

HUDSON, NH BOARD OF SELECTMEN
Minutes of the January 9, 2018 Meeting

1. CALL TO ORDER - by Chairman Luszey the meeting of January 9, 2018 at 7:00 p.m. in the Selectmen's Meeting Room at Town Hall.
2. PLEDGE OF ALLEGIANCE - led by Chief Jason Lavoie.

Chairman Luszey noted for those that don't know it, its police appreciation day. Glad to see a lot of you here and we appreciate and support our Hudson Police Department.

3. ATTENDANCE

Board of Selectmen: Ted Luszey, Marilyn McGrath, Roger Coutu, Angela Routsis (arrived at 7:30), David Morin

Staff/Others: Steve Malizia, Town Administrator; Donna Graham, Executive Assistant; Fire Chief Rob Buxton; Kathy Carpentier, Finance Director

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) Police Department - 20 years of Service

- 1) Master Patrol Officer James Connor - absent

Chairman Luszey read the following:

"Master Patrol Officer James Connor began his law enforcement career with the Hudson Police Department January 5, 1998. He graduated from the New Hampshire 115th Police Academy in July 1998.

MPO Connor served for the New Hampshire Attorney General's Drug Task Force as an Undercover Narcotics Detective from July 2007 - June 2008. He has been assigned to the Canine Division as the K-9 handler since February 2009. He and his K-9 partner Looch have been a team from August 2011 until their upcoming retirement in January 2018.

Officer Connor has unselfishly participated in and fully supported police community events such as C.H.I.P.S., Old Home Days, Citizen Police Academy, Police Blood drives, and especially the opportunity to showcase his partner's ability and agility. He received a Life Saving Commendation Award in March 2012.

MPO Connor is very dedicated to the Town of Hudson Police Department and the canine program. The amount of time that he has devoted to the training and every day needs of his K-9 partner is overwhelming. It is truly a sacrifice that isn't for everyone.

MPO Connor graduated from Hesser College with an Associate's Degree in Criminal Justice. James is dedicated to his job and has certainly been an asset to the Hudson Police Department." We do thank him.

- 2) Master Patrol Officer Scott MacDonald

Chairman Luszey read the following:

"Master Patrol Officer Scott MacDonald began his law enforcement career with the Hudson Police Department January 5, 1998. He graduated from the New Hampshire 115th Police Academy in July 1998. Officer MacDonald is assigned to our Patrol Division and continues to surpass expectations with the number of DWI arrests he can manage in a year!

MPO MacDonald has the uncanny ability to detect motor vehicle infractions and criminal activity. His case solvability rate is unbelievably consistent. Through his diligence and determination, he has also managed to be instrumental in assisting outside agencies in solving cases such as a hit and run and a bank robbery.

MPO MacDonald has spent time volunteering at the Red Cross Blood Drives, the C.H.I.P.S. Fright Night event, Salvation Army, Toys for Tots, Special Olympics, and K-9 Field Trials.

MPO MacDonald graduated from Winnacunnet High School. Scott is married to his wife Holly and they have four children.

MPO MacDonald's commitment to keep our neighborhoods and streets safe is truly an indication of his dedication to duty, and he represents the Hudson Police Department very well."

3) Sergeant Michael Niven

Chairman Luszey read the following:

"Sergeant Niven began his law enforcement career with the Hudson Police Department January 5, 1998. He graduated from the New Hampshire 109th Police Academy in July 1996.

Sergeant Niven was elevated to Master Patrol Officer January 21, 2001 and then assigned to the Detective Unit March 2, 2003. He was promoted to Sergeant March 2, 2009.

While serving in the Detective Unit, Sergeant Niven was hand selected by the former Chief to be part of a Cyber Task Force that was formed in the Southern Hillsborough County to help combat Internet Crimes against Children. Sergeant Niven is currently assigned to the Southern New Hampshire Operations Unit.

Sergeant Niven has spent time volunteering at the Red Cross Blood Drives, C.H.I.P.S. Fright Night event, Salvation Army, Toys for Tots, and Special Olympics. He received a Life Saving with Valor Award in August 1998.

Sergeant Niven graduated from New Hampshire Technical Institute with an Associate's Degree in Criminal Justice. Mike is married to his wife Sarah and have two children.

Sergeant Niven is dedicated to his job and has certainly been an asset to the Hudson Police Department."

6. CONSENT ITEMS

Chairman Luszey asked if any Board member wish to remove any item for separate consideration. Seeing none.

Motion by Selectman Coutu, seconded by Selectman McGrath, to approve consent items A, B, C, D, E and F as noted or appropriate, carried 4-0.

A. Assessing Items

- 1) 2017 Tax Abatement - Map 153, Lot 17 - 11 Cheney Drive, w/recommendation to rescind the original abatement and re-issue an abatement
- 2) Veteran Tax Credit - Map 184, Lot 032, Sub 069 - 74 Brody Lane, w/recommendation to grant
- 3) Disabled Veteran Tax Credit - Map 184, Lot 032, Sub 069 - 74 Brody Lane; Map 191, Lot 090 - 45 B Street, w/recommendation to grant
- 4) 2017 Tax Abatement - Map 111, Lot 48-1 - 160A Robinson Road, w/recommendation to approve
- 5) 2017 Tax Abatement - Map 156, Lot 63, Sub 67 - 507 Elmwood Drive, w/recommendation to approve
- 6) 2017 Tax Abatement - Map 183, Lot 59 - 9 Bond Street, w/recommendation to approve
- 7) 2017 Tax Abatement - Map 160, Lot 98, Sub 1 - 42A Windham Road, w/recommendation to approve

- 1) 2017 Tax Abatement - Map 204, Lot 6, Sub 122 - 122 Fox Hollow Road, w/recommendation to approve

B. Water/Sewer Items - None

C. Licenses & Permits

- 1) Hawker/Peddler/Itinerant Vendor's License - Jimmy's Catering
- 2) Petition and Pole License #235/24A - Derry Road

D. Donations

- 1) \$125 from the Wing Family into the Town Poor Donation Account
- 2) \$734.80 from AAT Photo, LLC, d/b/a Clix New England into the Recreation Donation Account

E. Acceptance of Minutes

- 1) Minutes of the of the November 28, 2017 meeting
- 2) Minutes of the December 5, 2017 meeting
- 3) Minutes of the December 12, 2017 meeting

F. Calendar

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| 01/10 | 7:00 | Planning Brd - Buxton CD Meeting Room |
| 01/10 | 7:00 | Public Hearing (Town and School) - Community Center |
| 01/11 | 7:30 | Zoning Brd of Adjustment - Buxton CD Meeting Room |
| 01/15 | | MARTIN LUTHER KING JR. DAY - TOWN HALL CLOSED |
| 01/16 | 7:00 | Municipal Utility Cte - BOS Meeting Room |
| 01/18 | 7:00 | Benson Park Cte - HCTV Meeting Room |
| 01/22 | 7:00 | Sustainability Cte - Buxton CD Meeting Room |
| 01/23 | 7:00 | Board of Selectmen - BOS Meeting Room |
| 01/24 | 7:00 | Planning Brd - Buxton CD Meeting Room |

7. OLD BUSINESS

A. Votes taken after Nonpublic Session on December 12, 2017:

- 1) *Motion by Selectman Coutu, seconded by Selectman Morin, to seal the Nonpublic Session minutes, carried 4-0 by roll call.*
- 2) *Motion to adjourn at 10:28 p.m. by Selectman Morin, seconded by Selectman Routsis, carried 4-0.*

8. NEW BUSINESS

- A. Request to apply for the NH Homeland Security Emergency Management Performance Grant in the amount of \$2,500 for the Hazardous Materials Plan

Chairman Luszey recognized Fire Chief Rob Buxton.

Good evening Mr. Chairman and members of the Board. We're here tonight to request the ability to apply for the hazardous and materials emergency preparedness grant through the State of New Hampshire. This is to assist us with the re-writing of our local hazardous materials response plan. The last time it was written was in 2011. The cost of the project is \$2,500. We'll be responsible for a \$500 section of that and the State will cover the other \$2,000. We're requesting the ability to apply and accept the grant.

Selectman Coutu asked the Chief who's the author of the update that's going to get \$2,500. Chief Buxton said we'll actually do that internally. Most of the time they'll look to our Regional Planning Committee to

give us a hand facilitating that with the State. We're locally doing that right now with our hazardous mitigation plan. This is a three step process we're in the process of right now. We're doing hazard mitigation material and then we'll move on to our formal local emergency operations plan which all gets meshed to one sent to the federal government for approval under the emergency management system and then it gets put on the shelf and adopted locally.

Selectman Coutu asked who do we pay \$2,500 to. Chief Buxton indicated they manage the grant through NRPC. That is the way that operates. Selectman Coutu said so they get the money. Chief Buxton agreed. Our \$500 portion is usually through in-kind contribution meaning that any of the staff time that we put in - department heads, myself, and staff hours that we put in that's how the match is usually formally done. Selectman Coutu said I'm going to vote for this only because I know that I understand the need. I don't understand why we're giving NRPC \$2,000. What are they going to do for \$2,000? Chief Buxton indicated they're responsible for coming and updating all of the charts, the complete plan. I have a copy of it here if you want to take a look at it and any of the edits that we would make to the plan. They're responsible pulling that together, submitting it back to me as the emergency management person. I bring it to you for adoption and then it goes to the federal government. They do the facilitation and administrative work.

Selectman McGrath asked updating the plan does that include any hazardous materials that haven't been identified before that are being utilized in town. Chief Buxton said absolutely. So what will happen is if you think about from 11 to 18 now, they'll go through and they'll retarget all of our industrial parks looking to see if there's been any occupancy change, hazardous storage within the town, and those sorts of things, and quantities and that is driven off our Tier 2 reporting which comes in in March. That's why we facilitate this after the March Tier 2 report which is accepted by the Fire Department and then we move forward with them to do the update. Selectman McGrath said it's not just a clerical thing. We're updating a plan for language or anything else. It's really to identify hazardous materials that haven't been included previously. Chief Buxton said or have left town too.

Motion by Selectman Morin, seconded by Selectman McGrath, to authorize the Fire Chief to apply for and accept the terms of the Hazardous Materials Emergency Preparedness (HMEP) Grant as outlined above, carried 4-0.

Motion by Selectman Morin, seconded by Selectman Coutu, to authorize Fire Chief Robert M. Buxton to sign all documents related to the grant, carried 4-0.

B. Naming of new Fire Station on Lowell Road

Chairman Luszey recognized Selectman Morin.

Selectman Morin stated I spoke with the Chief a couple of weeks ago in reference to this. There was some ideas already presented to name. I brought forward that I'd like to see the station named after Firefighter James Taylor who was killed in the line of duty in Hudson in 1981 on July 27th in route to a fire call when the tanker crashed on Wason Road taking his life. The only real honor that we had bestowed on him was he did have a Fire Department funeral and a 6x4 plaque screwed to the flag pole at the existing Burns Hill Fire Station. I'd like to see the station named after him.

Selectman Coutu asked if that was a motion. Selectman Morin didn't know if the Chief had any comments before.

Selectman McGrath had a quick question. The plaque that's currently affixed to the flag pole at Burns Hill that will be transferred. Chief Buxton said we certainly can facilitate that. Absolutely. Mr. Chairman and members of the Board, I think that this is certainly an honor that is reasonable. Selectman Morin had approached me just prior to groundbreaking on this project and I had asked him to let us get under construction and then as the holidays came closer, we're moving pretty quick, we'll be siding the building starting here in a week and a half and actually sign, design and those type of things and how we're going to display that. Timing is appropriate so this is an appropriate honor within the fire services. This is the one line of duty death that the Fire Department has here in Hudson. I think it's very appropriate and I would encourage the Board to support the motion.

Motion by Selectman Morin, seconded by Selectman Coutu, to name the new Lowell Road fire station the James Taylor Memorial Fire Station, carried 4-0.

C. Personnel Policy Recommendation - Performance Evaluation

Chairman Luszey recognized Finance Director Kathy Carpentier.

Good evening. Kathy Carpentier noted before you I have a recommendation to make some changes to a Personnel Policy - Performance Evaluation. Back in October, we were requested to review the policy and then do a training tutorial. By "we" I mean the department heads. We took an opportunity to read over the policy and I asked for feedback from department heads and what you see before you is a consensus of changes from people who decided to give changes and review with the Town Administrator. I'd be happy to answer any questions you may have about the changes.

Selectman Morin first wanted to say I very much appreciate the Finance Director taking the time and the effort to do this. We actually had a long discussion this morning on this. I read it over yesterday and I had some questions for her. I wanted to talk to her before we came tonight. She did put a lot of time. She brought forward a lot of good reasons why to change things. There was one section that we did not agree on and that's the part I would like to talk about right now if I could. Page 2 the last paragraph they struck "and/or the Board of Selectmen". Now the reason why - and I fully agree with her why she did it. There is a chain of command I get that. My problem is this document is 2001. It hasn't bothered anybody since then until this issue came up. The reason we had this issue is because we found that there was some problems that we have discussed related to employees, reviews not getting done, and people not completing their jobs. This is a long-time policy which is very important to the growth of our employees in town for them to know where they're going and how they're doing. Again my concern is 2001 nobody had a problem with it until all of a sudden when they had to start doing reviews. Again I understand why she changed it because there is a chain of command. Right now we're not sure how this is all going to go and it's still in the infancy because we're pretty much starting over because not many of them were getting done. I would like to see that "and/or Board of Selectmen" left in for at least a year until we can take a look at this in a year and see where we're going with it and how it is working out.

Selectman McGrath agreed that I think it should be left in for at least a year's time. It kind of goes along with when someone leaves the employ of the town and whether or not they get an exit interview whether it's their supervisor or they want to elevate it to the Board of Selectmen. I think that that should be the case here. Unless you can convince me otherwise, I think that it should be left in at least for a one year period.

Chairman Luszey indicated since I won't be here, I'll add my two cents. I think it should be struck just as it is the way the Director did it. We may want to add a sentence that says "if the employee feels that the Town Administrator is in err upon the appeal then they come here". All this is doing is it's the and/or Board of Selectmen language that has caused us issues. In the past an employee had an issue with an evaluation or their department head that bypassed the Administrator and come directly to the Board of Selectmen. We have been trying to stop that behavior. Striking "and/or the Board of Selectmen" helps change that behavior but we do have an open door policy. If we need to put that in writing, then there should be another paragraph that says "if the appeal to the Town Administrator fails and they want to bring it to the next step which is the Board of Selectmen, then they have that right. What we're trying to do is get them to go through that chain of command.

Selectman McGrath said the process should be that they can appeal the decision or contest the decision by their immediate supervisor going to Steve or whoever the Town Administrator is at the time. Then if they are still dissatisfied with that decision, then they can come to the Board of Selectmen. I don't have a problem with that either. Chairman Luszey noted the way this is worded, they can go right past the Town Administrator. Selectman McGrath noted that's an easy fix. Add the language as a last sentence that if there is still dissatisfaction with the decision then they can elevate it to the Board of Selectmen.

Selectman Morin agreed with that because of the chain of command. My concern is where we're at at this point I feel we still need to be involved in this for at least a year to make sure that this is going to be - been here long enough to see that things get started and then they go away again. I want to make sure that doesn't happen.

Chairman Luszey suggested is adding that does that. You'll monitor it indefinitely until you change it again but it sets up that chain of command and the process that procedure that these are the steps that you have to go through. What we were trying to negate is not going through those steps. Given if we're updating this procedure, let's update it for the long term. Not a year but for a 5 or 10 year period.

Selectman Morin said I have no other questions with what she updated because again we had a long discussion today and I got to understand why she did what she did. I'm not saying that those words stay in there for a long time. I'm just saying give us a year because of the situation and why we got here that there needs to be another way until we understand where it's going. I asked her some questions today and again she's working on getting me an answer. We don't know when people are going to do reviews because it gives you two options. It gives you a month or it gives you their anniversary date. I'm not going to contest it because I actually talked to one of the groups that does it in a month but my concern is for a large department that a supervisor has a lot of people under him and they're doing multiple reviews in a month are they going to get a good review. I'm not going to contest that at this point because I've talked to somebody about that. That is a concern. I also asked for a list of when each department is going to do these reviews so we know. I plan on following up. I already have followed up and I plan on continuing to follow up and I just want to make sure that this gets on the right track and stays on the right track.

Chairman Luszey stated all I'm saying is adding the next sentence keeps it on track. It doesn't change anything that you're trying to do.

Selectman McGrath said it prevents anyone from hopscotching over. Chairman Luszey said that's the purpose of that.

Kathy Carpentier noted that was the intention is the or is really what struck me as they could "hopscotch" - your words - over the Town Administrator and we've always been taught through anything that all five Board members need to get it and we always go through the Town Administrator. Selectman McGrath commented I thought you did a great job on that. Ms. Carpentier said it was a collection. I got feedback from department heads. I did follow up. I got a copy of all of the - and I didn't make copies for everyone - I got a copy of all the blank evaluations - the forms that we're using. There are people using supervisor ones and non-supervisory ones. I got all the police and fire ones. There seems to be only three groups of people who are going to do it at one point in the year which is myself I mentioned. I like to do all mine in February. That just seems to be between my big projects. The Town Administrator does all the department heads in June and the police does theirs in June and July. Everyone else plans on doing it on the anniversary date. I was able to get that answer for you today Selectman Morin. I think that was all you needed.

For clarification, Ms. Carpentier didn't know what the end result is to edit. Am I adding a sentence? Am I leaving the strike through? I wrote down what he said. He said, "If an employee feels that their appeal to the Town Administrator fails, they can come to the Board of Selectmen" is what I short-handed what Chairman Luszey is saying. Chairman Luszey commented that would work for me. Selectman McGrath said me as well.

Selectman Coutu was leaning towards leaving it in but what is the sentence going to be? Kathy Carpentier said starting after a comma, "the employee may appeal such action to the Town Administrator who will bring it to the attention of the Board of Selectmen as necessary. If employee feel the appeal to the Town Administrator fails, they can come to the Board of Selectmen."

Selectman McGrath indicated it's really no different than the process that the unions go through when there's a grievance. Chairman Luszey commented right step 1, 2, 3. Selectman Coutu said I will support that.

Selectman Coutu noted "compensation - page 1, second paragraph "Statement of Policy". I just want a clarification. Having been in human resources, I've written many personnel policies. I have to concur with Selectman McGrath and Selectman Morin that it's quite complete. It's thorough. It's direct. It's to the point and it's not written in any language that would be difficult for anybody to understand if they questioned the policy. The only question I have is the "Statement of Policy: Employees on probationary status shall be evaluated not later than" - and you're striking out "two weeks", and you're inserting instead "one month" prior to the end of the probationary period, at which time the employee shall be advised of his/her expected

status (regular employment or termination).” My question is is if the person doing the evaluation - which brings up another question later but - if the person doing the evaluation tells the employee that their status is termination, they will be terminate that day correct? Steve Malizia said no they have to come to the Board of Selectmen to be terminated. Only the Board can terminate an employee.

Selectman Coutu said they will be advised that they’re going to be recommended for termination should they not at that point immediately put on suspension until a determination is made by the Board of Selectmen. Steve Malizia stated that’s certainly an option. Selectman Coutu said we’ve had this situation in the past where I felt immediate action should have been taken and it wasn’t. There was no clear policy. It’s an opportunity for us to clarify this. We had an employee that we were terminating but they had advanced notice they were being terminated so they could have done whatever in that timeframe between the time they were notified and the time it came before the Board.

Kathy Carpentier said I agree with the Town Administrator that you certainly can add it. I would think in my business here in a clerical world that that would work. I could not speak for the Chiefs if in their world it would work.

Chairman Luszey noted let the record show that Selectman Routsis joined us at 7:30.

Chairman Luszey thought Selectman Coutu brings up actually a pretty good point on this one and I didn’t think if it when I read it. There’s two types of personnel. One would call “critical” and “non-critical”. Depending on the job, yes you may want to suspend them at this point and put them on administrative leave until the Board of Selectmen makes that determination because of what they have access to and what they can cause issue with. Then there’s the employee that really cannot do anything significant to the town and it’s really not necessary to put them on administrative leave. What may be helpful here is to identify those jobs that you would put them on administrative leave at this time until the Board of Selectmen...

Selectman Coutu thought, too, that almost without exception I can think of one or two cases where there is an exception. They have access to a computer - our computer system - almost every employee. They could do some damage.

Selectman Morin’s question is are we going to run into a legal problem where we’re doing a review a month ahead until somebody is terminated and they didn’t get to finish or come close to their probation where the two weeks but you have a month out, you still have a month of probation. Selectman Coutu said any time from day one the day you’re hired, you could be terminated the second day. You don’t have to serve out your probationary period. Selectman Morin said we’ve gone down that road before. That’s why I’m asking. Selectman Coutu said as long as it’s clear. If you have a six month probationary period - nine month probationary period, that’s not guaranteed employment for nine months. We’re willing to try you out up until nine months and if you meet all the requirements - you make nine months you’re safe.

Steve Malizia said whatever the case may be. Some cases it’s a year because of the cycle of the business. Some are nine months, some are six, some are a year.

Selectman Coutu felt that if a person has been evaluated and it has been determined - and I said there’s going to be an additional question about how we arrive at this process, that it’s been determined that this person should be terminated. We shouldn’t be holding onto that person beyond that moment. We should be suspending him with pay at that time until the decision is made by the Board of Selectmen and we’ll listen to whatever the department head brings us and make a determination. I don’t see why we wouldn’t support them. Then they can go through the process of appeal after that.

Selectman McGrath noted Selectman Coutu covered what I was going to ask about and that’s whether or not they would be suspended with pay or without. I can certainly see instances where there are people in critical positions that you wouldn’t want to have access to whether its weapons, computers, thinks that can cause harm to the town. I think that that’s something that we should probably consult with legal counsel about how to handle that. I’m just not sure. I worked for BAE for more than 20 years and I know that if they decided that they were going to terminate you, you were terminated and walked out the door. Hand in your badge and out the door you go. You can understand why they would do that because of the critical programs that some of these people worked on, and if they were the engineers, or they were clerical people that had access to secret documents, whatever it was. That’s a clear indication of why they would take that sort of

action. I don't know I thought of a couple of instances here where it's not as cut and dry about whether or not the Board would actually go along with a recommendation to terminate depending on what the situation was, whether or not the employee had - I don't want to get into specifics because I might say something I shouldn't say. I just think on that I'd feel more comfortable getting advice from Dave Lefevre about how to handle that aspect of this policy.

Chairman Luszey said I have a question now because on the very first paragraph, the first sentence, you struck the word "new" in front of employees. For me this now becomes all employees. Now you come down to the Statement of Policy paragraph that we're talking about and the term "probationary status" when I read that to me that now meant a person that we're just bringing in for the first time and they are on their probationary period or it's an employee that is regular status with us and they're in this situation where they've been put on notice. They're in a probationary status. Those two situations are different and they're handled different. If it's the new employee, I'm not sure we would put them on administrative leave with pay if we're going to be terminating them versus a full time person - a regular status person I guess - they're treated differently.

Selectman Routsis apologized for coming in a little late and for entering this in the middle of a discussion. Shouldn't an employee not be finding out that their job is potentially going to be in danger during their yearly evaluation? This should be something that should be documented knowing beforehand and gone before yearly evaluation if they're that type of an employee? Selectman Morin said if it's a probationary person like we started with. Selectman Routsis said we're talking in general here. We're talking anyone if they do battle yes where we may let them go, this should be something that should have been handled prior to an evaluation or a yearly.

Selectman McGrath indicated the only thing that I could see a change in that is say you have an employee that's been doing really good work and they've been consistent and all of a sudden they start for whatever reason whether its personal reasons that they're going through at home or whatever it is all of a sudden their work ethic changes. It changes to the degree where you've given them ample opportunity to correct it and they haven't and then it becomes an issue. Maybe they raise that issue at their evaluation time and say this has been going on for too long and we're going to have to make a change. I can see that happening.

Kathy Carpentier had a couple of comments. We did strike the word "new" because this performance evaluation is supposed to be for all. That's why we got rid of the new. The probationary period could be a new employee but it also could be a person who just stepped into a new position. They could still be on probationary not for their employment but for that function sort to speak. With the purpose of the Statement of Policy is saying is not later than one month. I believe the Police Chief told me today that they do daily evaluations. By that there's a different form. Then the Fire Chief told me they do monthly evaluations for real probationary people. I also know from my standpoint I would have been giving cues to the Town Administrator hey this isn't working out. What do we do? It's not going to get to the 6, 9, 12 month mark before we just have to put them on administrative leave. I believe all the contracts say that this Board can just terminate with no administrative leave with pay and that type of thing.

Chairman Luszey said given that explanation if we promoted a person say to a Lieutenant, they're on a probationary period for six months if they don't make it are they terminated or put back? We need to make that clarification. Steve Malizia indicated it's in the union contracts. Chairman Luszey said right here it doesn't reference per a contract. We could reference the contract. This says if you're in a probationary period and at the end of that if you're failing, you're terminated. That's not really what's happening here.

Selectman Routsis stated it says you'll be told whether you go back to your regular employment or termination so I think that covers it where they'll either be put back as a regular employee or terminated. Chairman Luszey said no. It says you're going to be advised what the expected outcome is. Are you going to maintain employment or are you going to be terminated. Selectman Routsis said that could be a probationary person that goes to a Lieutenant could be told this isn't working out, you're going back to this.

Kathy Carpentier asked would this Board be amendable to striking out all the words after "probationary period" meaning "at which time the employee shall be advised of his or her expected status". Because there are so many different scenarios that you can come up. I'm only recommending that based on Selectman Coutu's observation. Chairman Luszey said I'd be good with that.

Selectman McGrath stated strike "(regular employment or termination)". Ms. Carpentier said no even more. It would just say the "Statement of Policy: Employees on probationary status shall be evaluated not later than one month prior to the end of the probationary period." I also want to just point out the next paragraph down it does say in the last sentence "Department heads may choose to evaluate employees more often." We're not saying just do it in the 11th month sort to speak. We're saying at a minimum you have to do it one month prior to end of probation.

Selectman Coutu explained what you're saying is you want to put a period at the end of probationary period and strike out "at which time...termination" all the way to termination. Kathy Carpentier said because I feel that as the Town Administrator mentioned, there is a policy in the contracts that are stating that. Each situation for non-contractual people would be different. I think you would handle my termination differently than you would an office person.

Steve Malizia mentioned you might also extend a probation which has been done more than once. Selectman Coutu noted we've done that for various reasons. Mr. Malizia said they didn't get a certification. They're still getting a training or there's something that still remaining. If you strike that sentence, you don't box yourself into a corner.

Chairman Luszey agreed with that. This is too defining. It needs some flexibility.

Selectman Coutu said the reason why I raised it is because - I don't know this to be true - I suspect it is. I don't think - and we'll use the Fire Department. I'm not picking on the Fire Department because I could say the same thing about the Police Department. I would expect that the Fire Chief is not evaluating all of the employees in the Fire Department. I believe the Lieutenants will be evaluating the 5 or 6 people that are under their immediate charge. That evaluation will then proceed to the Fire Chief's office for recommendation. Selectman Morin disagreed. The Captain has his say. Like the Captain at Central Station will evaluate the firefighters there because they're under his direct supervision. The Lieutenants at the two outlying stations will do their personnel and those put to the Captain and actually the Captains review we'll go to the Lieutenants also to see if they have a comment on his people.

Selectman Coutu stated the Lieutenant would then make a recommendation to the Captain if they were to be other than meet expectations or above employee. If they were below, he would make a recommendation to the Captain. The Captain would review it, probably speak to the employee. I don't want to have this one paragraph restructured so it raises a lot of other questions. I'm not convinced that putting a period at the end of probationary period - I gets that word "termination" out of the paragraph. I'll agree to that. We're going to strike out "at which time the employee shall be advised of his/her expected status? Ms. Carpentier agreed.

Selectman Morin had one other question that I meant to ask you today because I marked it and I never did. What are we using for a calendar year? July to July or January to January? Kathy Carpentier said I don't know your question. Selectman Morin said here's why. It says right in here in your policy "before June 15th" each year supervisors will complete an appropriate valuation." You just said the police do theirs June and July. Your policy says it has to be done by June. That's why I'm asking what is the calendar year we're looking at here? Ms. Carpentier said I didn't edit the June 15th. That is just assuming that June 15th is the end of 12 months and that you've done everybody by June 15th. Selectman Morin said that's what I'm asking you. If the police is doing it once a year and they're doing it in June or July, we're covering two years.

Chairman Luszey said it's a fiscal year that we're on based on that date. It would be the fiscal year which is common. Ms. Carpentier noted this says June 15th. To his point, it's not June 30th which is my fiscal year. Selectman Morin noted but it's in your policy June 15th. Ms. Carpentier noted I didn't change that. Selectman Morin said that's what I'm saying. Are we going to stick with that because I don't want to go and find out that reviews are getting done after June 15th when the policy says because that's why we have a policy.

Selectman McGrath indicated that's an easy change. It changes to June 30th and add "fiscal" before the word "year". Kathy Carpentier stated the Police said it could bridge both years. As long as he gets one year of reprieve. Half his staff could be done in June and half in July. By next year, all of them will have been done in the same fiscal year.

Selectman Morin understood what you're saying but the policy says June 15th. That's why I asked the question. The policy that we have in place right now that is the official policy says reviews will be done by June 15th not July. That's why I'm asking. Ms. Carpentier said I didn't address this so what I would like to recommend is to say December 31st then. That's going to get him to bridge both his June and July and it will all be done. Here we sit January 1st. Let's say 1/1 we all have 12 months to get them all done. The reason it becomes unfiscal year, a lot of our payroll items are calendar year. It's not like I'm just making up one item to go to calendar year. I can say as of December 31st of each year evaluations should be done.

Selectman Coutu asked would you be amendable to January 31st as opposed to December 31st. You're in the holidays. Are you looking to stay within the calendar year rather than the fiscal year? Ms. Carpentier said it seems like everybody else is doing it on anniversaries except for three department heads and I'm February and they're June and July. They'll all be done way before...Steve Malizia said payroll ends December 31st for the tax year. There's just a lot of reasons to do it that way.

Like I said, Selectman Morin indicated we have a policy that's written in there. So we're going down that road.

Chairman Luszey noted we're agreeing to December 31st.

Kathy Carpentier asked you said one question lead to another. Selectman Coutu said no about the evaluations is with the process with Police and Fire that it's not the Chiefs that do all the evaluations. I'm saying here we have a Lieutenant evaluating somebody and saying I'm recommending you be fired. Well at that point, we're giving the Lieutenant the authority to suspend a person. Mr. Malizia disagree. No we're not. People can make recommendations. Nobody can terminate but the Board. I can suspend if they come to me.

Selectman Coutu said a Lieutenant cannot suspend one of his employees. Selectman Morin said he has to go through the Chiefs. Selectman Coutu asked can you see a Lieutenant Fire, or Police, or a subordinate of a department head who has supervisory authority evaluating an employee and so fed up with the employee they're going to tell them I'm recommending you get fired. Steve Malizia said I can see a grievance because there's a...Selectman Coutu indicated so now that person is still working for us has access to our computers figuring they may get fired. This was boiling over as I kept reading this over and over again.

Selectman Morin thought your scenario I would hope would never happen because that's going to lead to a lot more problems than the review.

Selectman Coutu said we won't go into any details but it can happen.

Chairman Luszey asked if there were any other comments. If not, then I'd entertain a motion.

Motion to revise and approve Personnel Policy number V, Section C entitled "Performance Evaluation" as recommended by the Finance Director as amended, carried 5-0.

D. Adopt 2018 Benefit Plan

Chairman Luszey recognized Finance Director Kathy Carpentier.

Effective in January 1991, Kathy Carpentier said is what I was able to uncover. The town implemented a cafeteria plan. A cafeteria plan is the IRS Section Code 125. It gives some tax relief to some of the employees on three different items. Your health premiums - I pay health premiums here for my health insurance. I pay on a pre-tax basis so I don't have to pay taxes on those premiums. I can also do flexible spending accounts for my medical reimbursement and my dependent care reimbursement. The town has been doing these on a pre-tax basis. The town's been doing these three things since 1991. We had just never had a plan. If the IRS was to walk in and say here's the plan, we need to be updating and adopting this plan every year. With the help of Healthtrust and Benefit Strategies who is the person handling the flexible spending accounts as of January 1st, they developed this plan. I read through it. The Town Administrator read through it. Our legal representation read through it. It's pretty boiler point and it's just

saying what we've been doing. I'm here to ask you to adopt this benefit plan. It doesn't change, add any of the benefits that employees currently have.

Steve Malizia noted it just makes them legal from the IRS.

Selectman Coutu was looking at it and I'm saying wow this is all foreign to me. What are the changes? You just explained it. There are no changes. It's been an unwritten policy. We are now formalizing it.

Kathy Carpentier said I probably need to correct myself. There might have been a plan once upon a time but in my research with the help of the Town Administrator and Donna, we couldn't find a plan. The audit reports do say since January of 1991 so we have a plan. We've been following it. Now we're legally following it with an assigned plan and somebody needs to sign all these documents and I'm asking you to authorize the Town Administrator to sign on your behalf.

Chairman Luszey asked did you ask the attorney if we adopt this and there are any changes to this plan based on the new tax laws, will they automatically take effect or do we have to redo it? Ms. Carpentier said nothing automatically would take effect but what I understand is limited of what I understand. A lot of the tax things don't happen until 1/1/19 and not 1/1/18. Steve Malizia indicated if we adopt this every year, any changes would have to get advised to us and we'd have to change.

Chairman Luszey said the bill that President just signed went into effect January 1st and there are things that affect insurances and I'm not sure if this is one of them. Ms. Carpentier said what I know it hasn't touched these three things. It could come down the pipe next week and I could be wrong but there's stuff that I read was the \$10,000 cap. I haven't seen a Cadillac tax is going away. There's stuff I've seen. I haven't seen that these are going away. Healthtrust and their legal team would let us know if anything needed to be amended. Could we be back here in three months readopting this? Maybe but right now this is effective 1/1/18. It should be good for 12 months. I'll see you next December to do it again hopefully with any changes.

Selectman McGrath through the only thing that changed for insurance was they removed the mandate. They didn't make any other changes. They may have made changes to the tax code as to what can be used to reduce your taxes but they didn't make any changes to the health plans other than removing the mandate.

Kathy Carpentier explained right now we're reporting for the calendar year '17. We still need to do those forms - the ACA1995 - that say you had insurance all 12 months. Your child had insurance all 12 months. Chairman Luszey said it's actually number one is the premiums on a pre-tax basis that was in discussion. I don't know it that happened to make that part of a taxable benefit. Ms. Carpentier didn't think our legal counsel would know the timing wise I mean. When I asked him to do it, I forget what day it was. Chairman Luszey said if you get any changes, we'll have to readopt that's all you're saying. Ms. Carpentier noted that is what I'm saying. I believe that Healthtrust and their legal people would let me know that things have changed and we had to redo this.

Motion by Selectman McGrath, seconded by Selectman Routsis, to adopt the 2018 Benefit Plan and authorize the Town Administrator to sign on behalf of the Board, carried 5-0.

E. Annual Report Dedication

Chairman Luszey recognized Town Administrator Steve Malizia.

Steve Malizia explained we are currently preparing the Annual Report for 2017. What you have in front of you is a recommendation for a dedication. The town, the Board typically dedicates the report to notable contributors to our community. This year we lost four of those contributors. I'm recommending you dedicate this year's Annual Report to former Selectman Patricia Nichols, former Selectman Rhona Charbonneau, former Library Trustee Mary Ann Knowles, and former Benson Park Vice-Chair Esther McGraw.

Chairman Luszey added is that these be full page so the photograph can be presented along with the write up. Mr. Malizia said we will handle the details. We typically include a photograph of everyone with at least some of their accomplishments.

Motion by Selectman McGrath, seconded by Selectman Morin, to dedicate the 2017 Annual Report to Patricia Nichols, Rhona Charbonneau, Mary Ann Knowles and Esther McGraw, carried 5-0.

F. Petitioned Warrant Articles

Chairman Luszey recognized Town Administrator Steve Malizia.

Steve Malizia stated we received one. It's on your desk. Apparently is was "Shall we allow the operation of keno games within the town?" That's the Petitioned Warrant Article. It will receive #25. It will go on the ballot. It's petitioned. It had the requisite amount of Hudson resident signatures as verified by the Town Clerk. At this point in town, we can go with either your recommendation or without your recommendation. This is the only one we received by the way.

Selectman Coutu asked what is the procedure. Mr. Malizia said it's going to the ballot. You as the Board of Selectmen would either recommend or not recommend. As Selectman Coutu understood it so that people are aware, Keno would be available in liquor licensed establishments. You can't sell liquor other than a State liquor store or a restaurant. Steve Malizia said we don't regulate it. The State would obviously allow the permitting of it and would allow the licensure of it. Selectman Coutu said its restaurants that serve alcohol and I support it. I'm willing to take a position on it. I don't know how the rest of the Board would feel.

Chairman Luszey thought Board nor I support it.

Selectman McGrath asked to hear from the Police Department what they think about it. I'm not a gambler so for me it doesn't matter one way or the other. Is it going to have an adverse effect on the town as a whole? Are we going to start seeing gambling establishments cropping up all over the place? I don't know the answer to that. I'd feel comfortable hearing from the Police Department whether or not that's something that they would recommend for this town. Otherwise, I'm not going to take a position on it because I really don't know and I'm not in a position to. I don't gamble.

Chairman Luszey said we do need as a Board to take a position on it because it's going to public hearing or the warrant. Steve Malizia said it's going to the warrant. The Budget Committee will not weigh in because it's not a monetary article. At the Deliberative Session would be subject to being discussed. We can certainly revote on it after the end of Deliberative Session. At this point in time, you need to forward it to the warrant. You have no choice for that. You put a recommend or not recommend. Whatever the Board's pleasure or abstention.

Selectman Routsis was actually for it. I'm for it because all the places that I've seen it are - it might be in a convenience store or a Chinese restaurant are usually the places that I'll see them in. It's just someone that will come in, fill out a paper, do a couple quick numbers. It's a quick rotation. I haven't seen any issues with it any place I've ever been to. They're everywhere in Massachusetts. I personally have never seen a problem with it. I don't see it being a problem.

Selectman Coutu said the only question I would have is that the profits that are derived from Keno will go to fund kindergarten. If a municipality refuses to participate do they lose out? Selectman Morin said no. Selectman Coutu asked the town will get their share of revenue based on school population. I support it anyway. I've been a strong advocate of the State trying to get Keno in New Hampshire for a long time. You go to the LoKai Restaurant in Dracut, MA, from 11:30 to 2, 75 percent of the cars are New Hampshire residents and they're spending their money in Massachusetts giving the State of Massachusetts the money. I think only one town so far has said no at the ballot.

Chairman Luszey asked to get a vote to see who's in favor so whether it's recommended or not recommended. Steve Malizia said what you'd want to do is recommend it and then you take your vote tally there.

Motion by Selectman Coutu, seconded by Selectman Routsis, to forward Petition Warrant Article 25 to the 2018 Town Warrant as Recommended by the Board of Selectmen, 4-0-1. Selectman McGrath abstained.

G. Fiscal Year 2019 Town Warrant and Warrant Article Speaker Designation

Chairman Luszey recognized Town Administrator Steve Malizia.

As I typically do, Steve Malizia said I forwarded the warrant in a similar fashion to previous years where you can actually see the warrant on the second and third pages in order. This follows the typical pattern that the Board has done in the past. Zoning articles are obviously first, followed by the three operating budgets, followed by any wages and new personnel, and then equipment and projects and then pretty much non-monetary stuff towards the end. Obviously that's why this is #25. This is my recommendation for the order of the warrant which, again, follows what we've done before. The Board can certainly change this if they like except for the zoning. That has to be first. You can't change the zoning. Those are in the order that they're in.

As part of that, Steve Malizia indicated I've also prepared a list of speaker designations for the Deliberative Session. It follows the liaison assignments. If you're a liaison to a department or departments, you'd be the individual the Selectman introducing and making the first comments about every article. I believe everybody has at least something to speak to. Some have more than others just because of your assignments.

Chairman Luszey noted Steve usually preps a nice little paragraph for everybody just in case you lack words. Some of us don't and some of do. Mr. Malizia noted some deviate from the script.

Motion by Selectman Routsis, seconded by Selectman Morin, to approve the order of the Fiscal Year 2019 Town Warrant, carried 5-0.

H. Designation of a Selectman to Post the Town Warrant

Chairman Luszey recognized Town Administrator Steve Malizia.

Steve Malizia explained now you need to have someone designated to post the warrant. One of the duties of Selectmen one of you needs to post the warrant on or before January 29, 2018. Posting the warrant means at the polling place, Community Center, and other places in town. We posted it at the Post Office over here at the Plaza. We've posted it at the Library and we've posted it at Town Hall. It's a duty. There's a form you sign. Selectman Morin said I'm the low man I'll take care of it.

Chairman Luszey said I appreciate that. This being my last gig, I would be honored to do it.

Motion by Selectman Morin, seconded by Selectman McGrath, to designate Selectman Luszey to post the Fiscal Year 2019 Town Warrant and Budget on or before January 29, 2018, carried 5-0.

I. Revenues and Expenditures

Chairman Luszey recognized Town Administrator Steve Malizia.

Steve Malizia said we are half way through the year - 50 percent. That's easy math. Pretty simple. Things continue to look pretty well. I've looked at some of the key indicators - Legal for example looks well. Again we've talked before things might skew higher because we've encumbered trash contracts and other expenditures. At this point in time, things continue to look well. Automobile registrations is a little bit ahead of schedule about 2 ½. It's 52 ½ percent. If you think of 50 percent, it's running pretty well right there. Ambulance is I believe a month lag so I'm not concerned with that. I think it was like 42 but if I divided it out and add that 8 percent for the month, it will be at 50 percent. At this point, I don't see anything and I don't know if the Finance Director saw anything but I didn't see anything that causes any concern half way through the year.

Just for the record, Selectman Coutu said automobile sales in the area are very high. By looking at 03051 which is our zip code, a lot of people in Hudson have been buying new cars. That's good.

9. OTHER BUSINESS/REMARKS BY THE SELECTMEN

Selectman McGrath - I have nothing this evening. Thank you.

Selectman Routsis - Again I apologize for coming in a little bit late and I have nothing other than that.

Selectman Coutu - I went to the wake for Esther McGraw this past weekend. The family was thrilled to know that she will be honored with a page dedicated in her name. She was a blessing to this community. She never gave up the fight for Benson Park. She worked diligently almost daily put her boots on and went down there. Whether it was a shovel or following a bull dozer around, she was down there. Steve Malizia indicated I trampled through the briar with here one time, man I'll tell you. Selectman Coutu said she was a woman of few words but when she spoke, she spoke loudly and clearly. She loved giving tours I think that was in the paper of the Hills House. I can remember when she took my wife and I she insisted she was going to take us on a tour. She took us through all of the Hills House and kept telling me about these secret passageways that I never got to see and I kept saying well where is the secret passageways. She said well they won't be a secret if I show them to you so I never got to see the secret passageways although I have an idea where they are. I visited Esther many, many times at her home. We became good friends. She never shied away from telling me how stupid I sounded or acted at some of the Selectmen's meetings. I appreciated that because I'm seeing it from someone watching in as opposed to my watching. I appreciated that. She developed a good relationship and friendship with Doris and I. She was a regular customer. You could count on her to come into the store every Thursday to buy her Powerball ticket. The only thing she ever bought to gamble on. She didn't like gambling but she was going to win Powerball. She one Powerball now. She's with Dicky her husband who I miss greatly. Nobody made Southern fried chicken better than her husband Dicky did. I miss Dicky and I'm going to miss Esther. The kids know where to reach me and we had a good conversation. Got to see a lot of friends at her wake this past Saturday.

Selectman Coutu hoped everyone had a safe and memorable holiday season. I know that we did. I know that we haven't had any major incidents in town that was earth shattering. I want to thank the public service personnel, Highway, Police, Fire - outstanding job throughout the storm. They were just dedicated servants who were out there. Kevin Burns came by the house to let me know that everybody was out there doing the best they can. It came down hard. It came down fast. They were out there. I was out at 8 o'clock at night and he pulled up in front of the house and wanted to know if Doris and I were okay. My son was over plowing us out. He brought me up to speed as to the men out there working and plowing and they were doing the best they could. I think they did a great job. I usually take the opportunity every storm to ride up at this end of town and I couldn't do it until the next day. I saw that they did a tremendous job. Again the fire and police officers that work through Thanksgiving, Christmas, New Year. People seem to forget that they're still out there protecting us and they're not at home with their families enjoying the holiday. They're out there doing their job and that's to protect us. I want them to know that we certainly appreciate their service to our community. That's it.

Chairman Luszey added to the statement about the Highway, folks we are in a no parking ban timeframe right now. Please don't leave your cars on the side of the road especially if you know it's going to snow. It makes their job so much more difficult.

Selectman Morin - I too attended the wake for Esther and Selectman Coutu said it very well. I won't pursue that. I also echo his comments in reference to the roads. If you drove on the Hudson roads the next day and then went to Nashua, you'd definitely appreciate what they do.

Quick summary of the Budget Committee. Selectman Morin said it was kind of bumpy. The school budget was cut over \$400,000. None of those cuts were to affect the students or the education. It was all snowplowing, the utilities, and things to that nature. They continue to amaze me because I went by the other day because I specifically asked the other night in the meeting what they had for snowplow equipment. We had a discussion on that. I went by Monday morning and low and behold they have a snow blower just like the town has that does the sidewalks but that was never mentioned. So they do have plenty of equipment to do snow clearing. I have received numerous e-mails in reference to my vote against warrant articles 1 and 2 of the School District. Selectman Luszey had sent out good information that I've been including in my responses to the people. I suspect we will probably see a bigger than normal crowd tomorrow night due to that fact with the school and the votes that came from the Board and we'll take it from there. Thank you.

On that note, Selectman Coutu wanted to thank Chairman Luszey on the communication you sent out. We all received e-mails from citizens who are concerned about Warrant Articles 1 and 2. Almost verbatim the things that I've been saying to people with regard to having them stand alone, the funds not being available but I read it 2 or 3 times because I liked it so much. I appreciate your taking the time to clarify our position. It was well stated so thank you. Chairman Luszey said you're more than welcome but that's my job.

10. NONPUBLIC SESSION

Motion by Selectman Coutu, seconded by Selectman Routsis, to enter Nonpublic Session according to RSA 91-A:2 (b) the hiring of any person as a public employee, carried 5-0 by roll call.

Chairman Luszey entered Nonpublic Session at 8:17 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 8:41 p.m.

Motion by Selectman Coutu, seconded by Selectman Routsis, to hire Lisa Weber as a Regular Special Shift Employee (HCTV Camera Operator) at a rate of \$11.00 per hour effective January 10, 2018, carried 5-0.

11. ADJOURNMENT

Motion to adjourn at 8:42 p.m. by Selectman McGrath, seconded by Selectman Coutu, carried 5-0.

Recorded by HCTV and transcribed by Donna Graham, Recorder.

Thaddeus Luszey, Chairman

Marilyn E. McGrath, Vice-Chairman

Roger E. Coutu, Selectman

Angela Routsis, Selectman

David S. Morin, Selectman