support of the voters of Hudson and your support for that decision. Thank you very much. I hope that clears up the discussion. We never were told. There were a lot of people who said this is illegal. You can't do this but nobody definitively at the State level said you couldn't. We have a section that says Town Meeting should be the second Tuesday in March and then there's a section that says "for town elections", this was a town election, "the moderator has the authority to postpone for weather conditions that would make it difficult for people to vote." I made that decision. Thank you.

Timothy Sundstrom had a few questions. So there is an RSA that everybody is disagreement about. How do we know what is the correct? Chairman Luszey indicated the legislature has made it correct by this bill and this process. Mr. Sundstrom said that's where I have a problem. It's an interpretation after the legality.

Paul Inderbitzen explained the real reason behind this bill and talking to my other moderators we frequently consult was that bond counsel - because of the disagreement at the State level, bond counsel for those who had bond articles wouldn't certify the bonds because they said it's up in the air. We don't know. Mr. Sundstrom understood that but I don't think you understand what I'm saying. If we don't have a full interpretation of this RSA...excuse me, Chairman Luszey said you do. The legislature has made full interpretation of both RSAs. Mr. Sundstrom interrupted and said after the fact though. Chairman Luszey said it doesn't matter. We follow RSAs. The RSA that we're following right now is House Bill 329. It was approved April 21<sup>st</sup>. We would have done nothing differently unless that Bill came about. If that Bill did not come about, we would not be here tonight and we would be going down our merry way.

Timothy Sundstrom stated I'm not explaining this correctly then. The date of this RSA and its approval was done after the elections. That modifies it for today. This has nothing to do with the day of the cancellation. You can't make a law after something went wrong.

Selectman McGrath said semantics. What they did is they actually reaffirmed the vote that took place on the 16<sup>th</sup>. So they're just saying without going backwards, they're saying that that vote was appropriate, was correct, did meet the law, and that's all that it does. It's not changing anything. It's not changing anything going forward. It's not saying that in the future if you have to postpone an election again that this will take place, it's just for that one day of voting and its reaffirming that the vote was correct. It was proper.

Timothy Sundstrom reiterated basically they're saying their interpretation is going ahead and cancel.

Chairman Luszey didn't think we can answer your questions here. If you have something specific, otherwise I would say talk to your legislatures. They're the ones that brought us to this point. Mr. Sundstrom stated I did but this is all subject to town level now. Chairman Luszey noted all we're doing is acting upon a bill that says we need to validate and reaffirm the vote that took place and that's it.

Selectman McGrath asked to add one more thing that may put this into perspective. Let's say it wasn't a snowstorm but it was something more horrendous - a tornado that wiped out half of the town and the poll officials - Paul wouldn't be able to get there. We wouldn't be able to get there. The building didn't exist anymore in order to hold an election. That would have to be postponed and they'd have to do the same thing. They'd have to reaffirm a vote that would take place after what the suggested timing of an election would be. So think of it in those terms as opposed to a snowstorm where a lot of people drive 4-wheel vehicles, have trucks that can get through it but a lot of people can't. That was supposed to be a catastrophic storm. So the officials made the determination based on all of the weather reports that were coming in that for the safety of the residents it was prudent to have that election on a different day.

Timothy Sundstrom didn't disagree with that at all and the safety of the residents is definitely number one. A very good analogy by the way but to postpone. My problem is that to postpone that in 72 hours. A lot of residents that I've spoken with said I couldn't go. I couldn't get the time. They didn't know absentee ballots were getting handed out. They heard it on the radio, the television or whoever it got out. A lot of people didn't vote. You have to agree that in those numbers, there was...

Chairman Luszey disagreed with that also. I don't know if you have the numbers of that. If you take a look at the year that we had roughly 16,000 registered voters, we had roughly 2,500 voters. This year we had roughly 16,000 voters registered and we had roughly 2,500 voters. So it's significantly different. Mr. Sundstrom said in elections where there's not as many warrant articles, not as many important items, I agree with you not many people show. That's typical of Hudson. People don't get involved in Hudson. When it's important, the Town of Hudson comes out and you know that by past voting history. When it's important, numbers go up a lot and this one it didn't. It's because of the way it was handled. In my opinion and as well as a lot of other people. They're not here so I have to agree with you.

Chairman Luszey said we can bring this to a close. What is it you would like us to do? Timothy Sundstrom thought in this amount of importancy why not let the people decide. Why not let the residents decide about this whole mess. Why can't the people of Hudson make the decision?

Selectman Coutu told Tim the people have decided. Members of the House of Representatives are the elected representatives of the population in the districts that they serve. We have 14 legislatures that represent the Town of Hudson. They agreed with their peers at the State House that they needed to create legislation to afford the municipalities who changed the date of the election. They needed to create legislation for those communities to be able to ratify the results of the election ONLY to satisfy those communities where they had bonding issues because the bonding markets were afraid that they may face some lawsuits and they didn't want to have that problem. So the legislature wrote a special piece of legislation for this election as Selectman McGrath stated and this election only to ratify the results and put an end to their fear so that the towns who have bonding issues to build a building, a new school, a fire station, or whatever needed to borrow money the bond lenders didn't have to fear. That's all this is. It's

simple. Its cut. It's dry. Mr. Sundstrom disagreed. Selectman Coutu asked what do you want us to do have another election about whether or not we should do this. We are elected to represent the best interests of our town. We will make a decision tonight individually or collectively depending on how the vote goes on whether or not we agree with this legislation and support the ratification of the vote or not support it. That's what we're here to listen to. We haven't heard any arguments from you for or against except to say let the people decide. The legislature has told us we have to decide. It's not law. We have to decide. We asked the people through an ad. It's been well noticed and well publicized that municipalities all 60 whatever number of municipalities who are doing this this week ratifying the vote, they were going to hold public hearings. Tim you're the only person in the whole town that showed up to speak. So they can't be too concerned.

Timothy Sundstrom indicated whether its 1 or 10,000 if it's not legal, it's not legal. You're telling me it is legal. Selectman Coutu stated it is legal. We wouldn't be doing this otherwise. We don't want to go to jail. We don't want to violate State constitution. We're sworn to uphold the constitution of the State of New Hampshire. Mr. Sundstrom indicated you have more ability than just that. I think that the residents should be the ones to decide yes or no on these warrant articles. Selectman Coutu said I hear you. I don't know what else you want to tell me or the rest of us. I hear you.

Selectman McGrath asked is it one warrant article in particular that you're concerned about or is it all of them. Timothy Sundstrom stated it's all of them. The part that you need to understand is one of those warrant articles that was approved affects me as being a Veteran. I got my tax credit finally but I still don't think its right. I respect your position and you're in the best interests of Hudson.

Chairman Luszey said what you're asking for us is to hold another election. Mr. Sundstrom agreed. Chairman Luszey didn't believe there is any mechanism for us to do that at this time. That's illegal. Selectman Coutu said we have no provisions to do that. That would be illegal. Mr. Sundstrom asked how would that be illegal. Selectman Coutu explained the State has already deemed that this election is valid the one we held. We can't have another one to counter what the State is now telling us was legal. Mr. Sundstrom said I understand that. Selectman Coutu said no you don't. Mr. Sundstrom stated yeah I do because you're telling me it's legal. Selectman Coutu said it is. Mr. Sundstrom said you're telling me now that that cancellation everything was legal per the RSA which some say it's not legal. So now we've made a law that makes it legal. Selectman Coutu said no they made a law to ratify the vote. Mr. Sundstrom said they legislation has done their own interpretation of the law.

Chairman Luszey said it's their job to.

Timothy Sundstrom stated none of this has been published yet so I'm here to learn and find out. Is it legal and why is it that you five get to vote on the things that the residents should be voting on? They voted on it but like I said, the postponement of it is where I have the problem because not everybody got to vote.

Selectman Routsis asked did you get to vote. Timothy Sundstrom said no. Selectman Routsis asked did you hear about it either via paper, or Facebook, or...Mr. Sundstrom said when I was out of town I did. Selectman Routsis asked were you out of town prior to it as well. Mr. Sundstrom said no. I left on Wednesday and I came back on Sunday. Selectman Routsis asked did you go down to the Community Center to vote on Tuesday. Mr. Sundstrom said no I heard it on the radio. Selectman Coutu said no because there was too much snow on the ground that's why. Timothy said it wouldn't have bothered me I have 4-wheel drive. I'd be there.

Chairman Luszey said we're going around in circles. Any further input from anyone? If not, we'll close the public hearing at 7:43 p.m.

*Motion by Selectman Coutu, seconded by Selectman Routsis, to legalize, ratify and confirm all prior actions taken during the voting session of Town Meeting that was scheduled to take place on March 14, 2017, which was postponed due to weather and was later held on March 16, 2017, carried 5-0.*

8. NEW BUSINESS

A. Recommendation - Prefab Building for Weinstein Well

Chairman Luszey recognized Town Engineer Elvis Dhima.

Good evening Mr. Chairman. Good evening everyone. As you may be aware, Elvis Dhima said the town has been working for quite some time developing a new well in Litchfield. We got the drilling portion done and we also got the permit from the State. During last fiscal year, we talked about putting money aside for a new generator for that well and also prefabricated building for that well once it's been established. Right after the voters voted for the new budget, I started making some phone calls. My first one was at CSI because they're in Hudson. They've recommended me the United product. They sold their pre-fab division about five years ago. United products can meet our needs. The building comes with a 20 year warranty. They can do the design construction and delivery for us for the amount of \$26,733. I'm here in front of you tonight to ask you to approve that contract as recommended by the Finance Director and myself.

Chairman Luszey had just one. You have no electricity going to it at all. Is it being set up so it can have? Mr. Dhima said yes. You can add all kinds of additional features to it. It comes with a control panel and all that. We don't have the need for that right now but we do have the room to do that later.

Motion by Selectman McGrath, seconded by Selectman Morin, to waive the competitive bidding requirements as outlined in Town Code 98-1(C) and to award the contract for the prefabricated building to United Concrete Products, Inc., in the amount not to exceed \$26,733 with funds from the Water Supply Department (5593-401) as recommended by the Town Engineer and the Finance Director. The Town will not accept delivery or make payment prior to July 1, 2017, carried 5-0.

B. Recommendation - Construction Services for Stand-by Generator

Chairman Luszey recognized Town Engineer Elvis Dhima.

Thank you Mr. Chairman. As I said earlier, Elvis Dhima stated this generator will be serving the new well that we installed in Litchfield. We went out to bid. We advertised with the Union Leader, our town website. Also sent an invitation to different vendors. What you have in front of you tonight are two bids: one from Brian Mason Electrical for the amount of \$62,325 and Colony Constructions out of Massachusetts for \$79,400. I am here to ask you to award the contract to Brian Mason Electrical for the amount not to exceed \$62,325 as recommended by the Finance Director and myself.

Selectman Morin stated we've had pretty good luck with Mason in the past. He's done all the other ones. I don't see a problem with it at all.

Selectman Coutu said my sentiments exactly.

Motion by Selectman Routsis, seconded by Selectman Morin, to award the bid for construction services for a stand-by generator at the Weinstein Well to Brian Mason Electric, LLC, the lowest bidder, in an amount not to exceed \$62,325 with funds from the Water Fund Supply Department (5593-401) as recommended by the Town Engineer and the Finance Director. The Town will not accept delivery or make payment prior to July 1, 2017, carried 5-0.

C. Highway Department - Request to Post for Chief Mechanic Position

Chairman Luszey recognized Town Administrator Steve Malizia.

Steve Malizia indicated Mr. Coulombe is the Chief Mechanic who's been with the town for 31 years and is retiring. Kevin is looking for permission to post his position. Originally it would be posted internally because that's per the contract. Mr. Coulombe is retiring at the end of May and Mr. Burns is looking for permission to post. I told him I would bring that to the Board instead of having him sit here for three hours.

Selectman Coutu stated Claude has served this community well. He went out of his way to come and tell me he was retiring and I tried to talk him into not doing it. This guy is hands on. He gets that equipment up and running. Works those plows. He has spent countless hours even some of his own time being there and doing the job. He's a character but he's a lovable character. I like him. I remember the first time I met him. He called for security to get me out of the building - there's some stranger walking around the building. He let Kevin know there was somebody walking around the garage and I said Claude Selectman Coutu. He said, "Oh I didn't recognize you". His years of dedicated service. He is colorful but he is lovable. I personally want to thank him for his service to our community and I wish Kevin well finding a replacement.

Motion by Selectman Morin, seconded by Selectman Coutu, to authorize the Road Agent to advertise and post for the Chief Mechanic's position in the Highway Department, carried 5-0.

D. Revenues and Expenditures

Chairman Luszey recognized Town Administrator Steve Malizia.

Steve Malizia explained this is through the end of April which is 83 percent of the year or 5/6<sup>th</sup> of the way through. There are two months left. I took a quick look as I do all the time and basically try to look for things that are at issue. We know the Highway Department is going to be tight. As you are all aware, we moved some money around so that we repair those truck frames. Overall I think we should end up on a positive side. Legal looks pretty good. Fire and Police, again, right now should come in on budget. I don't see any other areas that make me concerned but again Highway we did take that action to move that money so we've done that and it's in these numbers.

On the revenue side, again, Mr. Malizia said we're producing very strongly this year. The automobile registrations are 92 percent which if it keeps going will be about \$400,000 over budget at the end of the year. Even ambulance looks like it's at a 93 percent rate right now. That will be greater than we budgeted. It's been a strong year. What's nice

about those strong years is you put that money back into surplus that helps replace the money we took out for the fire station. In the long run, we should get back to a reasonable surplus, a reasonable fund balance which keeps us financial strong. At this point barring any weather, I think we're in pretty decent shape.

Chairman Luszey had a couple questions. The ZBA and the community activities they're over 100 percent. Mr. Malizia noted community activities also brings in revenue - comedy night, school dances. The ZBA is depending on the number of hearings, the advertising, and the minutes they have to take. If they've been more active, you'd get more activity by having more minutes taken and more public notices. Again on the community events, don't forget we gross budget the expense and the revenue would be over here. It doesn't net. At the end of the year, we reconcile.

9. OTHER BUSINESS/REMARKS BY THE SELECTMEN

Selectman Routsis - I actually have nothing this evening other than hoping for some warm weather.

Selectman Coutu - A couple of departments I want to recognize. First of all, the Recreation Department this past weekend they held the father/daughter dance. They had two evenings. This is the first year I believe we went to two evenings. Mr. Malizia said no I think we did last year. Selectman Coutu said last minute we decided to go a second night but this year was well organized. I've heard so many wonderful things about it. There wasn't the confusion that there had been and rushed to buy...there was a rush to buy tickets and a line but people have learned from past experience. By having a second evening, we were able to accommodate everyone who wanted to participate. I want to compliment the Recreation Director and his assistant for an outstanding job. There was a lot of work put into it and a lot of extra time put into it.

The other thing Selectman Coutu wanted to highlight which has to do with the Road Agent's department, I want people to know that the street sweeping should be complete this week. That's weather permitting. The sewer line construction is ongoing at Benson Park. They ran into a lot of large boulders. The water installation will be the next item that they're going to work on. Our town-wide road paving will begin very shortly so he's working on prepping for that. Of interest to you Selectman McGrath and all of us obviously, the mill stone that was donated by Bill Tate has been installed. It has been placed at the entrance of the park. If you happen to go by there and you see it, you'll notice that there are some beautiful plantings but the grass hasn't fully grown in yet. It's an area that's well traversed but they're going to work on decorating that and we might want to talk to Billy or even ourselves have the Town Administrator look into putting some sort of a marker in honor of Anne Seabury. I think if there would be consensus on the Board to do that...the stone is just sitting there. It's an old mill stone but I think there's some symbolism there that what Mr. Tate was trying to indicate is that he wanted to recognize a great public servant. A person who served our community well and I think we should have some sort of a plaque memorializing that.

Chairman Luszey asked for just Anne. Selectman Coutu thought we could get a hold of him or Selectman McGrath could and find out if he has a preference or what he would like on it and then we'd have the Town Administrator work on it. Selectman McGrath preferred that Mr. Malizia or someone else because he can't hear me. Just to jump in to that, when he originally offered that mill stone it was to memorialize Anne Seabury. I think she was very kind to him in his youth. He appreciated that and valued that attention that she provided to him. I think Brad outlived her by a number of years. By the way, Brad's birthday is today. I would be certainly willing to donate money towards a plaque for that. Mr. Tate ought to be given that opportunity because he might want to do that on his own. I don't know.

Selectman Morin indicated I run into Mr. Tate quite often. I can talk to him.

Chairman Luszey asked is there a consensus to do that. Selectman Coutu was all for it. With our gratitude to Mr. Tate. I hope he's pleased with the Road Agent in the positioning of the stone. I think it looks magnificent. I just hope the grass fills in. That's all that I have for this evening Mr. Chairman. Thank you.

Selectman McGrath - I don't have anything to add other than I thought about that stone either yesterday or today. I'm glad to hear that it's there.

Selectman Morin - Mr. Barnes will be coming in from the Benson's Committee the last meeting of the month to discuss the restrooms and how we want to proceed with that. They're also working on there's a racetrack for radio controlled cars that used to be there. They have two options on the table right now and they're going to decide what they're going to do with that and get that work going.

Chairman Luszey asked they're going to put the cars back. Selectman Morin said that's one of the plans to actually install a new race track or make it a picnic area for the playground. They're going to have two plans coming and they'll make a decision at the next meeting.

Also Selectman Morin said I was on the other side of the fire EMS thing last week. I want to thank the guys. They came and picked up a family member of mine and I appreciate their work and everything they did. That's all I have tonight.

Selectman Luszey - I have nothing this evening other than we're doing okay.

10. NONPUBLIC SESSION - None

11. ADJOURNMENT

*Motion to adjourn at 7:58 p.m. by Selectman Routsis, seconded by Selectman Morin, carried 5-0.*

Recorded by HCTV and transcribed by Donna Graham, Recorder.

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Thaddeus Luszey, Chairman

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Marilyn E. McGrath, Vice-Chairman

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Roger E. Coutu, Selectman

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Angela Routsis, Selectman

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David S. Morin, Selectman